

**Vendors Statement to the Purchaser of Real Estate
Pursuant to Section 32 of the Sale of Land Act ("the Act")**

This document is prepared from a precedent intended solely for use by legal practitioners with the knowledge, skill and qualifications required to use the precedent to create a document suitable to meet the vendor's legal obligation to give certain statements and documents to a purchaser before the purchaser signs a contract to purchase the land. This document incorporates the requirements in section 32 of the *Sale of Land Act 1962* as at 1 October 2014.

Vendor Statement

The vendor makes this statement in respect of the land in accordance with section 32 of the *Sale of Land Act 1962*.

This statement must be signed by the vendor and given to the purchaser before the purchaser signs the contract.

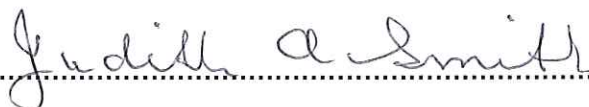
The vendor may sign by electronic signature.

The purchaser acknowledges being given this statement signed by the vendor with the attached documents before the purchaser signed any contract.

PROPERTY: 9 Explorer Drive, Mildura

VENDOR'S NAME: Judith Ann Smith

VENDOR'S SIGNATURE:



DATE: 15.1.2021

PURCHASER'S NAME:

PURCHASER'S SIGNATURE:

DATE:

**VENDORS STATEMENT TO THE PURCHASER OF REAL ESTATE
PURSUANT TO SECTION 32 OF THE SALE OF LAND ACT ("the Act")**

Vendor: **Judith Ann Smith**

Property: **9 Explorer Drive, Mildura
Lot 9 on PS338780K being the whole of the land in
Certificate of Title Volume 10231 Folio 105**

1. Financial matters in respect of the land

Information concerning the amount of Rates, Taxes, Charges and other similar outgoings affecting the property and interest (if any) payable thereon (including any Owners Corporation Charges and Interest):

- (a) ~~are contained in the attached certificate/s.~~
are as follows :

<u>Authority</u>	<u>Amount</u>	<u>Interest</u>
1. Mildura Rural City Council	\$2,701.25	per annum 2020/2021
2. Lower Murray Water- Urban	\$ 175.05	per quarter 2020/2021 (tariff only)

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: Usual Adjustment of outgoings and water by measure

- (a) ~~—— Their total does not exceed \$~~
- (b) The particulars of any Charge (whether registered or not) over the property imposed by or under any Act to secure an amount due under that Act are as follows:

2. Insurance details in respect of the land

- (a) If the contract provides that the land does not remain at the vendor's risk before the purchaser is entitled to possession or receipt of rents and profits:

No such insurance has been effected
~~Particulars of vendor's insurance policy:~~

- (b) If there is a residence on the land which was constructed within the preceding 6 years and section 137B of the ***Building Act 1993*** applies to the residence:

No such insurance has been effected.
~~Particulars of vendor's required insurance:~~

3. Matters relating to land use

- (a) Information concerning any easement, covenant or similar restriction affecting the property, registered or unregistered, are as follows:
 - (i) Description:
 - (ii) Particulars of any existing failure to comply with the terms of that easement, covenant and/or restriction are as follows: Garden shed is placed over easement
- (b) This land is not within a bushfire prone area within the meaning of the regulations made under the *Building Act 1993*
- (c) There is access to the property by road.
- (d) In the case of land to which a planning scheme applies a statement specifying—
 - (i) name of the planning scheme: See attached
 - (ii) name of the responsible authority: See attached
 - (iii) zoning of the land: See attached
 - (iv) name of any planning overlay affecting the land: See attached
 - (v) Salinity – See attached

4. Notices made in respect of land

- (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 property of which the vendor might reasonably be expected to have knowledge:

~~Is contained in the attached certificate/s and/or statement/s.~~

~~Is as follows:~~

None to the Vendor's knowledge

- (b) Whether there are 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:

~~Is contained in the attached certificate/s and/or statement/s.~~

~~Is as follows:~~

None to the Vendor's knowledge

- (c) Particulars of any notice of intention to acquire served under section 6 of the ***Land Acquisition and Compensation Act 1986***.

~~Is contained in the attached certificate/s and/or statement/s.~~

~~Is as follows:~~

None to the Vendor's knowledge

5. Building permits

Particulars of any building permit issued during the past seven years under the *Building Act 1993* (where the property includes a Residence):

No such Building permit has been granted to the Vendor's knowledge

~~Is contained in the attached certificate/s.~~

~~Is as follows:~~

6. Information relating to any Owners Corporation

The land is not affected by an Owners Corporation within the meaning of the *Owners Corporations Act 2006*.

7. Growth areas infrastructure contribution

There is not a work-in-kind agreement (within the meaning of Part 9B of the *Planning and Environment Act 1987*) –

Particulars of work-in-kind agreement:

Is contained in the attached certificate/s and / or notice/s:

8. Disclosure of non-connected services

The following services are **not** connected to the land—

- ~~(a) electricity supply;~~
- (b) gas supply; ~~Natural~~ / Bottled Gas
- ~~(c) water supply;~~
- ~~(d) sewerage;~~
- (e) telephone services.

9. Evidence of title

Attached are copies of 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 and the document, or part of the document, referred to as the diagram location in the Register Search Statement 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 vendor's title to the land;~~
- ~~(c) if the vendor is not the registered proprietor of the land or the owner of the estate in fee simple in the land, evidence of the vendor's right or power to the sell the land;~~
- ~~(d) in the case of land that is subject to a subdivision—~~
 - ~~(i) if the plan of subdivision has not been registered, a copy of the plan of subdivision which has been certified by the relevant municipal council; or~~
 - ~~(ii) if the plan of subdivision has not yet been certified, a copy of the latest version of the plan;~~
- ~~(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 DILIGENCE 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.

IMPORTANT NOTICE – ADDITIONAL DISCLOSURE REQUIREMENTS:

Where the property is to be sold subject to a Mortgage that is not to be discharged by the date of possession (or receipt of rents and profits) of the property and/or sold on Terms – the Vendor must provide an additional Statement containing the particulars specified in Schedules 1 and 2 of the Act.

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 the execution of the contract and before the purchaser is entitled to a conveyance or transfer of the land, then the vendor must provide an additional statement containing the information specified in Schedule 2 of the Sale of Land Act 1962.

Copyright State of Victoria. This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the Copyright Act 1968 (Cth) and for the purposes of Section 32 of the Sale of Land Act 1962 (Vic) or pursuant to a written agreement. The information is only valid at the time and in the form obtained from the LANDATA REGD TM System. None of the State of Victoria, LANDATA REGD TM System, Victorian Land Registry Services Pty. Ltd. ABN 86 627 986 396 as trustee for the Victorian Land Registry Services Trust ABN 83 206 746 897 accept responsibility for any subsequent release, publication or reproduction of the information.

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

VOLUME 10231 FOLIO 105

Security no : 124087538841P

Produced 14/01/2021 09:52 AM

LAND DESCRIPTION

Lot 9 on Plan of Subdivision 338780K.

