

Notice of an application for an amendment to a planning permit

Land affected by the application

Apartment 8, Level 2, 1 Wilfred Road Ivanhoe East (including part of the common property contained within Owners Corporation 2, on PS823261G)

Application reference

P996/2017 pt10

Applicant

Clause 1 Planning

Responsible Authority

Banyule City Council

Application is to amend a permit for

- In accordance with the endorsed plans:
 - Construction of multi unit development;
 - Removal of vegetation;

- Variation of an easement;
- Works within a Special Building Overlay.

Amendments to the permit include

• Amendment to the endorsed plans (pursuant to Section 72 of the Banyule Planning Scheme) to specifically allow for the (retrospective approval) of buildings and works for the extension of the balcony associated with Apartment 8 (Lot 208), Level 2 of 1 Wilfred Road, Ivanhoe East and over common property.

Planning Scheme Clause

Clause 32.08-4 and Clause 32.08-7 – General Residential Zone (schedule 2)

Matter for which a permit is required

Extend an existing dwelling on a lot and on common property.

Review the application for free



Scan or visit banyule.vic.gov.au/PlanningNotices

alternatively

Visit during business hours:

Banyule Council offices Level 3, 1 Flintoff Street, Greensborough VIC 3088

To discuss this application, call our Planning Department on 9490 4222

The Responsible Authority will not decide on the application before: 28 March 2025

Submissions lodged after this date will only be considered if received by Council before a decision is made.

Application	✓ Council initial =	→ Public	☐ Consider	Final	Decision
lodged	assessment	notice	submissions	assessment	AN

What are my options?

You may object or make other submissions in writing if you are affected by the granting of a permit for this application. If you object, we will tell you our decision and options available.

An objection must be:

- made in writing
- include the reasons for the objection
- state how the objector would be affected.

We must make a copy of every objection available at our office for any person to inspect during office hours. You can view the objections for free until the opportunity to seek a review of the decision for this any application passes.

Application No. P996/2017 Part 10



Planning Enquiries Phone: (03) 9490 4222 Web: www.banyule.vic.gov.au

			_
Office Use Only		Received	
Application No.:	Date Lodged:	07/01/2025	

Application for

an Amendment to a current Planning Application

(Section 50 or 57A Application)

Use this form if you have an **existing** application with Council that you would like to change before Council makes its decision. This form can be used before or after an application has been notified, but not after Council has made a determination in respect of the application.

If you already have a permit, you cannot use this form. Instead, you will need the <u>Application to Amend a Planning Permit</u> form.

An application to amend a current application must include:

- This application form completed and signed;
- Three copies of the amended plans; and
- The relevant application fee, if a fee is applicable. You can find the relevant fee under <u>Planning Fees</u> on Council's website.

Please note if the application has already been notified, depending on the extent of the changes proposed, Council may require re-notification of the amended proposal before the application will be determined.

The Land

Please provide the street address of the land.

Street No.:	Street Name:	Level 2 1 Wilfred Road				
Suburb/Locality:	IVANHOE EAST		Postcode:	30	79	

The Current Planning Permit Application

Provide full details of the application being amended:

What is the reference number of the Planning Permit Application that is being amended?

What had you originally applied for?

Planning Permit Application No.:	P996/2017
What was the original proposal:	
Buildings and works, constr	ruction of a balcony.

<u> Application No. P996/2017 Pt 10</u>

The Amendment Proposal

Received 07/01/2025

Page 2 of 3

This application is being lodged (tick one):

◡◩

Prior to notification commencing (Section 50 of the Planning and Environment Act 1987)

Clarify extent of subject site

After notification has commenced (Section 57A of the Planning and Environment Act 1987)

contained within Owners Corporation 2, on PS823261G

What changes are you seeking to make to the current application?

Detail any changes sought to the plans or any other documents previously submitted with the Planning Permit Application.

Attach a supplementary page if more space is required.

- Removal of 1 dwelling from the multi dwelling development proposal (was previously 6 dwellings, now proposing 5).
- The provision of new acoustic fencing and trellis to the west, south and east boundaries.

Why is the amendment to the current application required?

State the reasons for the change.

Attach a supplementary page if more space is required.

Clarify extent of subject site	
No Change is proposed	

Unit 8, Level 2, 1 Wilfred Road Ivanhoe East and; Part of the common property

Contact details

Contact

The person or organisation you want Council to correspond with regarding the amendment to the current application.

ADVERTISED PLAN
Application No. P996/2017 Pt 10

Name: Ashley Thompson	
Organisation (if applicable): Clause 1 Planning	
Postal Address: PO Box 305 Flemington VIC	
	Postcode: 3031
Contact phone: 93709599	x
Mobile phone:	
Email: Enquiries@clause1.com.au	X Indicate preferred contact method by
Fax:	numbering in order of preference



Applicant details

Applicant

The person or organisation who is seeking the Planning Permit.

Same as contact. If not, complete the details below.					
Name:					
Organisation (if applicable):					
Postal Address:					
	Postcode:				

Owners Consent

Has the owner of the land consented to the proposed changes?

✓ Yes No

Declaration

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

I declare all the information in this application is true and correct; and the owner (if not myself) has been notified of the amendment application.				
Name: Fleur Clause Office Manager Clause 1 Planning				
Signature Flaur Clausen	Date 0 6 / 0 1 / 2 0 2 5			

Lodgement

ADVERTISED PLAN

Application No. P996/2017 Pt 10

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Banyule City Council

Banyule Planning are now online - Any information now needs to be lodged through the website.

Lodge the completed and signed form and all documents online through the e-planning portal at:

https://www.banyule.vic.gov.au/Services/Planning/e-Planning/Submit-your-further-information

For help or more information, please contact us:

Email: <u>enquiries@banyule.vic.gov.au</u>

Telephone: (03) 9457 9808 Fax: (03) 9499 9475 TTY: (03) 9432 7211 DX: DX 97904 IVANHOE



S.72 Amendment Application

Council reference: P996/2017

Responsible Authority: Banyule City Council

Subject Site: Unit 8, Level 2, 1 Wilfred Road

Ivanhoe East and;

Part of the common property

contained within Owners Corporation

2, on PS823261G

Original Approval: In accordance with the endorsed

plans:

Construction of multi – unit development;

- Removal of vegetation;
- Variation of an easement;
- Works within a Special Building Overlay.

ADVERTISED PLAN

Application No. P996/2017 Pt 10



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Application No. P996/2017 Pt 10

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Unit 8, Level 2, 1 Wilfred Rd Ivanhoe East and Part of Common Property

Contents

Introduction	3
Amendments Proposed	4
Relevant Planning Considerations	6
Land Title	6
Common Property	6
Conditions on Permit	7
Previous VCAT Decision	8
Planning Scheme Amendment VC243	10
Relevant Policy & Overarching Support	10
Offsite Amenity Considerations	
Other Planning Considerations	
Notification Considerations	13
Conclusion	14

List of Attachments

- A. Plans: Proposed Amendments
- B. Plans: Endorsed under Permit P996/2017
- C. Planning Permit P996/2017
- D. VCAT Order, *Thomas v Banyule CC* [2018] VCAT 1548, 12 October 2018
- E. Title Docs
- F. Owners Corporation 2 Plan No.PS823261G
- G. Planning Infringement Notice

Document Control

Document Control						
	Issue	Date	Prepared by	Reviewed by		
	2ndry Consent App.	08.07.24	AT	AT		

Phone: 03 9370 9599
Email: enquiries@clause1.com.au
Website:www.clause1.com.au

ADVERTISED PLAN

Application No. P996/2017 Pt 10



Introduction

1. Retrospective planning approval is sought to amend planning permit P996/2017 issued by Banyule City Council on 12 October 2018. The permit allows:

In accordance with the endorsed plans:

- Construction of multi unit development;
- Removal of vegetation;
- Variation of an easement;
- Works within a Special Building Overlay.
- 2. Planning permit P996/2017 was issued at the direction of the Victorian Civil and Administrative Tribunal, as a result of the Tribunal's order in *Thomas v Banyule CC [2018] VCAT 1548, 12 October 2018.*
- 3. The development and works approved under P996/2017 have been completed and the buildings are now occupied.
- 4. This application has been made as a result of a 'Planning Infringement Notice' issued by Banyule City Council on 12 April to the owners of apartment 8, Level 2, 1 Wilfred Road Ivanhoe East. That notice identified the "installation of screening and access to the roof of Building C" as being in breach of Condition 4 on planning permit P996/2017. Condition 4 states:
 - (4) The development as shown on the endorsed plans or described in the endorsed documents must not be altered or modified except with the prior written consent of the Responsible Authority.
- 5. This application has been prepared to rectify the identified breach by amending the endorsed plans to reflect the reality of what is currently onsite.
- 6. The following report provides an assessment of the proposed (retrospective) changes against the relevant planning conciderations.

ADVERTISED PLAN

Application No. P996/2017 Pt 10



Amendments Proposed

Amendments to the Preamble

7. No change to preamble is sought or required.

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Application No. P996/2017 Pt 10

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Amendments to Permit Conditions

8. No change to conditions contained on P996/2017 are sought or required. A discussion regarding relevant conditions is contained later in this submission.

Amendments to Plans

- 9. The proposed changes can be summarised as:
 - A. Cutting an opening in the balustrade along the southern edge of the existing balcony, to provide access to the roof space beyond.
 - B. Installation of a new handrail (matching existing rails used elsewhere in the development), along the southern edge of the first-floor parapet, adjacent Unit 8.
 - C. Installation of a 1.78m high visual screen along the eastern & northern edge of the first-floor parapet, adjacent Unit 8.
- 10. The image below further clarifies the extent of works (undertaken on site) for which planning approval is sought:



Figure 1: Images depicting works for which planning approval is sought



11. The following provides a summary of the required amendments to documents endorsed under P996/2017, as a result of the above works:

Endorsed Document	Changes Sought
Landscape Plan, memLa,, 15/4/21	None
Traffic Engineering Assessment, Traffic Group, 30/04/21	None
Waste Management Plan. Leigh Design, 14/04/21	None
Tree Protection Management Plan, Treespace, 23/08/21	None
SMP, Stantec, 13/07/21	None
Plan-set prepared by Front Architects, of various issue	Details below
numbers endorsed on 12/10/2018 & 16/04/2019.	

