SECTION 32 STATEMENT

PURSUANT TO DIVISION 2 OF PART II SECTION 32 OF THE SALE OF LAND ACT 1962 (VIC)

Vendor:

Peter James Whelan and Kathleen Patricia Whelan

Property:

46 Cooke Street NICHOLS POINT VIC 3501



VENDORS REPRESENTATIVE Mildura Property Transfers Pty Ltd

PO Box 1012 MILDURA VIC 3502

Tel: 03 5022 9300 Fax: 03 5022 9304

Email: warrick@mildurapropertytransfers.com.au

Ref: Warrick Watts

1. **FINANCIAL MATTERS**

(a) Information concerning any rates, taxes, charges or other similar outgoings AND any interest payable on any part of them is contained in the attached certificate/s -

Provider

Amount (& interest if any)

Period

Lower Murray Water

See attached

Mildura Rural City Council

See attached

Any further amounts (including any proposed Owners Corporation Levy) for which the Purchaser may become liable as a consequence of the purchase of the property are as follows:- None to the vendors knowledge

At settlement the rates will be adjusted between the parties, so that they each bear the proportion of rates applicable to their respective periods of occupancy in the property.

(b) The particulars of any Charge (whether registered or not) over the land imposed by or under an Act to secure an amount due under that Act, including the amount owing under the charge are as follows:- Not Applicable

2. INSURANCE

- (a) Where the Contract does not provide for the land to remain at the risk of the Vendor, particulars of any policy of insurance maintained by the Vendor in respect of damage to or destruction of the land are as follows: - Not Applicable
- (b) Where there is a residence on the land which was constructed within the preceding six years, and section 137B of the Building Act 1993 applies, particulars of the required insurance are as follows:- Not Applicable

3. LAND USE

(a) RESTRICTIONS

Information concerning any easement, covenant or similar restriction affecting the land (whether registered or unregistered) is as follows:-

- Easements affecting the land are as set out in the attached copies of title.
- Covenants affecting the land are as set out in the attached copies of title.
- Other restrictions affecting the land are as attached.
- Particulars of any existing failure to comply with the terms of such easement, covenant and/or restriction are as follows:-

To the best of the Vendor's knowledge there is no existing failure to comply with the terms of any easement, covenant or similar restriction affecting the land. The Purchaser should note that there may be sewers, drains, water pipes, underground and/or overhead electricity cables, underground and/or overhead telephone cables and underground gas pipes laid outside any registered easements and which are not registered or required to be registered against the Certificate of Title.

(b) BUSHFIRE

This land is not in a designated bushfire- prone area within the meaning of the regulations made under the Building Act 1993.

(c) ROAD ACCESS

There is access to the Property by Road.

(d) PLANNING

Planning Scheme:

Responsible Authority:

See attached Property Report

Zoning:

Planning Overlay/s:

4. NOTICES

- (a) Particulars of any Notice, Order, Declaration, Report or recommendation of a Public Authority or Government Department or approved proposal directly and currently affecting the land of which the Vendor might reasonably be expected to have knowledge are: None to the Vendors knowledge however the Vendor has no means of knowing all decisions of the Government and other authorities unless such decisions have been communicated to the Vendor
- (b) The Vendor is not aware of any Notices, Property Management Plans, Reports or Orders in respect of the land issued by a Government Department or Public Authority in relation to livestock disease or contamination by agricultural chemicals affecting the ongoing use of the land for agricultural purposes.

Particulars of any Notice of intention to acquire served under Section 6 of the Land Acquisition and Compensation Act, 1986 are: Not Applicable

5. BUILDING PERMITS

Particulars of any Building Permit issued under the Building Act 1993 during the past seven years (where there is a residence on the land):-

No such Building Permit has been granted to the Vendors knowledge.

6. OWNERS CORPORATION

The Land is NOT affected by an Owners Corporation within the meaning of the Owners Corporation Act 2006.