PARENT TITLES :

Volume 10185 Folio 075 Volume 10185 Folio 587

Created by instrument PS338780K 17/05/1995

REGISTERED PROPRIETOR

Estate Fee Simple

Sole Proprietor

JUDITH ANN SMITH of 9 EXPLORER DRIVE MILDURA VIC 3500

AB714344F 23/11/2002

ENCUMBRANCES, CAVEATS AND NOTICES

COVENANT U601639K 21/01/1997

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

AGREEMENT Section 173 PLANNING AND ENVIRONMENT ACT 1987
T322064K 23/09/1994

DIAGRAM LOCATION

SEE PS338780K 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: 9 EXPLORER DRIVE MILDURA VIC 3500

DOCUMENT END

Delivered from the LANDATA® System by InfoTrack Pty Ltd.

The information supplied by InfoTrack has been obtained from InfoTrack Pty Limited

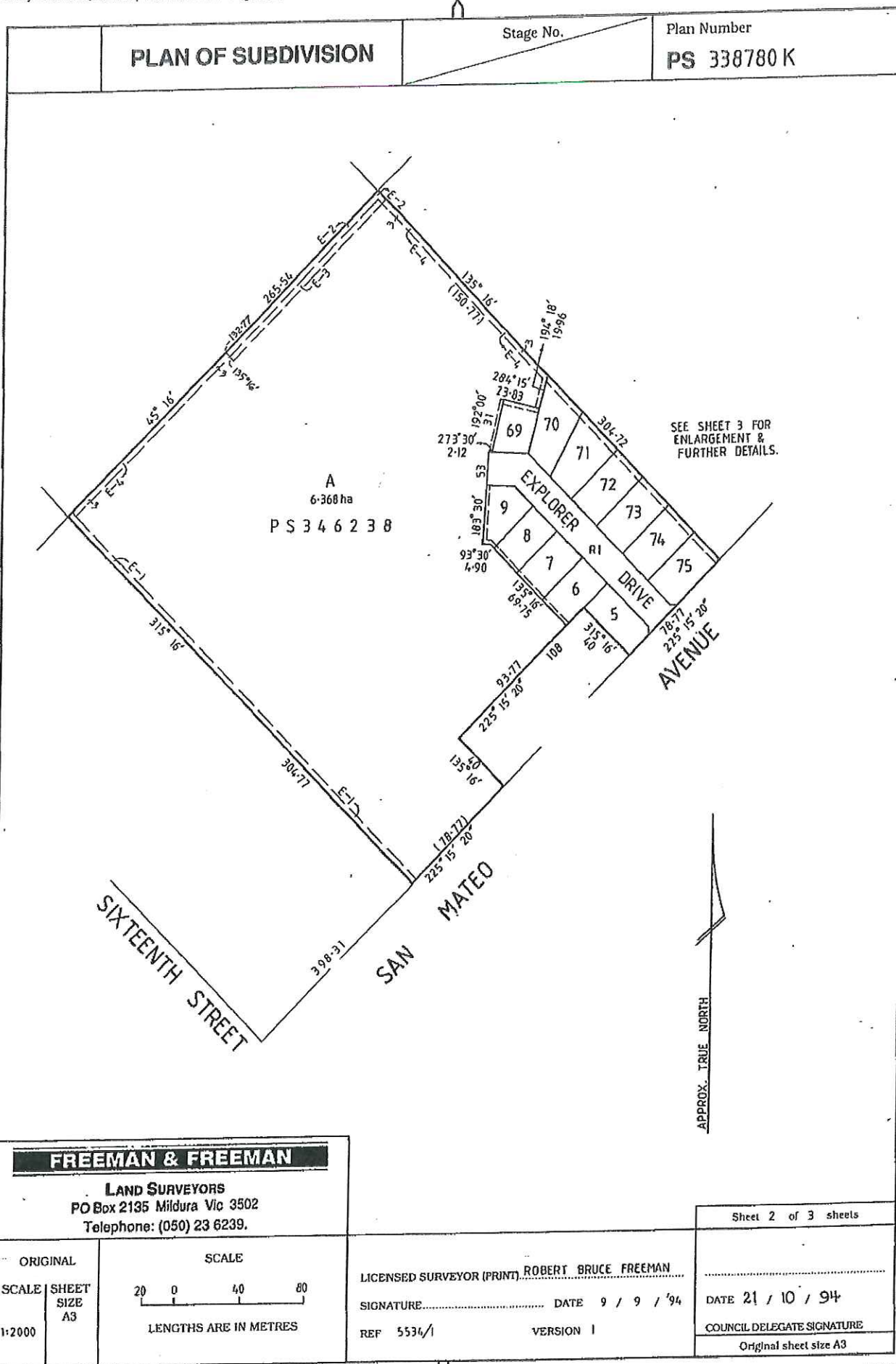
1/14/2021

9be7f27e-58e1-488c-99e0-051f3c8dcfaa.html

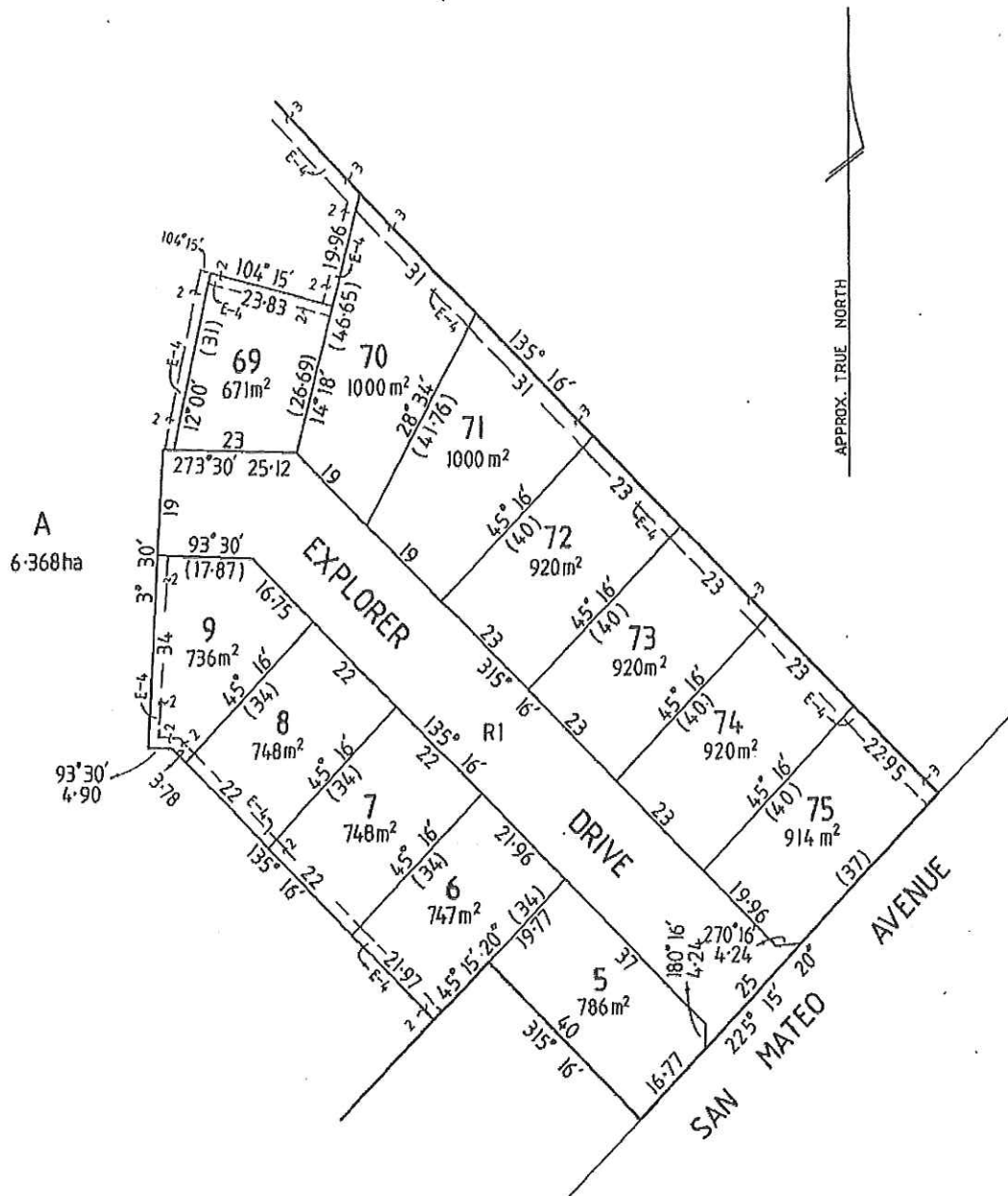
by agreement between them. The information supplied has been obtained by InfoTrack Pty Limited who is licensed by the State of Victoria to provide this information via LANDATA® System.