12. Specifically, the changes to the endorsed plan-set prepared by Front Architects include:

Endorsed Sheet No.	Changes Sought
1 of 66 DA0020 Development Summary	Update "Balcony" column, in Building C Table for Unit 103*, to read: "83m2 + access to common roof"
3 of 66 DA0002 Site Plan	Show break in balcony balustrade to provide access to roof
8 of 66 DA1004 Site – Level 2	Show break in balcony balustrade to provide access to roof
9 of 66 DA1005 Site – Roof Plan	Show break in balcony balustrade to provide access to roof
13 of 66 DA2002 Elevation – The Boulevard/Wilfred Road	Show new hand rail (balustrade) to eastern edge first floor parapet Show 1.78m high screen that runs above first floor parapet along the eastern wall
15 of 66 DA2006 Building Elevation – The Boulevard & Wilfred Road	Show new hand rail (balustrade) to eastern edge first floor parapet Show 1.78m high screen that runs above first floor parapet along the eastern wall
26 of 66 DA2506 Section – 8-14	Update Section 13 to include 1.78m high screen on east and north walls
35 of 66 DA3042	Add an annotation to 'Apartment layout – 4 Bed Type 1', with arrow pointing to approximate location of new opening in balustrade that reads "Optional opening to common roof area"

^{*} Apartment 8, level 2, 1 Wilfred Street (subject site) is identified as 'Unit 103' on the endorsed plans-set

13. In addition to the above changes to the endorsed plans, we have attached updated shadow diagrams. These diagrams illustrate the extent of additional offsite shadowing resulting from the proposed (retrospective) amendments.

ADVERTISED PLAN

Application No. P996/2017 Pt 10



Relevant Planning Considerations

Land Title

14. Title Volume 12454 Folio 685, Plan of Subdivision PS823161G and Owners Corporation 2 Plan No. PS823261G are attached and contain no restrictions that would prohibit the approval sought.

Common Property

15. The portion of common property affected by the proposal is highlighted in the following images:



Figure 2: Aerial image of Building C with relevant common property highlighted red.



Figure 3: Extract of endorsed plans overlaid with PS8232261G. Relevant common property highlighted red.



ADVERTISED PLAN

Application No. P996/2017 Pt 10

The owners corporation 2 plan No. PS823261G confirms that lots benefiting from an entitlement over the common property are: Lots 101, 101A, 101B, 102, 102A, 102B, 103, 103A, 103B, 104, 104A, 104B, 105, 105A, 105B, 106, 106A, 106B, 107, 107A, 107B, 108, 108A, 108B, 109, 109A, 109B, 110, 110A, 110B, 111, 111A, 111B, 112, 112A, 112B, 113A, 201, 201A, 201B, 202, 202A, 202B, 203, 203A, 203B, 204, 204A, 204B, 205, 205A, 205B, 206, 206B, 207, 207B, 208, 208B, 209, 209B, G01, G10, G11, G12, G02, G03, G04, G05, G06, G07, G08, G09, G01A, G01B, G10A, G10B, G11A, G11B, G12A, G12B, G02A, G02B, G03A, G03B, G04A, G04B, G05A, G05B, G06A, G06B, G07A, G07B, G08A, G08B, G09A, G09B, LG01A, LG02A, LG03A, LG04A, LG05A, LG06A, LG07A, LG08A.

Conditions on Permit

- 17. We have reviewed all permit conditions and formed the view that no conditions will be breached and no conditions require amendment, as a result of the proposed (retrospective) works. We provide the following discussion regarding the most relevant permit conditions:
- 18. Condition 1(a) specifies the plans must show:
 - (a) Overlooking in accordance with Standard B22 Overlooking of Clause 55 of the Banyule Planning Scheme.

The proposal includes a visual screen, >1.7m high, along the eastern & northern edge of the first-floor parapet to ensure compliance with Standard B22 and Condition 1(a).

- 19. Condition 1(g) requires:
 - (g) A schedule of external building materials and colours, including details of cladding and roofing materials. The schedule should be presented on a separate sheet and must include colour samples.

The proposal does not seek to change the existing materials used on elevations, to cover the roof or balcony floor areas.

- 20. Condition 1(pp) requires:
 - (pp) Screening to east side of balcony of apartment C.02.08 to prevent overlooking into the habitable room windows of 15 Wilfred Road.
- 21. The proposal includes screening to the 'east side of the balcony of apartment C.02.08 to prevent overlooking...' in accordance with this condition.
- 22. We submit that the proposal continues to give effect to all conditions on permit.

ADVERTISED PLAN

Application No. P996/2017 Pt 10



Previous VCAT Decision

- 23. Planning permit P996/2017 was issued at the direction of the Victorian Civil and Administrative Tribunal, in Thomas v Banyule CC [2018] VCAT 1548, 12 October 2018. *Thomas v Banyule* included two applications:
 - i. An objectors (s.82) appeal against Council's decision to grant a permit and
 - ii. A s.80 appeal, in which the permit applicant sought to contest a number of conditions
- 24. A copy of the Tribunal's decision is attached. In summary the Tribunal agreed with Council's original decision to grant a planning permit and found:
 - 11. ... the proposal will sit comfortably within the character of the four streetscapes that it will address.

And that:

- 24. ... The proposal provides for urban consolidation and satisfies housing demand in a location with good access to services in the East Ivanhoe Neighbourhood Centre.
- 25. The Tribunal order provides the following commentary with regards to a permit condition (which was proposed by Council and removed by the Tribunal) that sought to delete a number of apartments from level 2 of Building C, including the subject site (unit C02.08):
 - Likewise, four apartments located at level 2 in the eastern section of Building C are sought to be deleted. Apartment C02.08 is located directly opposite 15 Wilfred Road. This apartment is set back 5 metres opposite the garage/shed of 15 Wilfred Road and 7.5 metres opposite the driveway. The upper level extends approximately 2 metres past the garage.
 - The owners of 15 Wilfred Road are supportive of the condition and submit the three storey level of Building C at the interface with 15 Wilfred Road will have an impact on the way they use the driveway as private open space, as well as their rear private open space. They also raised concerns regarding the impact on their privacy from overlooking into their bedroom window located on the western side of the dwelling.

ADVERTISED PLAN

Application No. P996/2017 Pt 10



- A balcony is located to the front of apartment C02.08 facing Wilfred Road. As this section of the upper level is setback 15.1 metres from Wilfred Road it sits behind 15 Wilfred Road which is setback only 7 metres from Wilfred Road. As such the balcony is located opposite the western side of the dwelling at 15 Wilfred Road. We acknowledge the concern expressed regarding potential overlooking from this balcony and consider that screening to prevent any overlooking should be located along the eastern section of the balcony. No windows appear to be located on the eastern elevation of apartment C02.08 so there is no likelihood of any potential overlooking into the rear private open space of the property at 15 Wilfred Road. (Our emphasis added)
- We take no issue with the setback of the apartment at 5 metres opposite the garage/shed of 15 Wilfred Road. Where there is some potential impact, that is opposite the driveway, the apartment is setback 7.5 metres. Although the residents of 15 Wilfred Road use the driveway as an area of open space as it is located as part of a driveway and extends from the front of the dwelling, we do not consider it to fall within the definition of secluded private open space. The area of secluded private open space for this property is located on the eastern side of the garage, at least 10 metres away from the proposed development. (our emphasis added)
- The separation of 4 metres from the common boundary to Building C allows for substantial planting to occur along the boundary which will contribute to the softening and screening of the built form when viewed from 15 Wilfred Road.
- Because of the amended plans only three apartments C02.07, C02.08 and C02.09 are sought to be deleted. We find that the setback of level 2 of 7 metres to the balcony and 9.5 metres to apartment C02.09 is appropriate and does not require deletion. The balcony of this apartment sits approximately 34 metres from the common boundary with 15 Wilfred Road. (our emphasis added)
- Apartment C02.07 is setback approximately 24 metres from Wilfred Road and faces internally to the north. There appears to be no justification to remove this apartment.

 Apartment C02.08 as discussed above is well setback from 15 Wilfred Road. This apartment is 'L' shaped and extends along the front of Building C and has an internal northern outlook. The upper level steps in at this point and is setback 15.1 metres to the balcony from Wilfred Road and 17.5 metres to the building. Given the extensive

ADVERTISED PLAN

Application No. P996/2017 Pt 10



setback from Wilfred Road, the extensive proposed landscaping within the front setback, as well as the retention in the south eastern corner of the site of Tree 62 (Deodar Cedar) we do not consider this section of Building C will have an unreasonable impact on Wilfred Road to warrant removal. Condition 1(jj) is deleted. (our emphasis added)

- 26. The Tribunal order also provides the following commentary on the front yard of 15 Wilfred Road and the approved proposal's overshadowing:
 - 69. We have considered the shadowing over the driveway area of 15 Wilfred Road which will occur from about 1.30pm at the equinox. Although shown as a driveway our site inspection revealed that the driveway, particularly in front of the garage, is used by the children of 15 Wilfred Road. Although used in this way, as stated above, we do not consider that the driveway falls within the definition of secluded private open space. This is located to the rear of the dwelling and to the east of the garage. (our emphasis added)

Planning Scheme Amendment VC243

27. Since the VCAT's determination in *Thomas v Banyule*, Amendment VC243 has been gazetted. Among other things, VC243 confirmed that "If a development meets standard B6, B7, B8, B17, B18, B19, B20, B21, B22, B27, B28, B30 or B32, it is deemed to meet the objective for that standard.

Relevant Policy & Overarching Support

28. The land is located within the GRZ2 and affected by a VPO3, and SBO2. The VCAT order, 12 October 2018, confirms the following planning permit triggers:

○ Clause 32.08-6 (GRZ) — construct two or more dwellings

○ Clause 42.02 (VPO) — remove destroy or lop any vegetation

○ Clause 44.05-1 (SBO) — to carry out works

Clause 52.02 – vary a drainage easement

29. With the benefit of the Tribunal's written considerations, it is apparent that the proposal is considered to have strong strategic policy support. The Tribunal is clear in its determination that the approved built form is wholly appropriate for the site and will not unreasonably impact the amenity of nearby or abutting residents and is wholly appropriate within this neighbourhood character context.

ADVERTISED PLAN

Application No. P996/2017 Pt 10



Offsite Amenity Considerations

- 30. We consider that the only relevant offsite considerations relate to side setbacks and the potential for unreasonable overlooking and overshadowing.
- 31. As noted earlier, the relevant tests associated with Clauses 55.04-1, 55.04-5 and 55.04-6 have changed since the VCAT Order, as a result of Amendment VC243. The following provides an assessment against the relevant Standards and Objectives:

Clause 55.04-1 Side and rear setbacks objective

32. The image below shows clouded the location of the newly proposed (retrospective) screen. The proposal will continue to exceed the Standard and meet the relevant side setback objective.

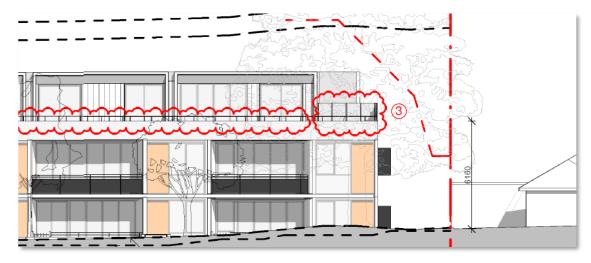


Figure 4: Extract of front elevation, showing proposed screen clouded

Clause 55.04-5 Overshadowing open space objective

- 33. It is noteworthy that the Tribunal, in its decision, clearly states that the driveway within the front setback of 15 Wilfred Road does not meet the definition of secluded private open space and that the SPOS of 15 Wilfred Road is located to the rear of the dwelling.
- 34. The following extract from the submitted plans, shows the extent to which the changes proposed (retrospective) impact the shadows cast into 15 Winfred Road.