7. GROWTH AREAS INFRASTRUCTURE CONTRIBUTION (GAIC)

- (1) The land, in accordance with a work-in-kind agreement (within the meaning of Part 9B of the *Planning and Environment Act 1987* is NOT
 - land that is to be transferred under the agreement.
 - land on which works are to be carried out under the agreement (other than Crown land).
 - land in respect of which a GAIC is imposed
- (2) Attached is a copy of a notice or certificate in the case of land where there is a GAIC recording (within the meaning of Part 9B of the Planning and Environment Act 1987):
 - any certificate of release from liability to pay;

- any certificate of deferral of the liability to pay;
- any certificate of exemption from the liability to pay;
- any certificate of no GAIC liability;
any notice given under that Part providing evidence of the grant of a reduction of the whole or part of
the liability to pay;
- any notice given under that Part providing evidence of an exemption of the liability to pay;
OR
a GAIC certificate relating to the land issued by the Commissioner under the Planning and
Environment Act 1987.

8. SERVICES

Service Status
Electricity supply Connected

Water supply Connected

Sewerage Connected

Connected indicates that the service is provided by an authority and operating on the day of sale. The Purchaser should be aware that the Vendor may terminate their account with the service provider before settlement, and the purchaser will have to have the service reconnected.

Not Connected

9. TITLE

Telephone services

Attached are the following document/s concerning Title:

- (a) In the case of land under the *Transfer of Land Act 1958* a copy of the Register Search Statement/s and the document/s, or part of the document/s, referred to as the diagram location in the Register Search Statement/s that identifies the land and its location.
- (b) In any other case, a copy of -
 - (i) the last conveyance in the Chain of Title to the land; or
 - (ii) any other document which gives evidence of the Vendors title to the land.
- (c) Where the Vendor is not the registered proprietor or the owner of the estate in fee simple, copies of the documents bearing evidence of the Vendor's right or power to sell the land.
- (d) In the case of land that is subject to a subdivision -
 - (i) a copy of the Plan of Subdivision which has been certified by the relevant municipal council (if the Plan of Subdivision has not been registered), or
 - (ii) a copy of the latest version of the plan (if the Plan of Subdivision has not been certified).
- (e) In the case of land that is part of a staged subdivision within the meaning of Section 37 of the Subdivision Act 1988 -
 - (i) if the land is in the second or a subsequent stage, a copy of the plan for the first stage; and
 - (ii) details of any requirements in a Statement of Compliance relating to the stage in which the land is included that have not been complied with; and
 - (iii) details of any proposals relating to subsequent stages that are known to the Vendor; and
 - (iv) a statement of the contents of any permit under the *Planning and Environment Act* 1987 authorising the staged subdivision.
- (f) In the case of land that is subject to a subdivision and in respect of which a further plan within the meaning of the Subdivision Act 1988 is proposed -

- (i) if the later plan has not been registered, a copy of the plan which has been certified by the relevant municipal council; or
- (ii) if the later plan has not yet been certified, a copy of the latest version of the plan.

10. DUE DILLIGENCE CHECKLIST

The Sale of Land Act 1962 provides that the Vendor or the Vendor's Licensed Estate Agent must make a prescribed due diligence checklist available to the Purchasers before offering land for sale that is vacant residential land or land on which there is a residence. The due diligence checklist is NOT required to be provided but the checklist has been attached as a matter of convenience.

DATE OF THIS STATEMENT	2 / 1 /20 19	
Name of the Vendor		
Peter James Whelan and Kathleen Patricia Whelan		
Signature/s of the Vendor		
* Krithelan.		
The Purchaser acknowledges being given a du	uplicate of this statement signed by the Vendor before the Purchaser	
signed any contract.		
DATE OF THIS ACKNOWLEDGMENT	/20 18	
Name of the Purchaser		
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Signature/s of the Purchaser		
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IMPORTANT NOTICE - ADDITIONAL DISCLOSURE REQUIREMENTS

Undischarged mortgages - S32A(a)

Where the land is to be sold subject to a mortgage (registered or unregistered) which is not to be discharged before the purchaser becomes entitled to possession or receipt of rents and profits, then the vendor must provide an additional statement including the particulars specified in Schedule 1 of the Sale of Land Act 1962.