© State of Victoria. This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the Copyright Act 1968 (Cth) and for the purposes of Section 32 of the Sale of Land Act 1962 or pursuant to a written agreement. The information is only valid at the time and in the form obtained from the LANDATA® System. None of the State of Victoria, LANDATA®, Victorian Land Registry Services Pty. Ltd. ABN 86 627 986 396 as trustee for the Victorian Land Registry Services Trust ABN 83 206 746 897 accept responsibility for any subsequent release, publication or reproduction of the information.

PLAN OF SUBDIVISION		STAGE NO. EDITION 3	LTO use only PS 338780 K
Location of Land Parish: MILDURA Township: _____ Section: _____ Crown Allotment: _____ Crown Portion: 2 (part) LTO Base Record: CHART No. 21. (3102) Title Reference: V. 10185 F. 587 & V. 10185 F. 075 Last Plan Reference: PS 306592R (lot 2) & PS 306593P (lot 2). Postal Address: SAN MATEO AVENUE, (at time of subdivision) MILDURA SOUTH, 3500. AMG Co-ordinates E 604350 Zone: 54 (of approx. centre of land in plan) N 6213250		Council Certificate and Endorsement Council Name: SHIRE OF MILDURA Ref: 51.890/3/3184 1. This plan is certified under section 6 of the Subdivision Act 1988. 2. This plan is certified under section 11(7) of the Subdivision Act 1988. Date of original certification under section 6 / / 3. This is a statement of compliance issued under section 21 of the Subdivision Act 1988. OPEN SPACE (i) A requirement for public open space under section 18 of the Subdivision Act 1988 has/had not been made. (ii) The requirement has been satisfied. (iii) The requirement is to be satisfied in Stage Council delegate Council seal Date 21 / 10 / 94 Re-certified under section 11(7) of the Subdivision Act 1988 Council Delegate Council Seal Date / /	
Vesting of Roads and/or Reserves		Notations	
Identifier	Council/Body/Person	Staging This is/is not a staged subdivision Planning Permit No. _____ Depth Limitation DOES NOT APPLY. OTHER NOTATIONS CONNECTION TO SIXTEENTH STREET SHOWN 390.31 IS NOT BASED ON THIS SURVEY. LOTS 1 TO 4 (BOTH INCLUSIVE) & 30 TO 68 (BOTH INCLUSIVE) HAVE BEEN OMITTED FROM THIS PLAN. THE RESERVATIONS AND CONDITIONS CONTAINED IN TRANSFER 290190 AND 281106 AFFECT LOT A ON THIS PLAN. THE RESERVATIONS AND CONDITIONS CONTAINED IN TRANSFER 290190 AFFECT LOTS 5 TO 9 (BI) AND 69 TO 75 (BI) AND ROAD R-1 ON THIS PLAN. Survey This plan is/is not based on survey This survey has been connected to permanent marks no(s) _____ In Proclaimed Survey Area No. _____	
Legend: E - Encumbering Easement or Condition in Crown Grant in the Nature of an Easement A - Appurtenant Easement R - Encumbering Easement (Road)		LTO use only	
Easement Information		Statement of Compliance/Exemption Statement	
Easement Reference	Purpose	Width (Metres)	Origin
E-1	SEWERAGE	3	PS 306592R
E-2	DRAINAGE	3	E/E F 369764
E-3	SEWERAGE	3.04	THIS PLAN
E-4	DRAINAGE	3.04	E/E F 369764
E-5	SEWERAGE	SEE DIAG.	THIS PLAN
R1	WAY, DRAINAGE & SEWERAGE and supply of WATER, TELEPHONE & ELECTRICITY.	SEE DIAG.	THIS PLAN
Land Benefited/In Favour Of		Received <input checked="" type="checkbox"/> Date 8 / 5 / 95 LTO use only PLAN REGISTERED TIME DATE 17 / 5 / 95 <i>J. Svagani</i> Assistant Registrar of Titles Sheet 1 of 3 Sheets	
FREEMAN & FREEMAN LAND SURVEYORS PO Box 2135 Mildura Vic 3502 Telephone: (050) 23 6239.		LICENSED SURVEYOR (PRINT) ROBERT BRUCE FREEMAN SIGNATURE..... DATE 19 / 9 / 94 REF 5534/1 VERSION 1 DATE 21 / 10 / 94 COUNCIL DELEGATE SIGNATURE Original sheet size A3	



PLAN OF SUBDIVISION	Stage No.	Plan Number
		PS 338780K



FREEMAN & FREEMAN
LAND SURVEYORS
 PO Box 2135 Mildura Vic 3502
 Telephone: (050) 23 6239.

ORIGINAL SCALE 1:800	SHEET SIZE A3	SCALE 8 0 16 32 LENGTHS ARE IN METRES
----------------------------	---------------------	---

LICENSED SURVEYOR (PRINT) **ROBERT BRUCE FREEMAN**
 SIGNATURE..... DATE 9 / 9 / '94
 REF 5534/1 VERSION 1

Sheet 3 of 3 sheets
DATE 21 / 10 / 94
COUNCIL DELEGATE SIGNATURE
Original sheet size A3

MODIFICATION TABLE

RECORD OF ALL ADDITIONS OR CHANGES TO THE PLAN

PLAN NUMBER

PS338780

[illegible]

© State of Victoria. This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the Copyright Act 1968 (Cth) and for the purposes of Section 32 of the Sale of Land Act 1962 or pursuant to a written agreement. The information is only valid at the time and in the form obtained from the LANDATA® System. None of the State of Victoria, LANDATA®, Victorian Land Registry Services Pty. Ltd. ABN 86 627 986 396 as trustee for the Victorian Land Registry Services Trust ABN 83 206 746 897 accept responsibility for any subsequent release, publication or reproduction of the information.