ADVERTISED PLAN

Application No. P996/2017 Pt 10



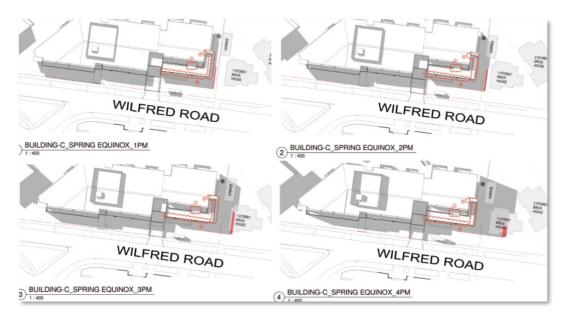


Figure 5: Extraxt from updated shadow diagrams with additional shadow shaded red.

35. The proposal results in no additional shadowing to the SPOS area of 15 Winfred Rd meeting both the standard and objective of Cl55.04-5.

Clause 55.04-6 Overlooking objective

- 36. The image below indicates that no overlooking into sensitive neighbouring SPOS or habitable room windows will occur from the provision of access to the roof area, due to the location of the proposed (retrospective) screen.
- 37. We once again iterate that the Tribunal was clear that the driveway within the front setback of 15 Wilfred Road does not meet the definition of secluded private open space and that the SPOS of 15 Wilfred street is located in the northeast corner of that site.

ADVERTISED PLAN

Application No. P996/2017 Pt 10





Figure 6: Extent of resulting overlooking highlighted yellow, with visual opaque-screen shown blue

Other Planning Considerations

- 38. In addition to the above submissions, we note that the proposal;
 - i. Results in an enhanced onsite amenity for residents of Unit 8
 - ii. Will not impact any onsite vegetation or related considerations
 - iii. Will not impact the previously approved parking or vehicle access arrangements
 - iv. Will not impact the existing drainage and civil works approved on site
 - v. Will better utilise a portion of roof space/common property.
 - vi. Does not result in any unreasonable impacts on or off the site
 - vii. Is not considered to unreasonably impact the owners corporation or common land

Notification Considerations

39. The applicant notes that the proposed (retrospective) works are minor in nature essentially consisting of a new opening in the balustrade, a new handrail and a new visual screen. Given the minor nature of the proposed (retrospective) changes we are hopeful that Council will carefully consider the provisions of section 52 of the Planning and Environment Act (1987), and limit the extent of any public notice required.

ADVERTISED PLAN
Application No. P996/2017 Pt 10



Conclusion

40. Based on the above submission and minor nature of the proposed changes it is considered that the proposal warrants retrospective approval. The proposal meets the standards and objectives relating to overlooking, overshadowing and side setbacks and will continue to give effect to the strong policy support identified within the decision of the Tribunal in *Thomas v Banyule CC*.

If you have any questions relating to this application, please do not hesitate to contact our office.

Thank you for your consideration. Clause 1 Planning

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Application No. P996/2017 Pt 10





28/10/2024

Dear Lot Owner,

The Knight

theknight@theknight.com.au
03 9509 3144

theknight.com.au

PO Box 678 Malvern Victoria 3144

SUBJECT: OCPS 823261G/2 / The Grounds Apartments, 173 The Boulevard, Ivanhoe East

OUTCOME OF BALLOT – Leasing of Common Property

SPECIAL RESOLUTION BALLOT

We would like to thank all owners that submitted their votes for the above-mentioned Ballot.

The Ballot conducted to authorise the leasing of common property to lot 208C, has now closed.

The tally at the close of business (5PM) on Friday, 25th October, was as follows;

- 89 ballots submitted of a possible 104.
- Of all of the votes cast on the afore mentioned ballot, 80 were in favour of the proposed motion, and 9 were against.
- Total percentage, by lot entitlement, was **76.04% in favour and 9.21% against.**

We wish to advise all Owners that the following resolution has passed via Special Resolution;

1. 'The Owners Corporation hereby resolves by Special Resolution 'that in accordance with section 14 of the Owners Corporations Act 2006 (VIC) the lease agreement prepared by Denways Legal Conveyancing, as circulated with the ballot documentation distributed on 11/10/2024, between Owners Corporation NO 2 on plan of subdivision no. PS823261G (Lessor) and Lynette Joy McDonald and George McDonald of lot 208C (Lessee), be approved.'

Please note that in accordance with s96 of the Owners Corporations Act 2006 (VIC); a Special Resolution of an Owners Corporation is a resolution passed by a.) if a ballot or poll is taken, 75% of the total lot entitlements of all the lots affected by the Owners Corporation; or b.) in any other case, 75% of the total votes for all lots affected by the Owners Corporation.

The Special Resolution has passed and will become effective as at Monday, 28th October 2024.

Thank you to all owners for your time and participation in the ballot.

Should you have any questions, please contact the undersigned.

Kind Regards,

THE KNIGHT

MIKAELA WILLIAMS

Owners Corporation Manager For and On behalf of OCPS 823261G/2

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Application No. P996/2017 Pt 10



Owners Corporation Search Report

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Produced: 24/06/2024 05:45:55 PM

OWNERS CORPORATION 2 PLAN NO. PS823261G

The land in PS823261G is affected by 2 Owners Corporation(s)

Land Affected by Owners Corporation:

Common Property 2, Lots 101, 101A, 101B, 102, 102A, 102B, 103, 103A, 103B, 104, 104A, 104B, 105, 105A, 105B, 106, 106A, 106B, 107, 107A, 107B, 108, 108A, 108B, 109, 109A, 109B, 110, 110A, 110B, 111, 111A, 111B, 112, 112A, 112B, 113A, 201, 201A, 201B, 202, 202A, 202B, 203, 203A, 203B, 204, 204A, 204B, 205, 205A, 205B, 206, 206B, 207, 207B, 208, 208B, 209, 209B, G01, G10, G11, G12, G02, G03, G04, G05, G06, G07, G08, G09, G01A, G01B, G10A, G10B, G11A, G11B, G12A, G12B, G02A, G02B, G03A, G03B, G04A, G04B, G05A, G05B, G06A, G06B, G07A, G07B, G08A, G08B, G09A, G09B, LG01A, LG02A, LG04A, LG05A, LG06A, LG07A, LG08A.

Unlimited	ADVERTISED PLAN
Postal Address for Services of Notices:	Application No. P996/2017 Pt 10
THE KNIGHT LEVEL 1 204 BALACLAVA ROAD CAULFIELD NORTH VIC 3161	This copied document is made available for the sole purpose of enabling its consideration
PS823261G/S2 19/10/2023	and review as part of a planning process unde the Planning & Environment Act 1987.
Owners Corporation Manager: NIL	The document must not be used for any purpose which may breach any copyright.

Rules:

Model Rules apply unless a matter is provided for in Owners Corporation Rules. See Section 139(3) Owners Corporation Act 2006

Owners Corporation Rules:

1. OC058038X 16/02/2023

Additional Owners Corporation Information:

OC058037A 16/02/2023

Notations:

Nil Nil

Entitlement and Liability:

NOTE - Folio References are only provided in a Premium Report.

Land Parcel	Entitlement	Liability
Common Property 2	0	0
Lot 101	148	148
Lot 101A	160	160
Lot 101B	114	114





Owners Corporation Search Report

Produced: 24/06/2024 05:45:55 PM

OWNERS CORPORATION 2 PLAN NO. PS823261G

Entitlement and Liability:

NOTE – Folio References are only provided in a Premium Report.

Land Parcel		Entitlement	Liability
Lot 102		185	185
Lot 102A		118	118
Lot 102B		196	196
Lot 103	ADVERTISED PLAN	130	130
Lot 103A	Application No. P996/2017 Pt 10	172	172
Lot 103B	This copied document is made available for the sole purpose of enabling its consideration	135	135
Lot 104	and review as part of a planning process under the Planning & Environment Act 1987.	145	145
Lot 104A	The document must not be used for any purpose which may breach any copyright.	165	165
Lot 104B	purpose which may bread rany copyright.	125	125
Lot 105		153	153
Lot 105A		120	120
Lot 105B		173	173
Lot 106		153	153
Lot 106A		115	115
Lot 106B		116	116
Lot 107		148	148
Lot 107A		125	125
Lot 107B		117	117
Lot 108		153	153
Lot 108A		179	179
Lot 108B		127	127
Lot 109		155	155
Lot 109A		145	145
Lot 109B		142	142
Lot 110		153	153
Lot 110A		128	128
Lot 110B		162	162
Lot 111		109	109
Lot 111A		128	128





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OWNERS CORPORATION 2 PLAN NO. PS823261G

Entitlement and Liability:

NOTE – Folio References are only provided in a Premium Report.

Land Parcel		Entitlement	Liability
Lot 111B		127	127
Lot 112		135	135
Lot 112A		105	105
Lot 112B		156	156
Lot 113A		105	105
Lot 201		140	140
Lot 201A		164	164
Lot 201B		293	293
Lot 202		165	165
Lot 202A		122	122
Lot 202B		189	189
Lot 203		140	140
Lot 203A		175	175
Lot 203B		139	139
Lot 204		145	145
Lot 204A		168	168
Lot 204B		127	127
Lot 205		155	155
Lot 205A		124	124
Lot 205B	ADVERTISED PLAN	176	176
Lot 206	Application No. P996/2017 Pt 10	155	155
Lot 206B	This copied document is made available for the sole purpose of enabling its consideration	117	117
Lot 207	and review as part of a planning process under the Planning & Environment Act 1987	149	149
Lot 207B			189
Lot 208	initalise which may mean any conjugu	230	230
Lot 208B		128	128
Lot 209		205	205
Lot 209B		145	145
Lot G01		145	145





Owners Corporation Search Report

Produced: 24/06/2024 05:45:55 PM

OWNERS CORPORATION 2 PLAN NO. PS823261G

Entitlement and Liability:

NOTE - Folio References are only provided in a Premium Report.

Land Parcel			Entitlement	Liability
Lot G10			100	100
Lot G11			109	109
Lot G12			135	135
Lot G02			185	185
Lot G03			137	137
Lot G04			113	113
Lot G05			153	153
Lot G06			153	153
Lot G07			119	119
Lot G08			149	149
Lot G09			149	149
Lot G01A			159	159
Lot G01B			117	117
Lot G10A	ADVERTISED PLAN		125	125
Lot G10B	Application No. P996/2017 Pt 10		161	161
Lot G11A	This copied document is made available for the sole purpose of enabling its consideration		98	98
Lot G11B	and review as part of a planning process under the Planning & Environment Act 1987.		127	127
Lot G12A	The document must not be used for any purpose which may breach any copyright.		97	97
Lot G12B			117	117
Lot G02A			223	223
Lot G02B			197	197
Lot G03A			188	188
Lot G03B			138	138
Lot G04A			118	118
Lot G04B			124	124
Lot G05A			113	113
Lot G05B			175	175
Lot G06A			124	124
Lot G06B			116	116





Owners Corporation Search Report

Produced: 24/06/2024 05:45:55 PM

OWNERS CORPORATION 2 PLAN NO. PS823261G

Entitlement and Liability:

NOTE – Folio References are only provided in a Premium Report.