Terms contracts - S32A(d)

Where the land is to be sold pursuant to a terms contract which obliges the purchaser to make two or more payments to the vendor after execution of the contract and before the vendor is entitled to a conveyance or transfer, then the vendor must provide an additional statement containing the information specified in Schedule 2 of the Sale of Land Act 1962.

Register Search Statement - Volume 8272 Folio 899

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

VOLUME 08272 FOLIO 899 Security no: 124075466682C

Produced 20/12/2018 10:04 AM

LAND DESCRIPTION

Lot 1 on Title Plan 237080Q (formerly known as part of Lot 39 Block F Section 98A on Plan of Subdivision 003474). PARENT TITLE Volume 08247 Folio 323 Created by instrument B062132 20/09/1960

REGISTERED PROPRIETOR

Estate Fee Simple

Joint Proprietors

PETER JAMES WHELAN KATHLEEN PATRICIA WHELAN both of 615 BOND STREET BALLARAT VIC 3350 AF039055R 02/05/2007

ENCUMBRANCES, CAVEATS AND NOTICES

MODECACE AE039056D 02/05/2007

MORTGAGE AF039056P 02/05/2007 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.

DIAGRAM LOCATION

SEE TP237080Q 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: 46 COOKE STREET NICHOLS POINT VIC 3501

ADMINISTRATIVE NOTICES

NIL

eCT Control 16089P NATIONAL AUSTRALIA BANK LIMITED Effective from 23/10/2016

DOCUMENT END

EDITION 1 TITLE PLAN TP 237080Q **Notations** Location of Land MILDURA Parish: Township: Section: Crown Allotment Crown Portion Last Plan Reference: LP3474 Derived From: VOL 8272 FOL 899 ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN Depth Limitation: NIL Description of Land / Easement Information THIS PLAN HAS BEEN PREPARED APPURTENANT EASEMENT FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM A WATER SUPPLY EASEMENT APPURTENANT TO THE WITHIN LAND HAS BEEN CREATED BY INSTRUMENT M257031E PURPOSES AS PART OF THE LAND **TITLES AUTOMATION PROJECT** COMPILED: 03/12/1999 A WATER SUPPLY EASEMENT APPURTENANT TO THE VERIFIED: WITHIN LAND HAS BEEN CREATED BY INSTRUMENT AA NO. P893446B RO40 **TABLE PARCEL IDENTIFIERS** WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962 PARCEL 1 = LOT 39 (PT) SECTION 98A BLOCK F ON LP3474 LENGTHS ARE IN Metres = 0.3048 x Feet Sheet 1 of 1 sheets Metres = 0.201168 x Links

TAX INVOICE

ABN 42 498 937 037



Mildura Rural City Council

CENTREP

Call Cantrelin rrange regu Quote Centr Reference No

555 054 730B

and your As Yumber.

Mr P J & Mrs K P Whelan PO Box 1916 **BALLARAT MAIL CENTRE VIC 3354**

1019831 R3 4027

Rate and Valuation Notice

1 July 2018 to 30 June 2019

Property Location & Description 46 Cooke Street NICHOLS POINT VIC 3501 Lot 1 TP 237080Q Sec 98A Blk F

AVPCC: 110 - Detached Home

RATING DETAILS Residential Rate Waste Management Municipal Charge Residential

VICTORIAN STATE GOVERNMENT FIRE SERVICES PROPERTY LEV Residential Fire Levy (Fixed) Residential Fire Levy (Variable)

Assessment No: 17490 Issue Date 16 August 2018 Rate declaration date: 1 July 2018