IMAGED

TRANSFER OF LAND

Section 45 Transfer of Land Act 1958

Lodged by:
Name: ALLAN DUNN PTY.
Phone: 03 947 657
Address: 1027C
Ref.: 027C
Customer Code: 027C

CANCELLED
20 JAN 1997
\$3040
Assistant Registrar of Titles

U599549Y
200497 1008 45 160

U601639K
210197 1139 45 160

MADE AVAILABLE, CHANGE CONTROL

Land Titles Office Use Only

The transferor at the direction of the directing party (if any) transfers to the transferee the estate and interest specified in the land described for the consideration expressed—
—together with any easements created by this transfer;
—subject to the encumbrances affecting the land including any created by dealings lodged for registration before the lodging of this transfer; and
—subject to any easements reserved by this transfer or restrictive covenant contained or covenant created pursuant to statute and included in this transfer.

Land: (volume and folio reference)

Lot 9 on Plan of Subdivision No. 338780K contained in
Certificate of Title Volume 10231 Folio 105

Estate and Interest: (e.g. "all my estate in fee simple")

All it's estate and interest in fee simple

Consideration:

Transferor: (full name)

DUNNING DEVELOPMENTS PTY. LTD. A.C.N. 059 897 657

Transferee: (full name and address including postcode)

STEPHEN LEONARD HILL and LIDIA HILL
both of Explorer Drive, Mildura, Vic, 3500 as joint tenants

Directing Party: (full name)

Creation and/or Reservation and/or Covenant:

AND THE SAID STEPHEN LEONARD HILL and LIDIA HILL for themselves and their transferees the registered proprietors for the time being of the land transferred and every part thereof DO HEREBY as a separate covenant COVENANT with the said DUNNING DEVELOPMENTS PTY. LTD. and the other registered proprietor or proprietors for the time being of the land comprised in the said Plan of Subdivision and every part thereof (other than the land hereby transferred) as follows:-

1. They will not erect or cause or suffer to be erected upon the said lot more than one main building which shall not be less than one hundred and twenty square metres (120m²) in floor area and that such Building shall not be other than a building that is a Class 1a (i) Building as defined in Part A3.2 of the Building Code of Australia 1990 as amended and that such building and lot or any

Approval No. 571967L

ORDER TO REGISTER

Please register and issue title to

T2

Signed

Cust. Code:



Ab 24/1/97

STAMP DUTY USE ONLY

Victorian Stamp Duty
\$ 3040.00
Value

\$

Stamps Act 1958

AP number 189

Account number 3205506

Date 7/1/97

Signature

Original

Stumpfreys

THE BACK OF THIS FORM MUST NOT BE USED

AUSDOC Office L71A

- a) part thereof shall not be registered under the provisions of the Subdivision Act 1988 or any amendment, modification or re-enactment of or substitution of Act.
- b) They will not erect or cause or suffer to be erected upon the said lot any dwelling house (except for the usual outbuildings) with more than fifty per centum of the external walls of any material other than brick (which definition shall not be extended to mean mud-brick), brick veneer or stone and shall not roof such dwelling with material other than tiles, colourbond steel or zinc aluminium and that any roof shall not be pitched at an angle less than ten degrees.
- c) They will not erect or cause or suffer to be erected on the said lot any transportable, prefabricated or moveable dwelling house or any existing dwelling house moved in whole or in part from another site or place of construction.
- d) They will not erect or cause or suffer to be erected on any boundary of the said lot any fence other than a fence of a minimum height of 1.65 metres of zincalume steel panel type construction with an oven baked exterior finish such as colourbond.

AND IT IS HEREBY AGREED AS FOLLOWS:

That the benefit of the foregoing covenant shall be attached to and run at law and in equity with the land comprised in the said Plan of Subdivision other than the land hereby transferred and that the burden thereof shall be annexed to and run at law and inequity to the said land hereby transferred and that the same shall be noted and appear on every future Certificate of Title to the said lot and every part thereof as an encumbrance affecting the said land and every part thereof.

Dated: 10.1.1997

Execution and attestation:

THE COMMON SEAL of DUNNING DEVELOPMENTS PTY. LTD.

was hereunto affixed in accordance with it's

Articles of Association in the presence of:

[Signature] DIRECTOR

EXECUTED by the TRANSFEREES in the

presence of:

[Signature]



[Signature] SECRETARY

[Signature]

Approval No. 002926L

T2 Page 2



THE BACK OF THIS FORM MUST NOT BE USED

AUSDOC Office L71B

© State of Victoria. This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the Copyright Act 1988 (Cth) and for the purposes of Section 32 of the Sale of Land Act 1962 or pursuant to a written agreement. The information is only valid at the time and in the form obtained from the LANDATA® System. None of the State of Victoria, LANDATA®, Victorian Land Registry Services Pty. Ltd. ABN 86 627 986 396 as trustee for the Victorian Land Registry Services Trust ABN 83 206 746 897 accept responsibility for any subsequent release, publication or reproduction of the information.



Lodged

230384 2301 MISC #0 T322064K

230384 1142 MISC #59 T226571Q

T322064K

.....MATERIALIZED.....

Code.....344700.....

1x Agreement

APPLICATION BY A RESPONSIBLE AUTHORITY
Under Section 181 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(s) of Title to the land referred to:

LAND : Being Lot 16 Section 49 Block F on Plan of Subdivision No. 2380 Parish of Mildura and being the land described in Certificate of Title Volume 8159 Folios 749, 074 and 075 AMENDED 10185

ADDRESS OF LAND: San Mateo Avenue, Mildura South

23 SEP 1994
With consent of
Mildura Shire Council

RESPONSIBLE AUTHORITY: THE PRESIDENT COUNCILLORS AND RATEPAYERS OF THE SHIRE OF MILDURA of PO Box 366, Irymple, 3498 of Fifteenth Street, Irymple, 3498

PLANNING SCHEME: MILDURA SHIRE PLANNING SCHEME

AGREEMENT DATE: 14th Jan 1994

AGREEMENT WITH: FELICE ALESSI and TERESA ALESSI both of San Mateo Avenue Mildura South

A COPY OF THIS AGREEMENT IS ATTACHED TO THIS APPLICATION

Signature for the Responsible Authority

BYLL CATHCART

Name of Officer

28TH JULY 1994

Date

1/9/94

2455 T226671Q
THE COUNCIL OF THE SHIRE
OF MILDURA

- AND -

FELICE ALESSI and TERESA
ALESSI - LOT 16

AGREEMENT

MARTIN & TOOSE,
Solicitors,
146 Lime Avenue,
MILDURA, VIC., 3500

Phone (050) 23 7900
KEM:KMB

THIS AGREEMENT is made the

14th

day of

July

1994

BETWEEN:

THE PRESIDENT COUNCILLORS AND RATEPAYERS OF THE SHIRE OF MILDURA

of Irymple, in the State of Victoria ("the Council")

of the One Part

- and -

FELICE ALESSI and TERESA ALESSI both of San Mateo Avenue, Mildura South
in the State of Victoria ("the Owners")

of the Other Part

WHEREAS :

- A. The Owners are registered or entitled to be registered as the proprietor of the land situate at San Mateo Avenue, Mildura South in the State of Victoria being Lot 16 Section 49 Block F on Plan of Subdivision No. 2380 Parish of Mildura County of Karkaroc and being the land described in Certificate of Title Volume 5149 Folio 749 "the subject land").
- B. The Council is the Responsible Authority under the Planning and Environment Act 1987 ("the Act") for the Mildura Shire Planning Scheme ("the Planning Scheme").
- C. The Owners have made application to the Council for a planning permit under the Planning Scheme to subdivide the land into two allotments in accordance with the Plan submitted with the Application.
- D. On the 15th August, 1989 the Council issued Permit Numbered D281/89 ("the Permit") for the proposed development subject to the conditions contained therein.
- E. Condition 7 of the Permit provides:
 - "7. Full cost footpath, kerb and channel construction and road widening agreements to be entered into with the responsible authority for the construction works along the San Mateo Avenue frontage of Lot 1 prior to the plan of subdivision being sealed.