Land Parcel		Entitlement	Liability
Lot G07A		180	180
Lot G07B		117	117
Lot G08A		140	140
Lot G08B		129	129
Lot G09A	ADVEDTICED DI ANI	125	125
Lot G09B	ADVERTISED PLAN Application No. P996/2017 Pt 10	143	143
Lot LG01A	This copied document is made available for	105	105
Lot LG02A	the sole purpose of enabling its consideration and review as part of a planning process under	119	119
Lot LG03A	the Planning & Environment Act 1987. The document must not be used for any	175	175
Lot LG04A	purpose which may breach any copyright.	138	138
Lot LG05A		120	120
Lot LG06A		125	125
Lot LG07A		100	100
Lot LG08A		100	100
	Tota	14942.00	14942.00

From 31 December 2007 every Body Corporate is deemed to be an Owners Corporation. Any reference to a Body Corporate in any Plan, Instrument or Folio is to be read as a reference to an Owners Corporation.

Statement End.



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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,

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

Page 1 of 1

VOLUME 12454 FOLIO 685

Security no: 124116087053Y Produced 24/06/2024 06:03 PM

ADVERTISED PLAN

Application No. P996/2017 Pt 10

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LAND DESCRIPTION

Lot 208 on Plan of Subdivision 823261G. PARENT TITLE Volume 12076 Folio 090 Created by instrument PS823261G 16/02/2023

REGISTERED PROPRIETOR

Estate Fee Simple Joint Proprietors LYNETTE JOY MCDO

LYNETTE JOY MCDONALD GEORGE MCDONALD both of LEVEL 208C 1 WILFRED ROAD IVANHOE EAST VIC 3079 AW609913V 06/03/2023

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.

DIAGRAM LOCATION

SEE PS823261G FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

------ SEARCH STATEMENT-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: APARTMENT 8 LEVEL 2 1 WILFRED ROAD IVANHOE EAST VIC 3079

ADMINISTRATIVE NOTICES

NIL

eCT Control 16113V FIRST CLASS LEGAL PTY LTD Effective from 06/03/2023

OWNERS CORPORATIONS

The land in this folio is affected by OWNERS CORPORATION 2 PLAN NO. PS823261G

DOCUMENT END

Title 12454/685 Page 1 of 1

Imaged Document Cover Sheet

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Document Type	Plan
Document Identification	PS823261G
Number of Pages	32
(excluding this cover sheet)	
Document Assembled	24/06/2024 17:45

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ADVERTISED PLAN

Application No. P996/2017 Pt 10

PLAN OF SUBDIVISION

EDITION 2

PS 823261G

LOCATION OF LAND

PARISH:

KEELBUNDORA

TOWNSHIP: SECTION:

CROWN ALLOTMENT:

CROWN PORTION: 2 (PART)

TITLE REFERENCE: VOL. 12076 FOL. 090

LAST PLAN PC377792V

REFERENCE:

(approx. centre of land in plan)

POSTAL ADDRESS: 173 THE BOULEVARD, (at time of subdivision) **IVANHOE EAST, 3079**

MGA2020 CO-ORDINATES: F 328570 **ZONE:** 55 Council Name: Banyule City Council

This plan is certified under section 6 of the Subdivision Act 1986.

Public Open Space

A requirement for public open space under has been made and the requirement and the requirement for public open space under has been made and the requirement for public open space under has been made and the requirement for public open space under has been made and the requirement for public open space under has been made and the requirement for public open space under has been made and the requirement for public open space under has been made and the requirement for public open space under has been made and the requirement for public open space under has been made and the requirement for public open space under has been made and the requirement for public open space under has been made and the requirement for public open space under has been made and the requirement for public open space under has been made and the requirement for public open space under has been made and the requirement for public open space under has been made and the requirement for public open space under has been made and the requirement for public open space under has been made and the requirement for public open space under the public open space under th A requirement for public open space under section for 18A of the Subdivision Act 1988 has been made and the requirement has been made and the

Digitally signed by: Janet Redgrave for Baryure City Council on 20/12/2022

Statement of Compliance issued Co 01/2023

5817420 **VESTING OF ROADS AND/OR RESERVES**

IDENTIFIER	COUNCIL/BODY/PERSON	
NIL	NIL	

ADVERTISED PLAN

purpose which may breach any copyright.

OTHER PURPOSE OF PLA : Application No. P996/2017 Pt 10

TO REMOVE EASEMENTS E-1 TO E-1 ON PC377792V

This copied document is made available for _ Lecation of Boundaries Defined by Buildings. the sole purpose of enabling its consideration MEDIAN: BOUNDARIES MARKED 'M' **GROUNDS FOR REMOVAL** BANYALE CITY COUNCIL PERMIT No perceiview as part of a planning process under Exterior FACE : BOUNDARIES MARKED E

P - PROJECTION OF UNDERSIDE OF CHANGE OF THE Cocument must not be used for any

B - BALCONY

CP No.1 - COMMON PROPERTY No.1 CP No.2 - COMMON PROPERTY No.2

- DENOTES STRUCTURE (NON BOUNDARY)

AUSTRALIAN HEIGHT DATUM (AHD) BASED ON KEELBUNDORA PM 231 WITH A PUBLISHED AHD HEIGHT OF 32.64m AS AT 22/04/2022.

LOTS IN THIS PLAN MAY BE AFFECTED BY ONE OR MORE OWNERS CORPORATIONS FOR DETAILS OF ANY OWNERS CORPORATIONS INCLUDING PURPOSE, RESPONSIBILITY, ENTITLEMENT & LIABILITY SEE OWNERS CORPORATION SEARCH REPORT, OWNERS CORPORATION AND IF APPLICABLE, OWNERS CORPORATION AND IF APPLICABLE, OWNERS CORPORATION **RULES**

NOTATIONS

THIS IS / IS NOT A STAGED SUBDIVISION PLANNING PERMIT NO. P626/2021 **STAGING**

DEPTH LIMITATION DOES NOT APPLY

THIS PLAN IS BASED ON SURVEY

IIS SURVEY HAS BEEN CONNECTED TO PERMANENT MARKS NO(S). KEELBUNDORA PM231 PROCLAIMED SURVEY AREA NO. N/A

BUNDARIES SHOWN BY THICK CONTINUOUS LINES ARE DEFINED BY BUILDINGS.

INTERIOR FACE: ALL OTHER BOUNDARIES

C DMMON PROPERTY No.2 IS ALL THE LAND IN THIS PLAN EXCEPT LOTS & C DMMON PROPERTY No.1 AND INCLUDES THE STRUCTURE OF ALL WALLS, FLOORS AND CEILINGS WHICH DEFINE BOUNDARIES, EXCEPT THOSE MARKED 'E' AND 'M'.

ALL COLUMNS, BEAMS, SLABS, SERVICE DUCTS AND PIPE SHAFTS WHETHER OR NOT SHOWN WITHIN THIS PLAN ARE CONTAINED IN COMMON PROPERTY No.2, EXCEPT WHERE LOCATED WITHIN LOTS TH01 - TH12 (INCLUSVIE) AND COMMON PROPERTY No.1

EASEMENT INFORMATION

EASEMENTS & RIGHTS IMPLIED BY SECTION 12(2) OF THE SUBDIVISION ACT 1988 APPLIES TO THE WHOLE OF THE LAND IN THIS PLAN.

LEGEND:	LEGEND: E - ENCUMBERING EASEMENT, CONDITION IN CROWN GRANT IN THE NATURE OF AN EASEMENT OR OTHER ENCUMBRANCE A - APPURTENANT EASEMENT				
SUBJECT LAND	PURPOSE	WIDTH (metres)	ORIGIN	LAND BENEFITED/IN FAVOUR OF	
E-1	SEWERAGE	SEE DIAG.	THIS PLAN	YARRA VALLEY WATER CORPORATION	
E-2	DRAINAGE	SEE DIAG.	THIS PLAN	BANYULE CITY COUNCIL	
E-2	SEWERAGE	SEE DIAG.	THIS PLAN	YARRA VALLEY WATER CORPORATION	
E-2	DRAINAGE (SEE MCP AA1195)	SEE DIAG.	THIS PLAN	MELBOURNE WATER CORPORATION	
E-3	DISTRIBUTION OF ELECTRICITY LIMITED IN DEPTH OF 22.60m AHD & HEIGHT OF 29.00m AHD	SEE DIAG.	AV794701G	JEMENA ELECTRICITY NETWORKDS (VIC) LTD	
E-4	DISTRIBUTION OF ELECTRICITY LIMITED IN DEPTH OF 24.00m AHD & HEIGHT OF 29.00m AHD	SEE DIAG.	AV794701G	JEMENA ELECTRICITY NETWORKDS (VIC) LTD	