Capital Improved Value

Internal Use Only

Site Value:

Net Annual Value Valuation Date: i January 2018

> 0.0061051 250000 \$1,526.28 357.11 \$357.11 100 \$100.00

109.00 \$109.00 0.000058 250000 \$14.50

Pd 269 10

TOTAL AMOUNT

Payment in full Due 15 Feb 2019 \$2,106,89

Or

1st Instalment Due 30 Sep 2018 \$526.70

2nd instalment Due 30 Nov 2018

\$526.73

3rd instalment Due 28 Feb 2019

\$526.73

4th Instalment

Due 31 May 2019 \$526.73

Note: If full payment of the 1st instalment isn't received by the due date, this account will automatically default to the Payment in Full option and you will not receive reminder instalment notices. Please refer to the reverse side of this notice for information relating to penalties for late payment

MILDURA
741 - 759 Fourteenth Street Mildura 3500
PO Box 1438 Mildura 3502
AUSDOC DX 50023
Tel: (03) 5051 3400 Fax: (03) 5051 3480
Office Hours 8.00am - 5.00pm Monday - Friday
SWAN HILL.
73 Beveridge Street Swan Hill 3585
PO Box 1447 Swan Hill 3585
AUSDOC DX 30164
Tel: (03) 5036 2160 Fax: (03) 5036 2180
Olfice Hours 8.00am - 5.00pm Monday - Friday



KERANG 56 Wellington Street Kerang 3579 PO Box 547 Kerang 3579 AUSDOC DX 57908 Tel: (03) 5450 3969 Fex: (03) 5450 3967 Office Hours 8.00em - 1.00pm Monday - Friday



ABN 18 475 808 826 www.lmw.vic.gov.au

Reference No. 030630
URBAN ACCOUNT
Amount Due \$209.62

MR PJ WHELAN & MRS KP WHELAN PO BOX 1916 BALLARAT MC VIC 3354

Due Date

14-NOV-2018

Date Of Issue 2/10/2018

Tariffs and Charges Notice 2nd Quarter 2018/19 01/10/2018 - 31/12/2018

O POST *850 700306301

Property Address: 46 COOKE STREET NICHOLS POINT VIC 3501 (Prop:30630) - Urban Account Lot 1 TP 237080 Blk F Sec 98A Vol 8272 Fol 899

Water Service Tariff Water by Measure Chg-Info on reverse Sewerage Service Tariff Charge 51.58 36.28 121.76

51.58 36.28 121.76

TOTAL OWING

\$209.62

ld 31/10/18

VICTORIA State Government LMW054J



Property Report from www.land.vic.gov.au on 20 December 2018 10:07 AM

Address: 46 COOKE STREET NICHOLS POINT 3501

Lot / Plan: Lot 1 TP237080

SPI (Standard Parcel Identifier): 1\TP237080

Local Government (Council): MILDURA Council Property Number: 17490

Directory Reference: VicRoads 3 E5

This property is not in a designated bushfire prone area.

No special bushfire construction requirements apply. Planning provisions may apply.

Further information about the building control system and building in bushfire prone areas can be found in the Building Commission section of the Victorian Building Authority website www.vba.vic.gov.au

Parcel Details

Lot/Plan or Crown Description	SPI
Lot 1 TP237080	1\TP237080

State Electorates

Legislative Council: NORTHERN VICTORIA

Legislative Assembly: MILDURA

Utilities

Rural Water Corporation: Lower Murray Water Urban Water Corporation: Lower Murray Water Melbourne Water: outside drainage boundary

Power Distributor: POWERCOR (Information about choosing an electricity retailer)

Planning Zone Summary

Planning Zone:

LOW DENSITY RESIDENTIAL ZONE (LDRZ)

LOW DENSITY RESIDENTIAL ZONE - SCHEDULE 1

(LDRZ1)

Planning Overlay:

None

Areas of Aboriginal Cultural Heritage Sensitivity: All or part of this property is an 'area of cultural heritage

sensitivity'.