- 2 -

- F. The Council and the Owners have agreed that without restricting or limiting their respective powers to enter this Agreement and insofar as it can be so treated this Agreement shall be treated as an Agreement under Section 173 of the Act.
- G. The Commonwealth Trading Bank of Australia is the Mortgagee under Mortgage No. F574484 which encumbers the said land.

NOW THIS AGREEMENT WITNESSETH as follows:-

1. Interpretation

In this Agreement unless inconsistent with the context or subject matter:-

"Owner" shall mean the person or persons entitled from time to time to be registered by the Registrar of Titles as the proprietor or proprietors of an estate in fee simple of the subject land or any part thereof and shall include the singular and the plural.

"the subject land" shall mean all the land referred to in Recital A hereof and any allotment of piece of land which shall be created by any subdivision of the same.

2. Owners Covenants

The owners with the intent that they covenant hereunder shall run with the subject land
HEREBY COVENANTS AND AGREES that they will:-

- a. comply with and carry out the conditions of the Permit;
- b. to pay the Council within 30 days of completion of construction the full cost of the supply and construction by Council its servants and agents and or its contractors of footpath kerb and channel and road widening along the San Mateo Avenue frontage of the subject land;
- c. to accept Council's calculation of costs as final and to make no deduction or withhold payment or any part payment for any reason whatsoever;

- 3 -

- d. do all things necessary to enable the Council to enter a Memorandum of this Agreement on the Certificate of Title to the subject land in accordance with Section 181 of the Act including signing any further agreement acknowledgement or document to enable the said Memorandum to be registered under that Section;
- e. do all things necessary including the signing of such further agreements, undertakings, covenants, consents, approvals or other documents for the purpose of ensuring that they carry out the covenants and agreements and obligations hereunder and to enable the Council to enforce the performance by the Owners of such covenants, agreements and undertakings;
- f. pay the Council's costs of and incidental to the preparation and execution of this Agreement and the registration of a Memorandum of this Agreement at the Land Titles Office pursuant to Section 181 of the Act and any duties or fees payable in connection with either the Agreement or the registration of the Memorandum at the Land Titles Office.

3. Additional Matters

- a. If any provision of this Agreement is not valid it shall not affect the validity of the other provisions of this Agreement but shall be read down or severed so as to leave the other provisions of this Agreement in effect.
- b. This Agreement shall come into effect on the date hereof.
- c. The covenants undertakings and agreements hereunder by the Owners if more than one, shall be joint and several.
- d. Any time or other indulgence granted by the Council to the Owners or any variation of the terms or conditions of this Agreement or any judgement or order obtained by either party against the other will not in any way amount to a waiver of any of the rights or remedies of the Council in relation to the terms of this Agreement.

- 4 -

- e. Upon the carrying out and completion by the Owner of the covenants and obligations under this Agreement the Council will at the request of the Owner and at the cost of the Owner certify that the provisions of this Agreement have been carried out and acknowledge that the Agreement has ended in accordance with Section 77 of the Act.

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

THE COMMON SEAL OF THE PRESIDENT 1
COUNCILLORS AND RATEPAYERS OF 1
THE SHIRE OF MILDURA was 1
hereunto affixed in the presence of: 1

Elizabeth J. Haffey.....PRESIDENT

Russell Savage.....COUNCILLOR

[Signature].....GENERAL MANAGER

SIGNED SEALED AND DELIVERED by the

said FELICE ALESSI and TERESA ALESSI in the

presence of:

1 *F. Alessi*
1 *Teresa Alessi*
1

C. Alessi

.....WITNESS

Planning & Environment Act 1987

LANNING PERMIT

Permit No. D281/89
Application No. TP 640/51.890/P
ALESSI
Mildura Shire Planning Scheme
Responsible Authority: Shire of Mildura

ADDRESS OF THE LAND.

LOT 16, SECTION 49, BLOCK F, PARISH OF MILDURA - SAN MATEO AVENUE, MILDURA
SOUTH

THE PERMIT ALLOWS

TWO LOT SUBDIVISION IN URBAN ZONE

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT.

1. All sillage and other wastes to be contained on and disposed of within the allotment so as to cause no detriment to adjoining properties.
2. This permit shall have no force or effect unless soil percolation tests have been carried out in a manner to the satisfaction of the Responsible Authority to show that the size of the allotments created can comply with condition 1 above.
3. Provision shall be made for the transfer to Council of a cash contribution equivalent to one-twentieth part of the total area of land being subdivided (Lot 1 only) for a place of public resort and recreation, as per Section 569B(8A) of the Local Government Act 1958.
4. This permit will have no force or effect until agreements are entered into with the appropriate authorities for the proposed allotments to be provided with and serviced by domestic water supply, electricity supply and telephone reticulation to the satisfaction of the Responsible Authority.
5. The proposed allotments and all buildings and structures erected thereon shall conform with the requirements of the Local Government Act 1958, Victoria Building Regulations 1983, Building Control Act 1981, Health Act and all other relevant Acts and Regulations.
6. Easements for services (including surface water drainage reticulation) shall be provided to the satisfaction of the Responsible Authority.

The issue of this permit does not obviate the necessity for complying with the requirements of any other authority pursuant to any statute or regulation.

Date issued... 15 August, 1989

Signature for the
Responsible Authority

NEIL MCGAFFIN
TOWN PLANNER

Application No. TP 640(51-890/P
PAGE 2

PERMIT NO. D281/89

Conditions continued:

- Full cost footpath, kerb and channel construction and road widening agreements to be entered into with the Responsible Authority for the construction works along the San Mateo Avenue frontage of Lot 1, prior to the plan of subdivision being sealed.
- This permit shall have no force or effect unless the applicant provides a signed undertaking in a manner to the satisfaction of the Responsible Authority that the allotments hereby created shall be connected to sewerage when the sewerage disposal system is available.
- Headworks charges for Lot 1 only, shall be paid to the Shire of Mildura at a rate to be determined by the Responsible Authority prior to the signing and sealing of the plan of subdivision.
- 0. All existing drainage contained within the residential allotment shall be disconnected from the existing drainage system for the horticultural property, unless there is a community drainage scheme in effect, in such a manner as to prevent drainage water entering onto or seeping under the residential allotment, and shall be diverted via closed conduit to the legal point of discharge, in such a manner as to not cause any detriment to the residential allotment so created.
- 1. Evidence shall be submitted to the Responsible Authority to verify that the above works have been carried out prior to the plan of subdivision being sealed by the Council of the Shire of Mildura.
- 2. Any future dwelling to be located not closer than 6m. to the road alignment.

15 August, 1989



NEIL MCGAFFIN
TOWN PLANNER

MORTGAGEE'S CONSENT

The Commonwealth Trading Bank of Australia being registered as the proprietor of a Mortgage No. F574484 which encumbers the subject land **HEREBY CONSENTS** to the Owners entering into the within Agreement.