LICENSED SURVEYOR MATTHEW CONGUES

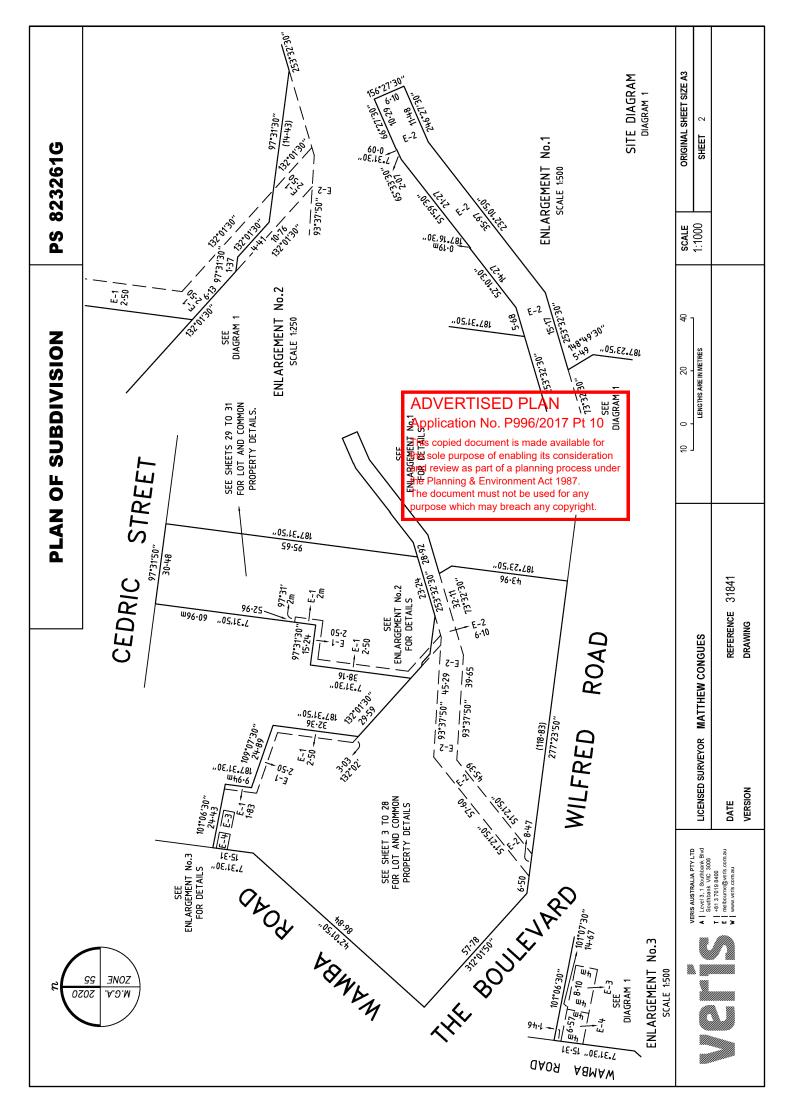


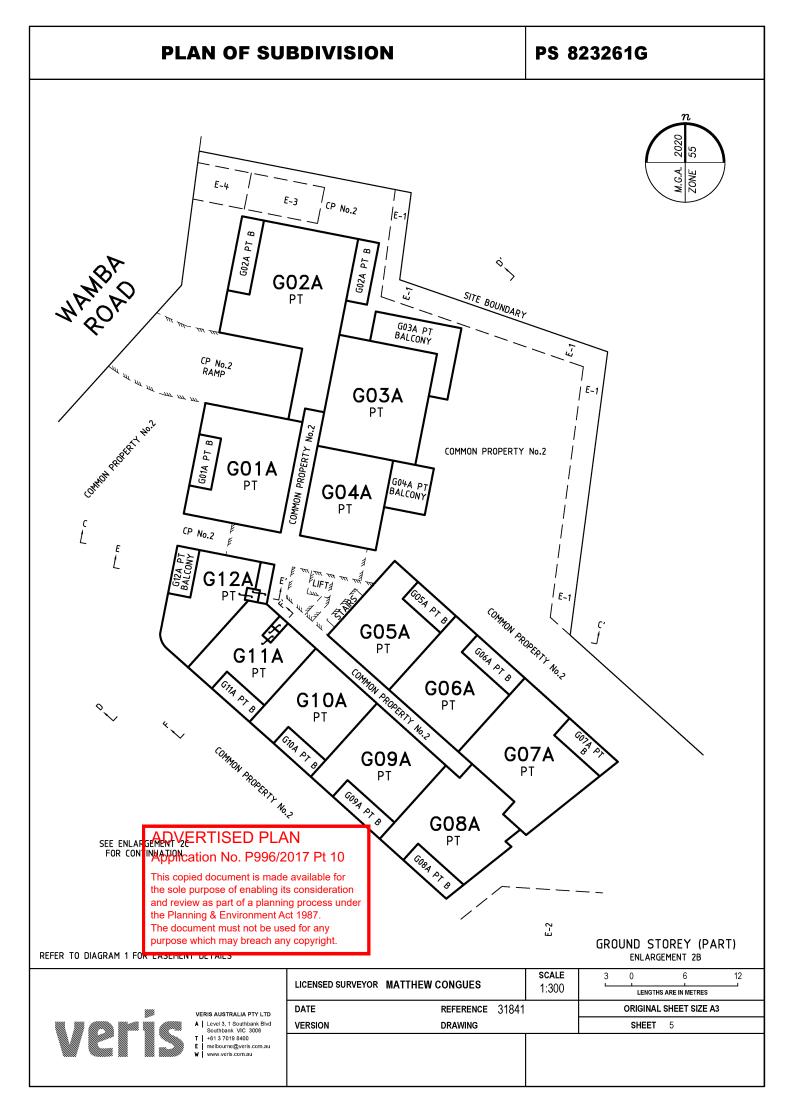
VERIS AUSTRALIA PTY LTD

Digitally signed by: Matthew Congues, Licensed Surveyor, Surveyor's Plan Version (L), 05/12/2022, SPEAR Ref: S175386V

DATE 05/12/22 REFERENCE 31841023 **ORIGINAL SHEET SIZE A3** VERSION DRAWING SHEET 1 OF 31 SHEETS 3184100KL

> THIS IS A LAND USE VICTORIA **COMPILED PLAN** FOR DETAILS SEE MODIFICATION TABLE HEREIN





PLAN OF SUBDIVISION PS 823261G 2020 COMMON PRODERTY NO. 2 SEE ENLARGEMENT 2B FOR CONTINUATION **G05B** GO4B GO3B QT G06B G03B G02B STAIRS NOT COMPLON PRODUCTORY NO. 2 **G01B G07B** G08B **G12B** ૭ COMMON PROOFERTY NO. 3 THE BOULEVARD GRB PT B **G09B G11B G10B** ADVERTISED PLAN SEE ENLARGEMENT 2A olication No. P996/2017 Pt 10 FOR CONTINUATION copied document is made available for ole purpose of enabling its consideration review as part of a planning process under Planning & Environment Act 1987. document must not be used for any ose which may breach any copyright. **GROUND STOREY (PART)** REFER TO DIAGRAM 1 FOR EASEMENT DETAILS ENLARGEMENT 2C SCALE 12

LICENSED SURVEYOR MATTHEW CONGUES

DATE

VERSION

VERIS AUSTRALIA PTY LTD

1:300

REFERENCE 31841

DRAWING

LENGTHS ARE IN METRES

ORIGINAL SHEET SIZE A3

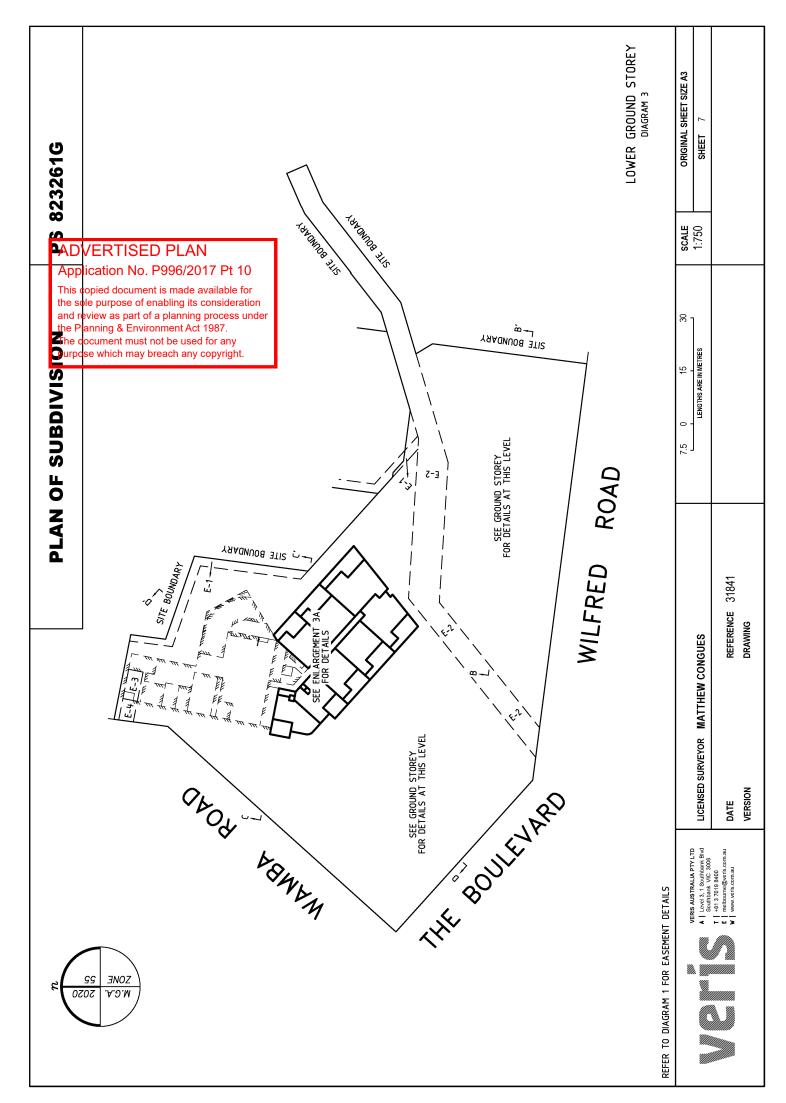
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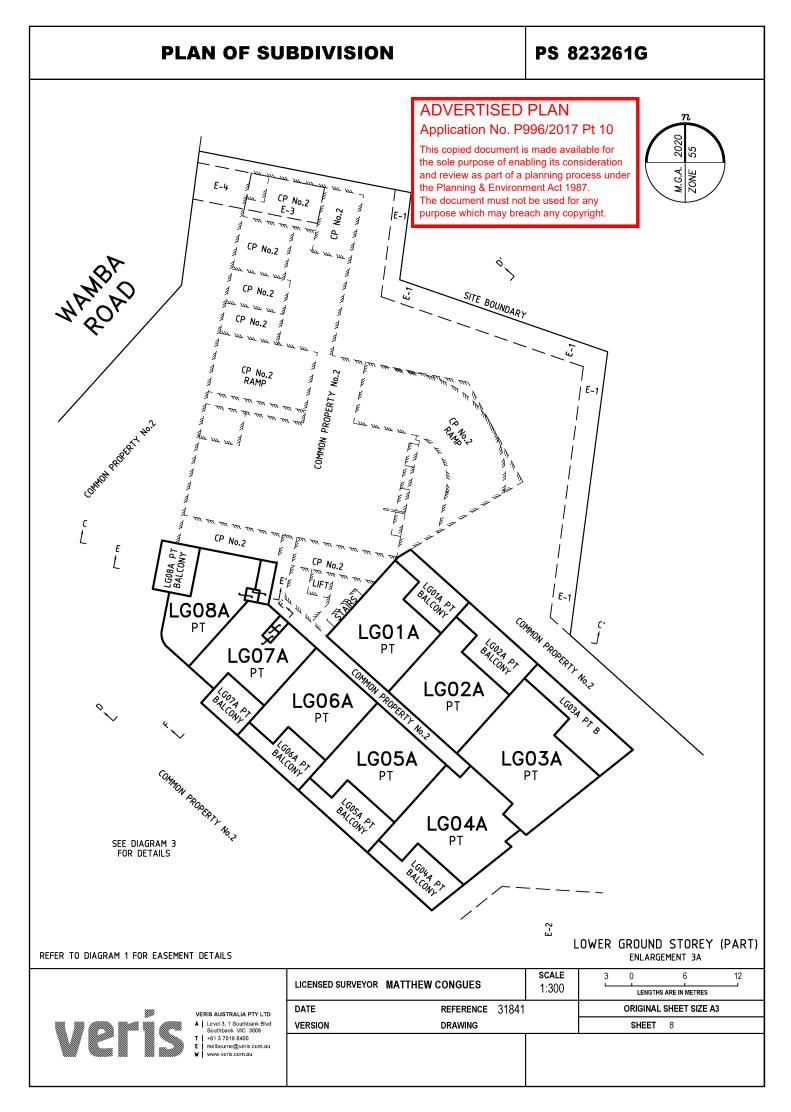
VERIS AUSTRALIA PTY LTD A | Level 3, 1 Southbank NPC 3006 T | +61 3 7019 8400 E | melbourne@veris.com.au V | www.veris.com.au