Further Planning Information

Planning scheme data last updated on 11 December 2018.

A planning scheme sets out policies and requirements for the use, development and protection of land. This report provides information about the zone and overlay provisions that apply to the selected land. Information about the State, local, particular and general provisions of the local planning scheme that may

Property Report Page 2 of 3

affect

the use of the land can be obtained by contacting the local council or by visiting Planning Schemes Online

This report is NOT a **Planning Certificate** issued pursuant to Section 199 of the Planning & Environment Act 1987.

It does not include information about exhibited planning scheme amendments, or zonings that may abut the land.

To obtain a Planning Certificate go to Titles and Property Certificates

The Planning Property Report includes separate maps of zones and overlays

For details of surrounding properties, use this service to get the Reports for properties of interest

To view planning zones, overlay and heritage information in an interactive format visit Planning Maps Online

For other information about planning in Victoria visit www.planning.vic.gov.au

Areas of Aboriginal Cultural Heritage Sensitivity

'Areas of cultural heritage sensitivity' are defined under the Aboriginal Heritage Regulations 2007, and include registered Aboriginal cultural heritage places and land form types that are generally regarded as more likely to contain Aboriginal cultural heritage.

Under the Aboriginal Heritage Regulations 2007, 'areas of cultural heritage sensitivity' are one part of a two part trigger which require a 'cultural heritage management plan' be prepared where a listed 'high impact activity' is proposed.

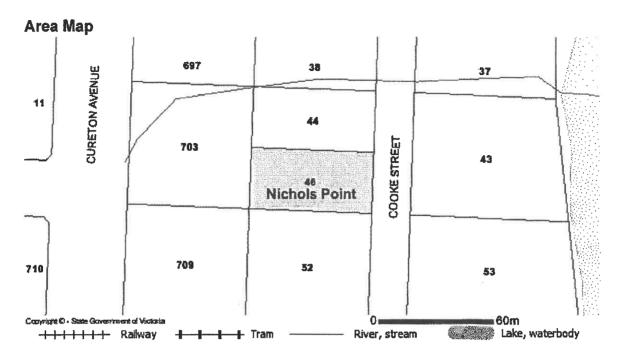
If a significant land use change is proposed (for example, a subdivision into 3 or more lots), a cultural heritage management plan may be triggered.

One or two dwellings, works ancillary to a dwelling, services to a dwelling, alteration of buildings and minor works are examples of works exempt from this requirement.

Under the Aboriginal Heritage Act 2006, where a cultural heritage management plan is required, planning permits, licences and work authorities cannot be issued unless the cultural heritage management plan has been approved for the activity.

For further information about whether a Cultural Heritage Management Plan is required go to http://www.aav.nrms.net.au/aavQuestion1.aspx

More information, including links to both the Aboriginal Heritage Act 2006 and the Aboriginal Heritage Regulations 2007,can also be found here - https://www.vic.gov.au/aboriginalvictoria/heritage/planning-and-heritage-management-processes.html



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Due Diligence Checklist



What you need to know before buying a residential property

Before you buy a home, you should be aware of a range of issues that may affect that property and impose restrictions or obligations on you, if you buy it. This checklist aims to help you identify whether any of these issues will affect you. The questions are a starting point only and you may need to seek professional advice to answer some of them. You can find links to organisations and web pages that can help you learn more, by visiting **consumer.vic.gov.au/duedligencechecklist**.

Urban living Moving to the inner city?

High density areas are attractive for their entertainment and service areas, but these activities create increased traffic as well as noise and odours from businesses and people. Familiarising yourself with the character of the area will give you a balanced understanding of what to expect.

is the property subject to an owners corporation?

If the property is part of a subdivision with common property such as driveways or grounds, it may be subject to an owners corporation. You may be required to pay fees and follow rules that restrict what you can do on your property, such as a ban on pet ownership.