DATED this day of 1991.

Property Report from www.land.vic.gov.au on 14 January 2021 09:39 AM

Lot and Plan Number: Lot 9 PS338780

Address: 9 EXPLORER DRIVE MILDURA 3500

Standard Parcel Identifier (SPI): 9\PS338780

Local Government (Council): MILDURA **Council Property Number:** 25320

Directory Reference: VicRoads 534 K11

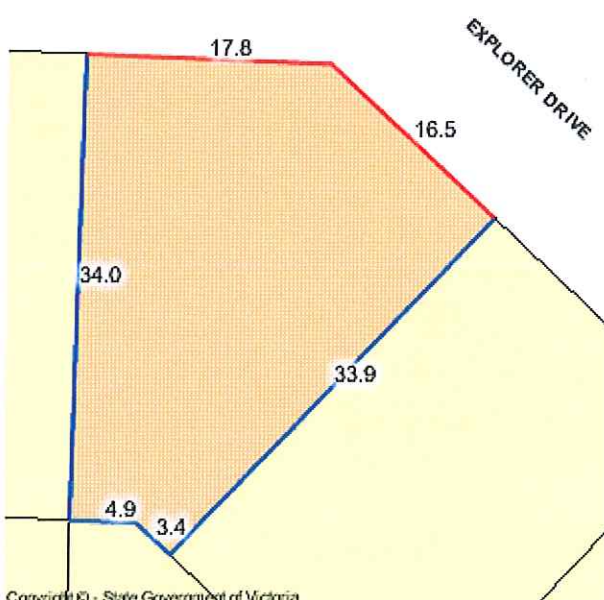
This parcel is not in a designated bushfire prone area.

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

Site Dimensions

All dimensions and areas are approximate. They may not agree with the values shown on a title or plan.



Area: 722 sq. m

Perimeter: 110 m

For this parcel:

— Site boundaries

— Road frontages

Dimensions for individual parcels require a separate search, but dimensions for individual units are generally not available.

For more accurate dimensions get copy of plan at [Title and Property Certificates](#)

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 information continued on next page

Planning Zone Summary

Planning Zone: GENERAL RESIDENTIAL ZONE (GRZ)
GENERAL RESIDENTIAL ZONE - SCHEDULE 1 (GRZ1)

Planning Overlays: DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY (DCPO)
DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY - SCHEDULE 1 (DCPO1)
DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY - SCHEDULE 2 (DCPO2)
SPECIFIC CONTROLS OVERLAY (SCO)
SPECIFIC CONTROLS OVERLAY - SCHEDULE 1 (SCO1)

Planning scheme data last updated on 13 January 2021.

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 and local policy, particular, general and operational provisions of the local planning scheme that may affect the use of this 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 and Environment Act 1987*.

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

To obtain a Planning Certificate go to [Titles and Property Certificates](#)

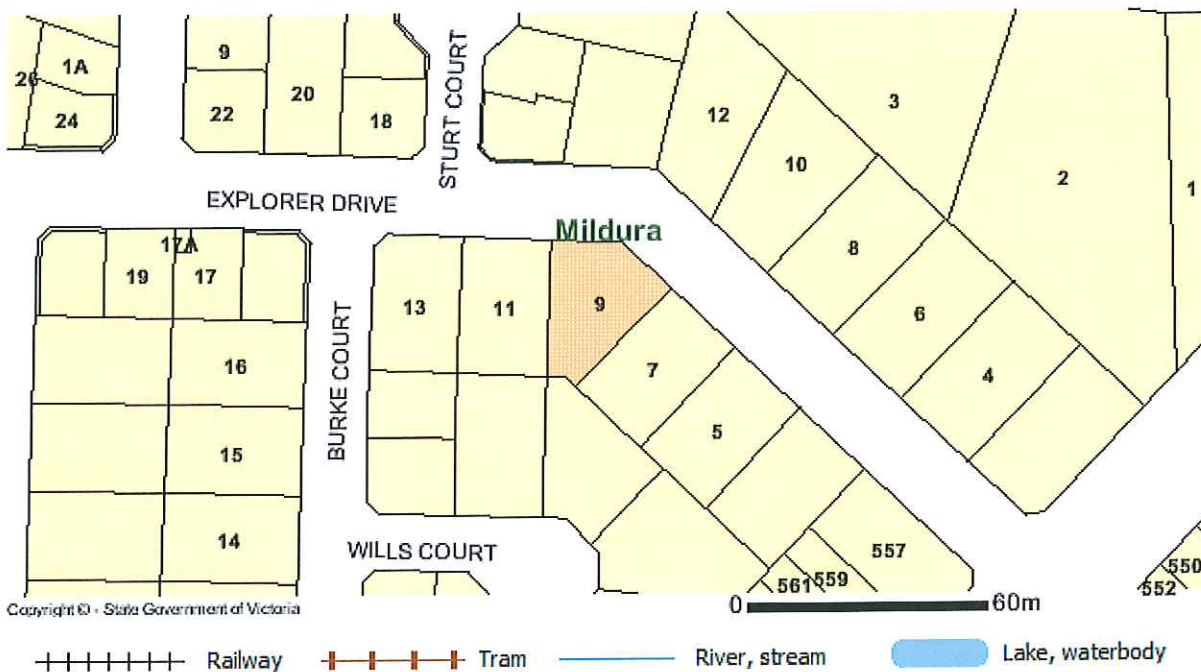
The Planning Property Report includes separate maps of zones and overlays

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

Area Map



PLANNING PROPERTY REPORT



Environment,
Land, Water
and Planning

From www.planning.vic.gov.au at 14 January 2021 09:40 AM

PROPERTY DETAILS

Address: **9 EXPLORER DRIVE MILDURA 3500**
Lot and Plan Number: **Lot 9 PS338780**
Standard Parcel Identifier (SPI): **9\PS338780**
Local Government Area (Council): **MILDURA**
Council Property Number: **25320**
Planning Scheme: **Mildura**
Directory Reference: **Vicroads 534 K11**

www.mildura.vic.gov.au

[Planning Scheme - Mildura](#)

UTILITIES

Rural Water Corporation: **Lower Murray Water**
Urban Water Corporation: **Lower Murray Water**
Melbourne Water: **Outside drainage boundary**
Power Distributor: **POWERCOR**

[View location in VicPlan](#)