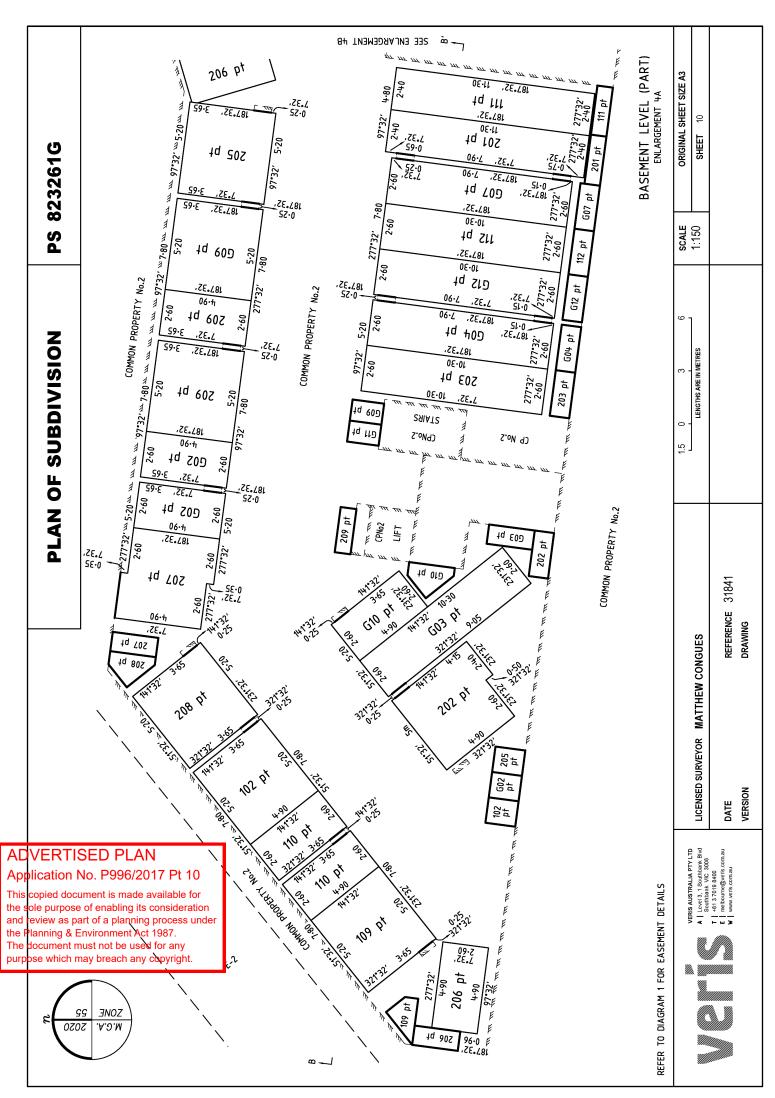
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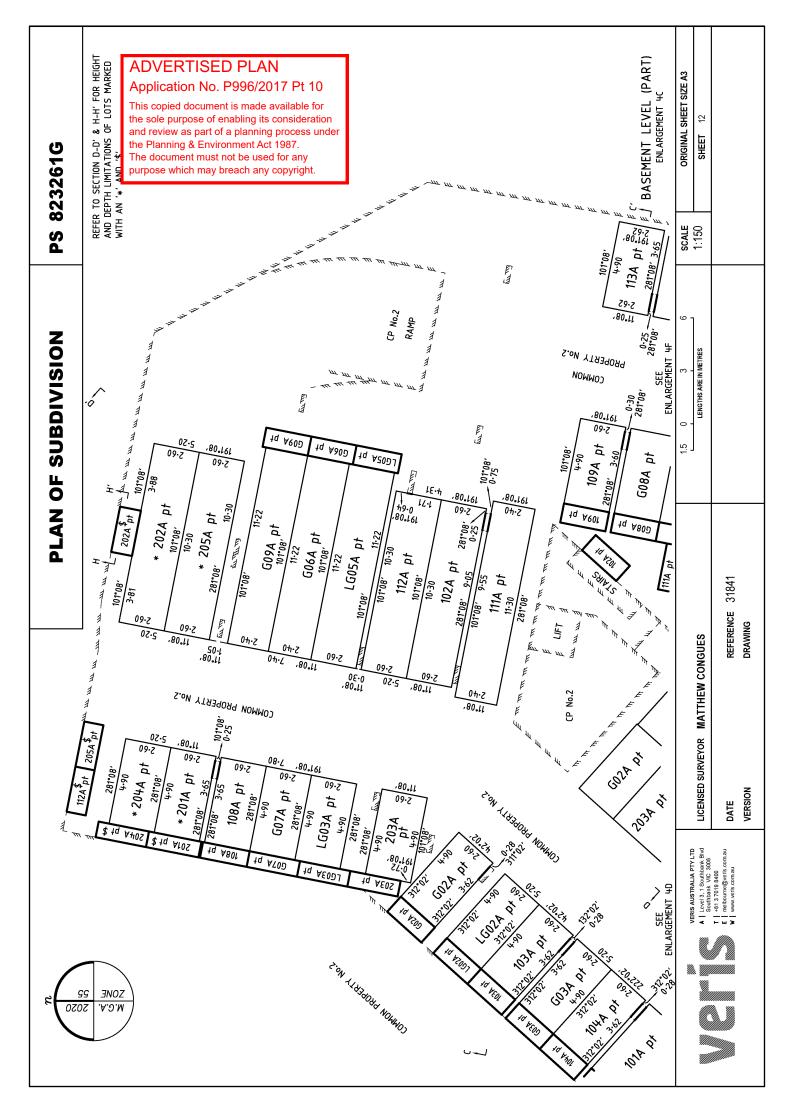
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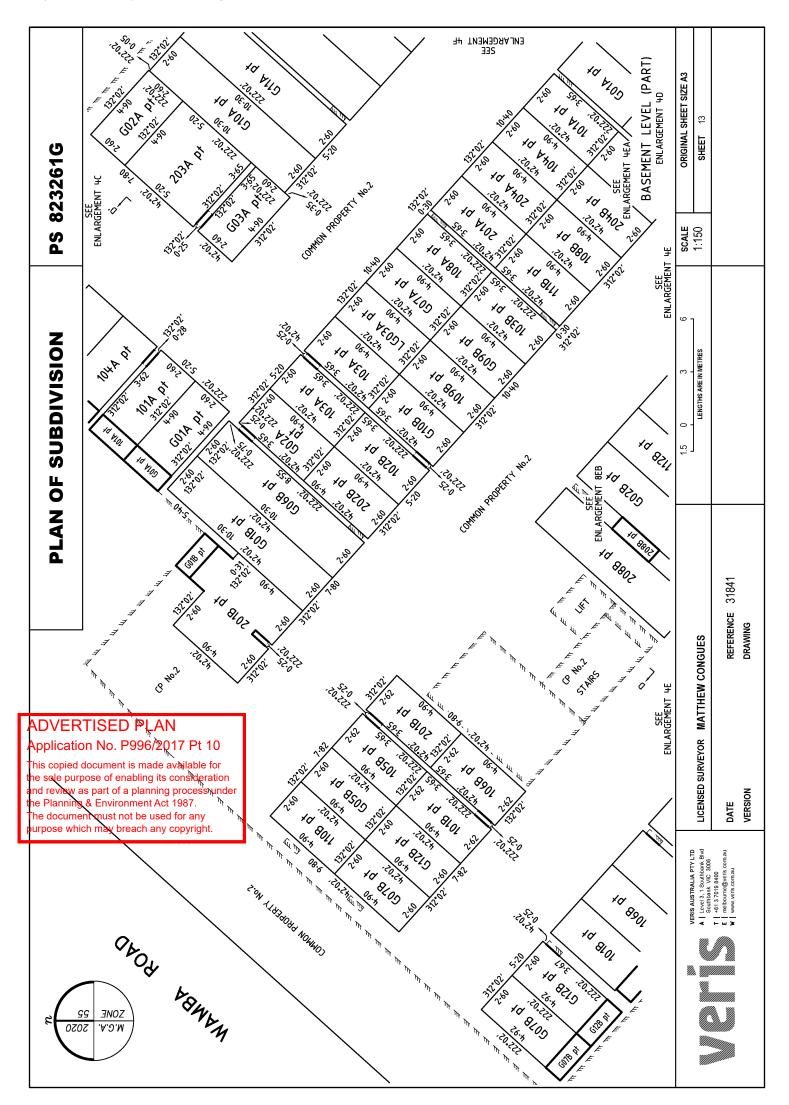
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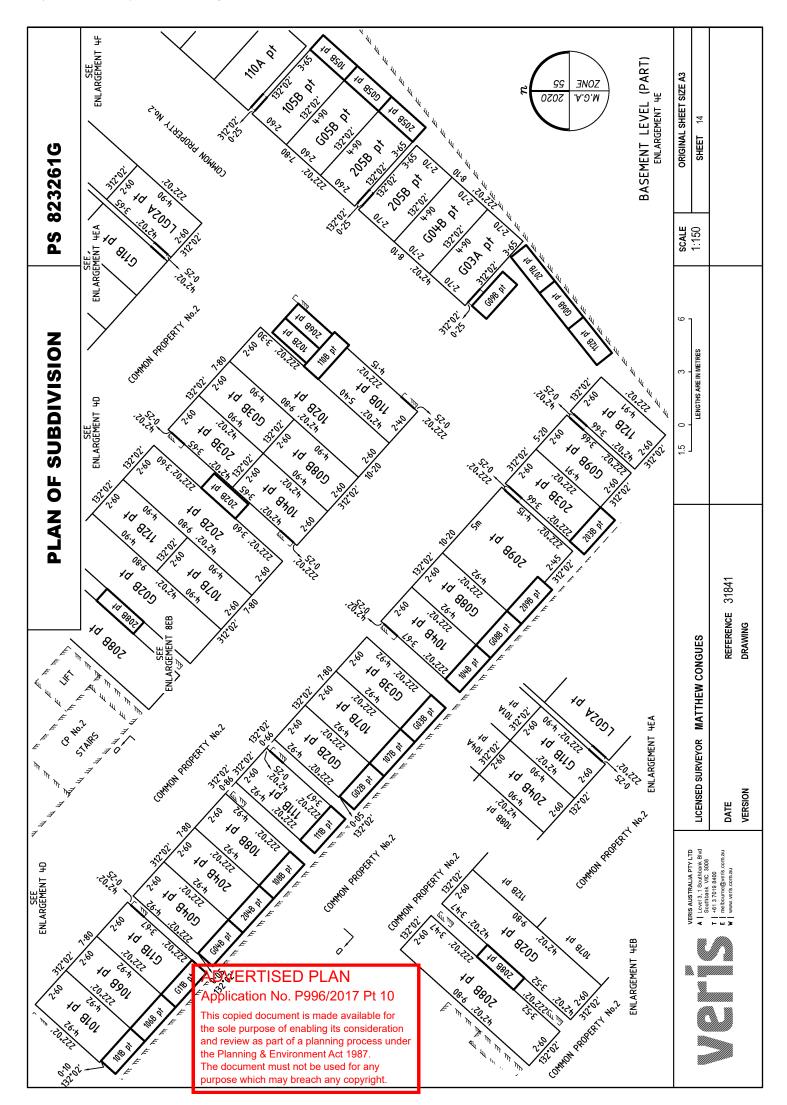