Growth areas

Are you moving to a growth area?

You should investigate whether you will be required to pay a growth areas infrastructure contribution.

Flood and fire risk Does this property experience flooding or bushfire?

Properties are sometimes subject to the risk of fire and flooding due to their location. You should properly investigate these risks and consider their implications for land management, buildings and insurance premiums.

Rural properties Moving to the country?

If you are looking at property in a rural zone, consider:

- Is the surrounding land use compatible with your lifestyle expectations? Farming can create noise or odour that may be at odds with your expectations of a rural lifestyle.
- Are you considering removing native vegetation?
 There are regulations which affect your ability to remove native vegetation on private property.
- Do you understand your obligations to manage weeds and pest animals?
- Can you build new dwellings?
- Does the property adjoin crown land, have a water frontage, contain a disused government road, or are there any crown licences associated with the land?

is there any earth resource activity such as mining in the area?

You may wish to find out more about exploration, mining and quarrying activity on or near the property and consider the issue of petroleum, geothermal and greenhouse gas sequestration permits, leases and licences, extractive industry authorisations and mineral licences.

Soil and groundwater contamination Has previous land use affected the soil or groundwater?

You should consider whether past activities, including the use of adjacent land, may have caused contamination at the site and whether this may prevent you from doing certain things to or on the land in the future.





Land boundaries

Do you know the exact boundary of the property?

You should compare the measurements shown on the title document with actual fences and buildings on the property, to make sure the boundaries match. If you have concerns about this, you can speak to your lawyer or conveyancer, or commission a site survey to establish property boundaries.

Planning controls

Can you change how the property is used, or the buildings on it?

All land is subject to a planning scheme, run by the local council. How the property is zoned and any overlays that may apply, will determine how the land can be used. This may restrict such things as whether you can build on vacant land or how you can alter or develop the land and its buildings over time.

The local council can give you advice about the planning scheme, as well as details of any other restrictions that may apply, such as design guidelines or bushfire safety design. There may also be restrictions – known as encumbrances – on the property's title, which prevent you from developing the property. You can find out about encumbrances by looking at the section 32 statement.

Are there any proposed or granted planning permits?

The local council can advise you if there are any proposed or issued planning permits for any properties close by. Significant developments in your area may change the local 'character' (predominant style of the area) and may increase noise or traffic near the property.

Safety

Is the building safe to live in?

Building laws are in place to ensure building safety. Professional building inspections can help you assess the property for electrical safety, possible illegal building work, adequate pool or spa fencing and the presence of asbestos, termites, or other potential hazards.

Building permits

Have any buildings or retaining walls on the property been altered, or do you plan to alter them?

There are laws and regulations about how buildings and retaining walls are constructed, which you may wish to investigate to ensure any completed or proposed building work is approved. The local council may be able to give you information about any building permits issued for recent building works done to the property, and what you must do to plan new work. You can also commission a private building surveyor's assessment.

Are any recent building or renovation works covered by insurance?

Ask the vendor if there is any owner-builder insurance or builder's warranty to cover defects in the work done to the property.

Utilities and essential services Does the property have working connections for water, sewerage, electricity, gas, telephone and internet?

Unconnected services may not be available, or may incur a fee to connect. You may also need to choose from a range of suppliers for these services. This may be particularly important in rural areas where some services are not available.

Buyers' rights Do you know your rights when buying a property?

The contract of sale and section 32 statement contain important information about the property, so you should request to see these and read them thoroughly. Many people engage a lawyer or conveyancer to help them understand the contracts and ensure the sale goes through correctly. If you intend to hire a professional, you should consider speaking to them before you commit to the sale. There are also important rules about the way private sales and auctions are conducted. These may include a cooling-off period and specific rights associated with 'off the plan' sales. The important thing to remember is that, as the buyer, you have rights