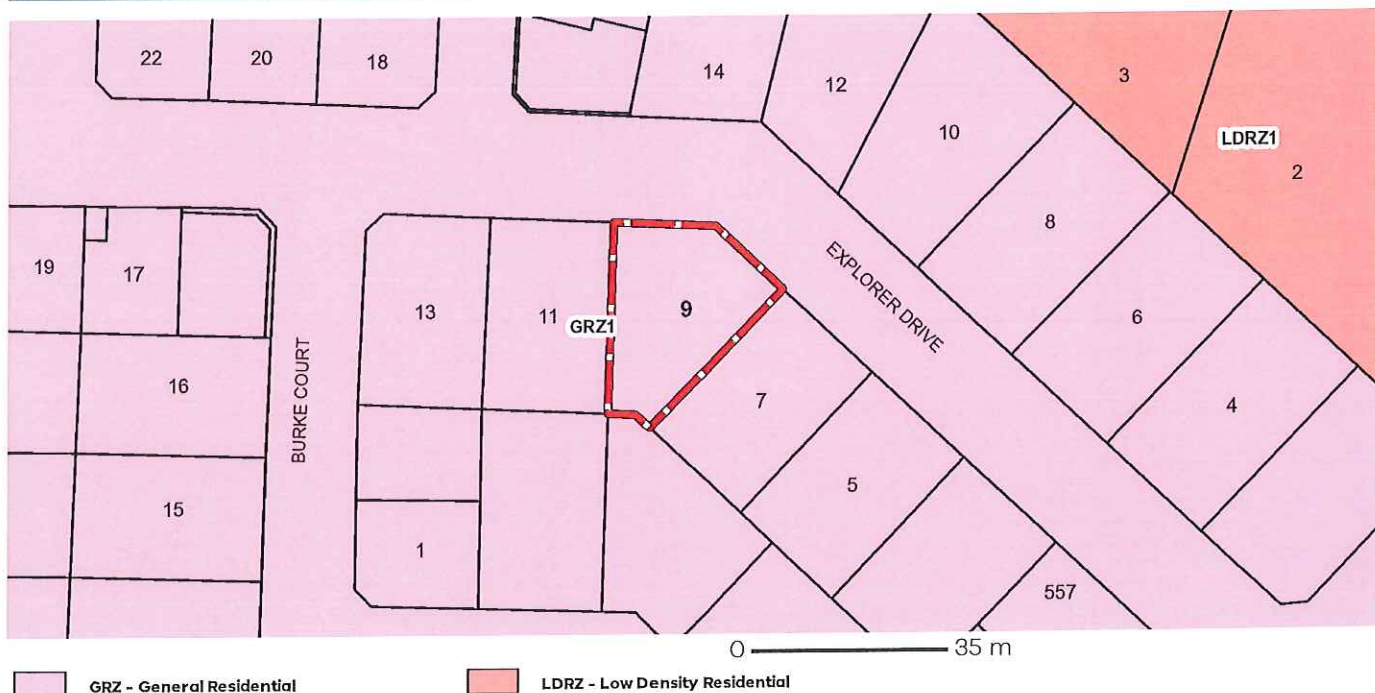
STATE ELECTORATES

Legislative Council: **NORTHERN VICTORIA**
Legislative Assembly: **MILDURA**

Planning Zones

GENERAL RESIDENTIAL ZONE (GRZ)

GENERAL RESIDENTIAL ZONE - SCHEDULE 1 (GRZ1)



GRZ - General Residential

LDRZ - Low Density Residential

Note: labels for zones may appear outside the actual zone - please compare the labels with the legend.

PLANNING PROPERTY REPORT



Environment,
Land, Water
and Planning

Planning Overlays

DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY (DCPO)

DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY - SCHEDULE 1 (DCPO1)

DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY - SCHEDULE 2 (DCPO2)



DCPO - Development Contributions Plan

Note: due to overlaps, some overlays may not be visible, and some colours may not match those in the legend

SPECIFIC CONTROLS OVERLAY (SCO)

SPECIFIC CONTROLS OVERLAY - SCHEDULE 1 (SCO1)



SCO - Specific Controls

Note: due to overlaps, some overlays may not be visible, and some colours may not match those in the legend

PLANNING PROPERTY REPORT



Environment,
Land, Water
and Planning

Planning Overlays

OTHER OVERLAYS

Other overlays in the vicinity not directly affecting this land

DESIGN AND DEVELOPMENT OVERLAY (DDO)



Note: due to overlaps, some overlays may not be visible, and some colours may not match those in the legend

Further Planning Information

Planning scheme data last updated on 13 January 2021.

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 and local policy, particular, general and operational provisions of the local planning scheme that may affect the use of this land can be obtained by contacting the local council

or by visiting <https://www.planning.vic.gov.au>

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

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

To obtain a Planning Certificate go to Titles and Property Certificates at Landata - <https://www.landata.vic.gov.au>

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

<https://mapshare.maps.vic.gov.au/vicplan>

For other information about planning in Victoria visit <https://www.planning.vic.gov.au>

PLANNING PROPERTY REPORT

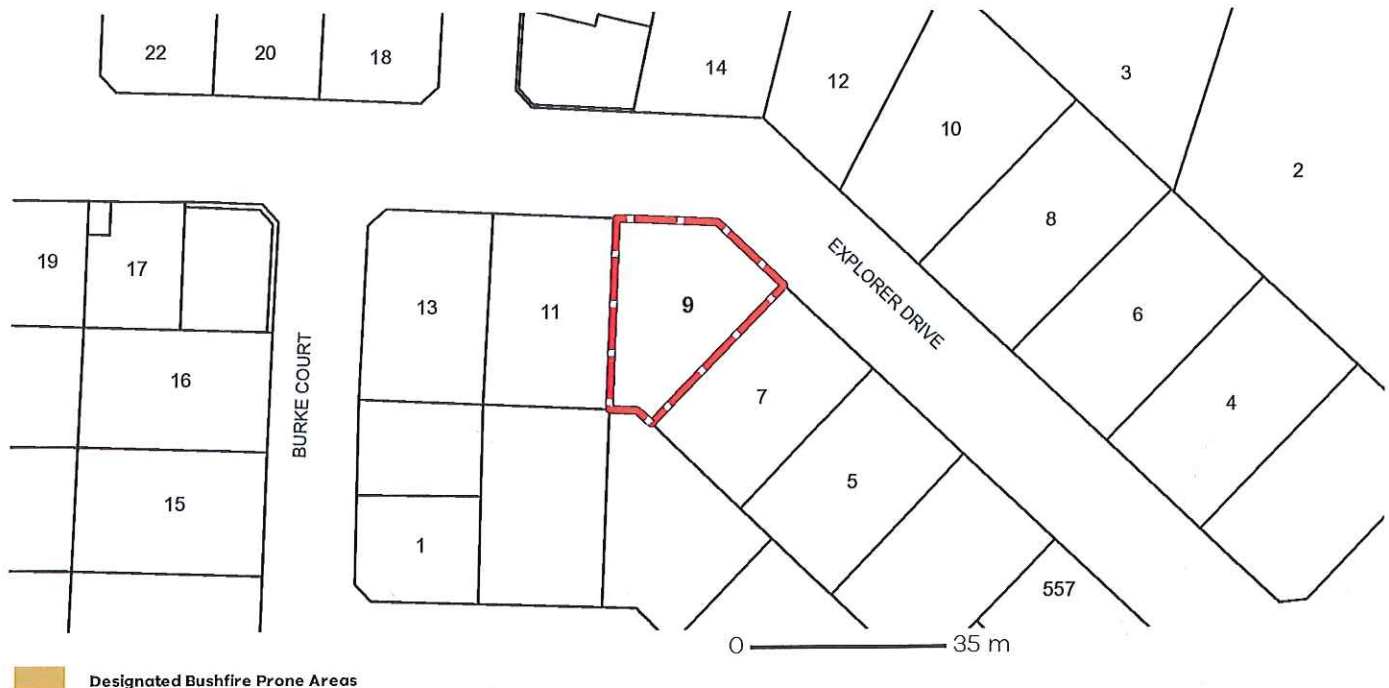


Environment,
Land, Water
and Planning

Designated Bushfire Prone Areas

This property is not in a designated bushfire prone area.