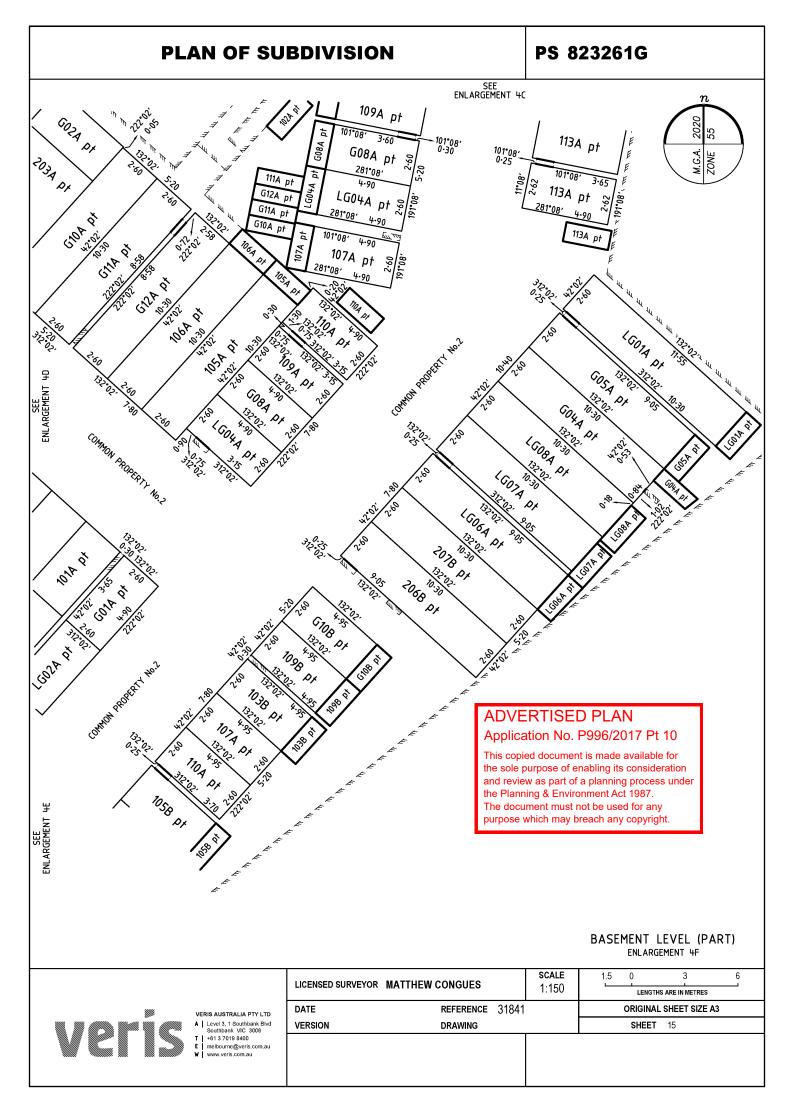


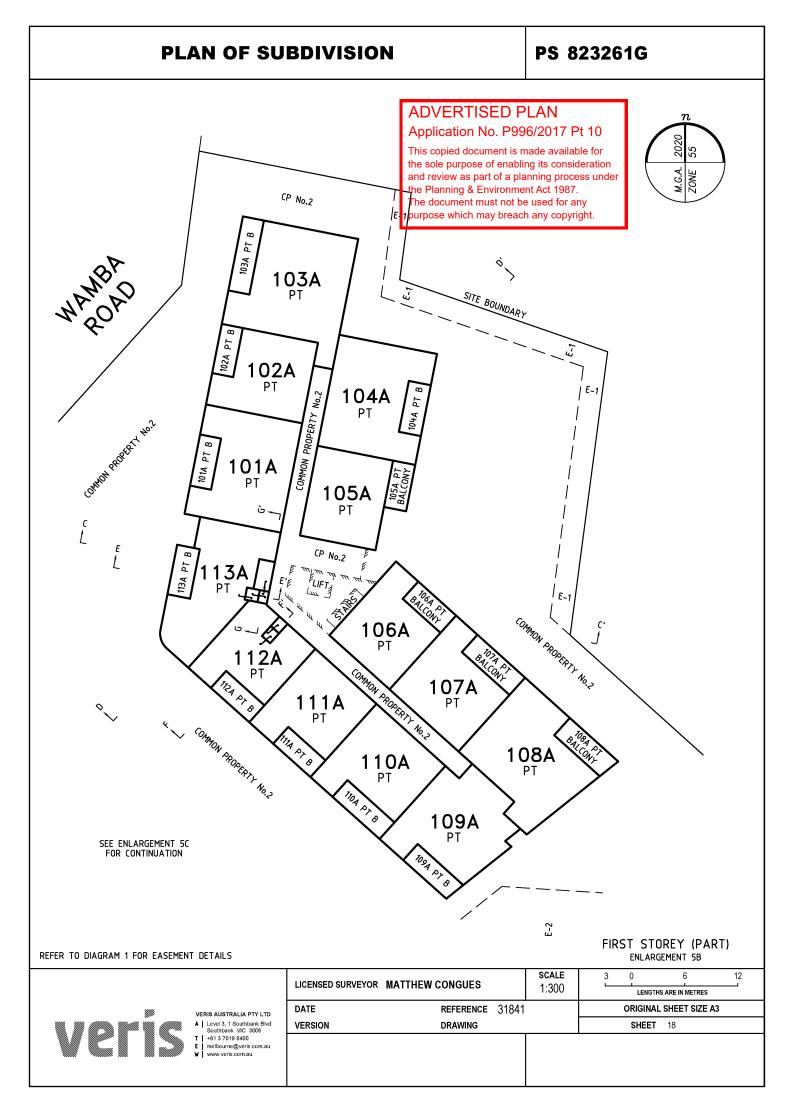




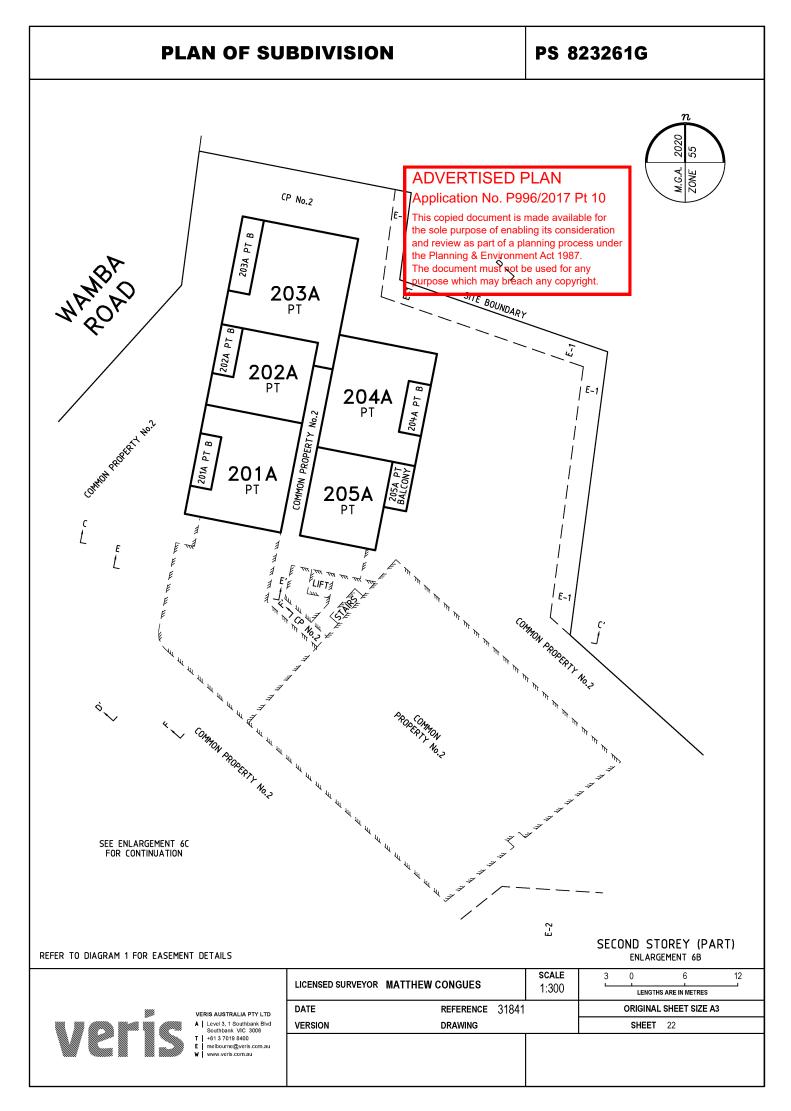








PLAN OF SUBDIVISION PS 823261G COMPAN PROPERTY No.3 COMMON PRODERTY NO. 3 105B SEE ENLARGEMENT 5B FOR CONTINUATION 104B 1038 PT 106B 103B STAIRS 102B COMPON PROPÉRTY NO. 3 101B 107B 112B 108B THE BOULEVARD COMMON PROPRET, NO. 3 1098 P.T. B TRO PT BY 109B 111B РΤ 110B ADVERTISED PLAN SEE ENLARGEMENT 5A Application No. P996/2017 Pt 10 FOR CONTINUATION This copied document is made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning & Environment Act 1987. The document must not be used for any purpose which may breach any copyright. FIRST STOREY (PART) REFER TO DIAGRAM 1 FOR EASEMENT DETAILS ENLARGEMENT 5C SCALE 12 LICENSED SURVEYOR MATTHEW CONGUES 1:300 LENGTHS ARE IN METRES DATE REFERENCE 31841 **ORIGINAL SHEET SIZE A3** VERSION DRAWING SHEET 19



PLAN OF SUBDIVISION PS 823261G 55 COMPAN PROPERTY No.3 COMMON PROPERTY NO. 2 SEE ENLARGEMENT 6B FOR CONTINUATION 205B 204B 2038 01 206B 203B STARS JAN COMPLON PROPERTY NO. 2 202B 201B THE BOULEVARD 208B COMPON PROPERTY NO. 2 30/8 PT 8 209B 2098 Pr. 8 ADVERTISED PLAN Application No. P996/2017 Pt 10 SEE ENLARGEMENT 6A This copied document is made available for FOR CONTINUATION the sole purpose of enabling its consideration and review as part of a planning process under the Planning & Environment Act 1987. The document must not be used for any purpose which may breach any copyright.

REFER TO DIAGRAM 1 FOR EASEMENT DETAILS

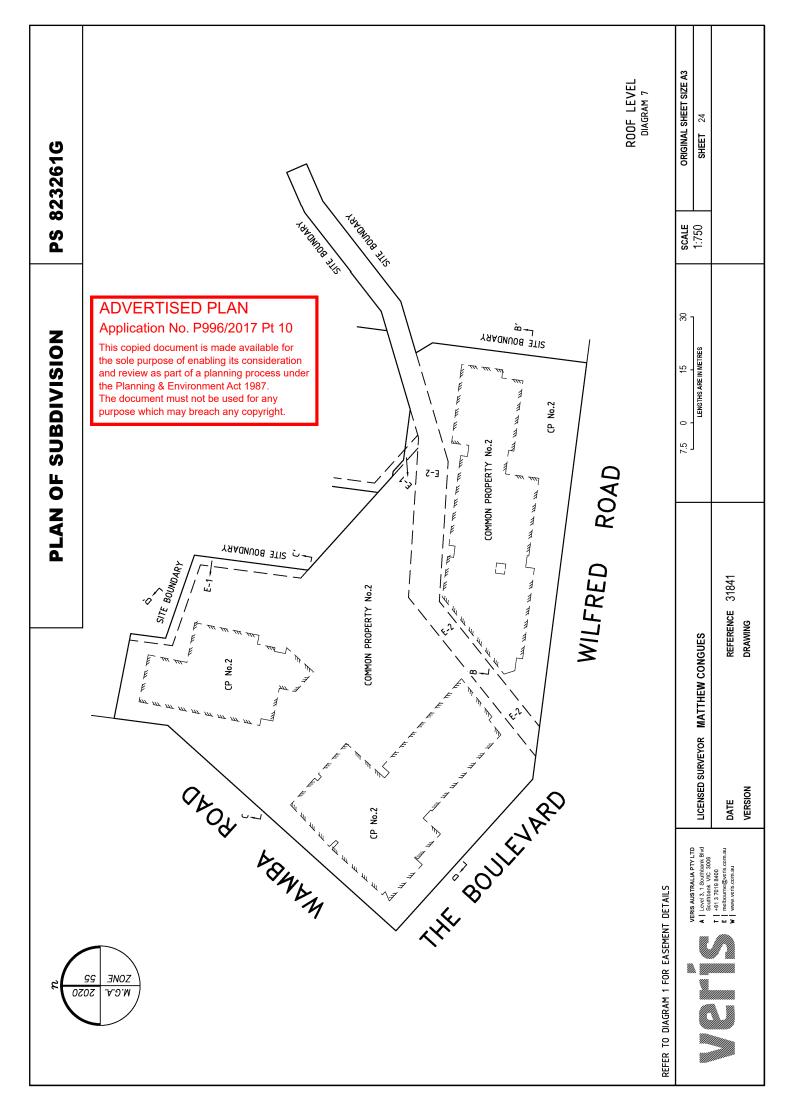
SECOND STOREY (PART) ENLARGEMENT 6C



VERIS AUSTRALIA PTY LTD

	Southbank VIC 3006
T	+61 3 7019 8400
Ε	melbourne@veris.com.au

LICENSED SURVEYO	R MATTHEW CONGUES	SCALE 1:300	3	0 LENGTH	6 S ARE IN METRES	12
DATE	REFERENCE 31841		ORIGINAL SHEET SIZE A3			
VERSION	DRAWING		SHEET 23			



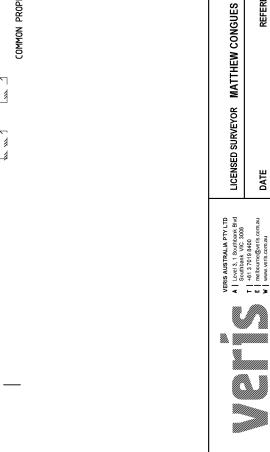
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31841

REFERENCE

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VERSION

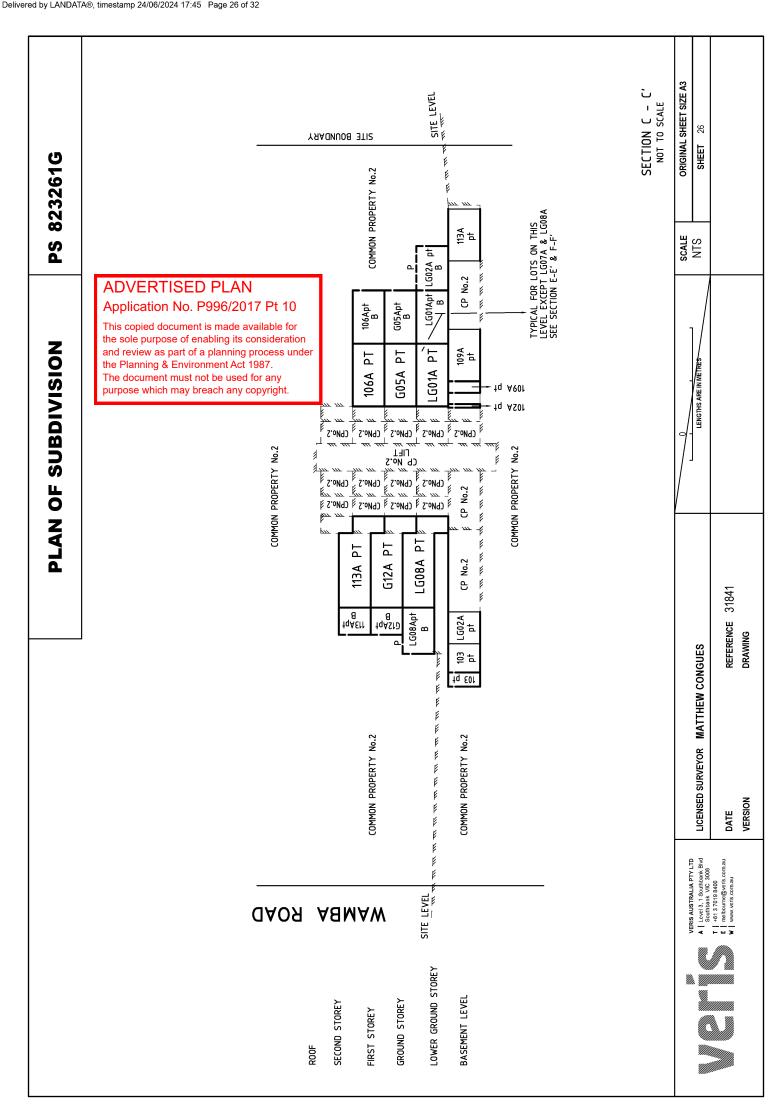


COMMON PROPERTY No.2

CP No.2

CP No.2 E-2

SITE LEVEL

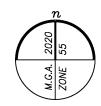


PLAN OF SUBDIVISION

PS 823261G

STREET

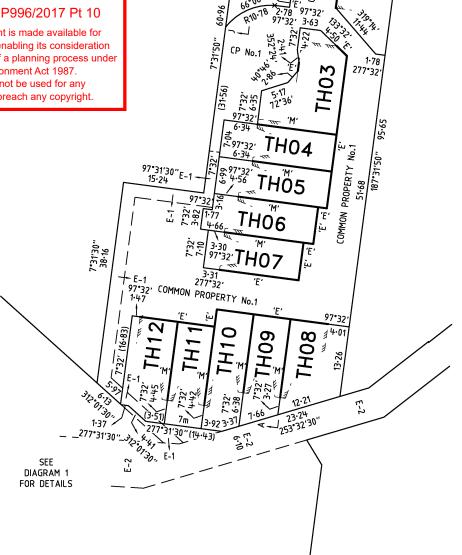
11-90



ADVERTISED PLAN

Application No. P996/2017 Pt 10

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CEDRIC

97°31′50″

No.1

GROUND STOREY DIAGRAM 22

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A | Level 3, 1 Southbank Blvd
Southbank VIC 3006

T | +61 3 7019 8400

E | melbourne@veris.com.au

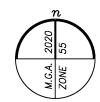
W | www.veris.com.au

VERIS AUSTRALIA PTY LTD

LICENSED SURVEYOR	MATTHEW CONGUES	1:500	5 0 10 20 LENGTHS ARE IN METRES
DATE	REFERENCE 31841		ORIGINAL SHEET SIZE A3
VERSION	DRAWING		SHEET 29

PLAN OF SUBDIVISION

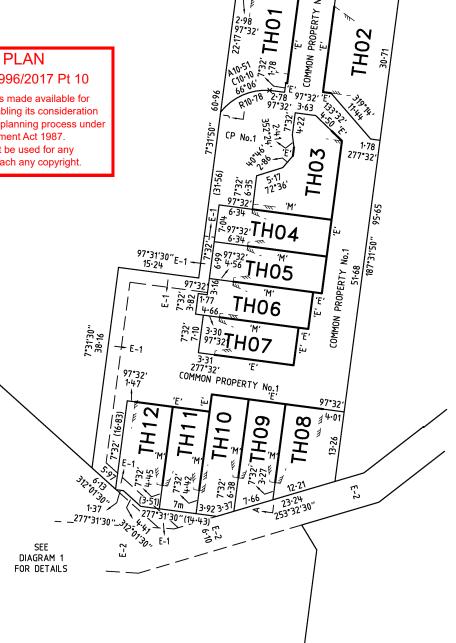
PS 823261G



ADVERTISED PLAN

Application No. P996/2017 Pt 10

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CEDRIC

97°31′50" ×

No.1

STREET

30-48 11-90

> FIRST STOREY AND ABOVE DIAGRAM 23

VERIS AUSTRALIA PTY LTD VERIS AUSTRALIA PTY LTD

A | Level 3, 1 Southbank Blvd
Southbank VIC 3006

T | +61 3 7019 8400

E | melbourne@veris.com.au

W | www.veris.com.au

LICENSED SURVEYOR	1:500	LENGTH	I I I I I I I I I I I I I I I I I I I		
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VERSION	DRAWING		SHEET	30	

MODIFICATION TABLE

RECORD OF ALL ADDITIONS OR CHANGES TO THE PLAN

PLAN NUMBER PS823261G

MASTER PLAN (STAGE 1) REGISTERED DATE 16/02/2023 TIME 6:48 pm

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

AFFECTED LAND/PARCEL	LAND/PARCEL IDENTIFIER CREATED	MODIFICATION	DEALING NUMBER		EDITION NUMBER	ASSISTANT REGISTRAR OF TITLES
LOT S2	LOTS TH01-TH12	STAGE PLAN	PS823261G/S2	19/10/23	2	YL
		ADVERTISED PLAN				
		Application No. P996/2017 Pt 1 This copied document is made available for the sole purpose of enabling its considerary	or			
		and review as part of a planning process u the Planning & Environment Act 1987. The document must not be used for any purpose which may breach any copyright.	inder			