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



Designated bushfire prone areas as determined by the Minister for Planning are in effect from 8 September 2011 and amended from time to time.

The Building Regulations 2018 through application of the Building Code of Australia, apply bushfire protection standards for building works in designated bushfire prone areas.

Designated bushfire prone areas maps can be viewed on VicPlan at <https://mapshare.maps.vic.gov.au/vicplan> or at the relevant local council.

Note: prior to 8 September 2011, the whole of Victoria was designated as bushfire prone area for the purposes of the building control system.

Further information about the building control system and building in bushfire prone areas can be found on the Victorian Building Authority website <https://www.vba.vic.gov.au>

Copies of the Building Act and Building Regulations are available from <http://www.legislation.vic.gov.au>

For Planning Scheme Provisions in bushfire areas visit <https://www.planning.vic.gov.au>

**ATTACHMENT TO REQUEST FOR INFORMATION
BUILDING REGULATION 51
SALINITY AFFECTING THE MUNICIPALITY**

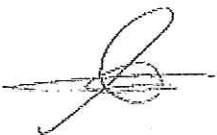
Some land within the municipality of the Mildura Rural City Council contains high levels of salt resulting in a condition commonly referred to as 'salinity'. Salinity can result in 'salt damp' or 'rising damp and salt attack' which can cause damage to certain building materials such as concrete and masonry.

Council recommends that you make your own inquiries regarding the presence of high salinity on land which you own or are considering to purchase.

If you are proposing to construct buildings on land in the municipality, you should ascertain whether or not special measures should be taken during the construction of these buildings to minimise any effects that salinity may have.

Council provides this information to assist you to make informed decisions about existing buildings or the construction of new buildings in high salinity areas.

Yours sincerely

A handwritten signature in dark ink, appearing to be 'Mark Yantses', written over a horizontal line.

Mark Yantses

MUNICIPAL BUILDING SURVEYOR

MY/jb

Due diligence checklist for home buyers

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. This page contains links to organisations and web pages that can help you learn more.

From 1 October 2014, all sellers or estate agents must make this checklist available to potential buyers.

Sellers or estate agents must:

- ensure copies of the due diligence checklist are available to potential buyers at any open for inspection
- include a link to this webpage ([consumer.vic.gov.au/due diligence checklist](http://consumer.vic.gov.au/due-diligence-checklist)) or include a copy on any website maintained by the estate agent or the seller (if no estate agent is acting for the seller).

You can print additional copies of the [Due diligence checklist {Word, 140KB}](#).

Urban living

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.

For more information, visit the [Commercial and industrial noise page on the Environment Protection Authority website](#) and the [Odour page on the Environment Protection Authority website](#).

Buying into 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.

For more information, view our [Owners Corporations section](#) and read the [Statement of advice and information for prospective purchasers and lot owners \(Word, 53KB\)](#).

Growth areas

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

For more information, visit the [Growth Areas Infrastructure Contribution page on the Department of Planning, Transport and Local Infrastructure website](#).

Flood and fire risk

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.

More information:

- [Australian Flood Risk Information Portal - Geoscience Australia website](#)
- [Melbourne Water website](#)
- [Mallee Catchment Management Authority website](#)
- » [North Central Catchment Management Authority website](#)
- [Glenelg Hopkins Catchment Management Authority website](#)
- [North East Catchment Management Authority website](#)
- [Wimmera Catchment Management Authority website](#)
- [West Gippsland Catchment Management Authority website](#)
- » [Bushfire Management Overlay in planning schemes - Department of Transport, Planning and Local infrastructure website](#)
- [Building in bushfire prone areas - Department of Transport, Planning and Local Infrastructure website.](#)

Rural properties

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. For information about what impacts you should expect and how to manage them, visit the [new landholders section on the Department of Environment and Primary Industries website](#).
- » Are you considering removing native vegetation? There are regulations which affect your ability to remove native vegetation on private property. The limitations on clearing and processes for legal clearing are set out on the [Native Vegetation page on the Department of Environment and Primary industries website](#).
- » Do you understand your obligations to manage weeds and pest animals? Visit the [New landholders section on the Department of Environment and Primary Industries website](#).
- Can you build new dwellings? Contact the local council for more information.
- » 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? For more information, visit the [Department of Environment and Primary Industries website](#).

Earth resource activity, such as mining

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.

For more information, visit the [CeoVic page on the Department of State Development Business and Innovation website](#) and the [Information for community and landholders page on the Department of State Development Business and Innovation website](#).

Soil and groundwater contamination

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.

For information on sites that have been audited for contamination, visit the [contaminated site management page on the Environment Protection Authority website](#).

For guidance on how to identify if land is potentially contaminated, see the Potentially Contaminated Land General Practice Note June 2005 on the [Miscellaneous practice and advisory notes page on the Department of Planning and Community Development website](#).

Land boundaries

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.

For more information, visit the [Property and land titles page on the Department of Transport, Planning and Local Infrastructure website](#).

Planning controls affecting 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.

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.

The local council can give you advice about planning schemes, as well as details of proposed or current planning permits. For more information, visit the [Planning Schemes Online on the Department of Planning and Community Development website](#).

A cultural heritage management plan or cultural heritage permit may be required prior to works being undertaken on the property. [The Aboriginal Heritage Planning Tool on the Department of Premier and Cabinet website](#) can help determine whether a cultural heritage management plan is required for a proposed activity

Safety

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.

For more information, visit the [Consumers section on the Victorian Building Authority website](#) and the [Energy Safe Victoria website](#).

Building permits

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.

For more information about building regulation, visit our Building and renovating section.

Aboriginal cultural heritage and building plans

For help to determine whether a cultural heritage management plan is required for a proposed activity, visit the [Aboriginal Cultural Heritage Planning Tool section on the Department of Premier and Cabinet website](#).

Insurance cover for recent building or renovation works

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

You can find out more about insurance coverage on the [Owner builders page on the Victorian Building Authority website](#) and [Domestic building insurance page on the Victorian Building Authority website](#).

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.

For more information, visit the [Choosing a retailer page on the Your Choice website](#).

For information on possible impacts of easements, visit the [Caveats, covenants and easements page of the Department of Transport, Planning and Local Infrastructure website](#).

For information on the National Broadband Network (NBN) visit the [NBN Co website](#).

Buyers' rights

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.

For more information, view our [Buying property section](#).

Professional associations and bodies that may be helpful:

* Archicentre website

[Association of Consulting Surveyors Victoria website](#)

[Australian Institute of Conveyancers \(Victorian Division\) website](#)

[Institute of Surveyors Victoria website](#)

[Law institute of Victoria website](#)

[Real Estate Institute of Victoria website](#)

[Strata Community Australia \(Victoria\) website](#).

Government of Victoria (Consumer Affairs Victoria) 2014

<http://www.consumer.vic.gov.au/duediligencechecklist> 5/5

Vendor: Judith Ann Smith

—

Vendor's Section 32 Statement

—

Property: 9 Explorer Drive, Mildura

Vendor's Conveyancer:
ALLSTATE CONVEYANCING SERVICES PTY. LTD.
Of 170 Eighth Street, Mildura, Vic, 3500.

Phone: 03 50 235355
Facsimile: 03 50 235653
Ref: 21026 Smith JA (Sally)