

SECTION 32 STATEMENT

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

Vendor: Joshua Ryan Southwell and Holly Ann Southwell

Property: 5 Soho Court MILDURA VIC 3500

VENDORS REPRESENTATIVE
Mildura Property Transfers Pty Ltd
124A Eighth Street, Mildura 3500

PO Box 1012
MILDURA VIC 3502

Tel: 03 5022 9300
Email: warrick@mildurapropertytransfers.com.au

Ref: Warrick Watts

SECTION 32 STATEMENT
5 SOHO COURT MILDURA VIC 3500

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 |
|----------------------------|---------------------------------------|---------------|
| Mildura Rural City Council | \$3,345.22 | Per annum |
| Lower Murray Water | \$ 174.22 | Per quarter |

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*.

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(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):-

Is as follows:-

Building Permit BS-U 14142/20170220/0 and

Building Permit BS-U 29378-20170377/0

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

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- (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 staged payment approval;~~
 - ~~— 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 |
| Gas supply | Connected |
| Water supply | Connected |
| Sewerage | Connected |
| Telephone services | 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.

9. TITLE

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*

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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

20 / 9 /20 21

Name of the Vendor

Joshua Ryan Southwell and Holly Ann Southwell

Signature/s of the Vendor


*
J Southwell

The Purchaser acknowledges being given a duplicate of this statement signed by the Vendor before the Purchaser signed any contract.

DATE OF THIS ACKNOWLEDGMENT

/ /20 21

Name of the Purchaser

Signature/s of the Purchaser

x

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 11824 Folio 956

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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, past, present and emerging.

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

VOLUME 11824 FOLIO 956

Security no : 124092504557W
Produced 16/09/2021 10:10 AM

LAND DESCRIPTION

Lot 28 on Plan of Subdivision 724025W.
PARENT TITLE Volume 11824 Folio 876
Created by instrument PS724025W 10/10/2016

REGISTERED PROPRIETOR

Estate Fee Simple
Joint Proprietors
JOSHUA RYAN SOUTHWELL
HOLLY ANN SOUTHWELL both of 5 SOHO COURT MILDURA VIC 3500
AQ580431W 21/12/2017

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AQ580432U 21/12/2017
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.

AGREEMENT Section 173 Planning and Environment Act 1987
AG914487X 09/12/2009

DIAGRAM LOCATION

SEE PS724025W 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: 5 SOHO COURT MILDURA VIC 3500

ADMINISTRATIVE NOTICES

NIL

eCT Control 00200Q NATIONAL AUSTRALIA BANK (STATE SECURITIES)
Effective from 21/12/2017

DOCUMENT END

The Information supplied has been obtained by Dye & Durham Property Pty Ltd who is licensed by the State of Victoria to provide this information via LANDATA® System. Delivered at 16/09/2021, for Order Number 70364023. Your reference: WW.

Signed by Council: Mildura Rural City Council, PP Ref: Stage 3, Cert Ref: 007.2007.00000128.002, Original Certification: 17/11/2015, S.O.G.: 16/08/2016, Amendments accepted: 10/10/2016

| | | | | |
|---|--|---|------------------|-----------------------------|
| PLAN OF SUBDIVISION | | LR use only EDITION 1 | PS724025W | |
| <p style="text-align: center;">Location of Land</p> <p>Parish: MILDURA Township: _____, BLOCK E Section: 22 Crown Allotment: B(Pt) Crown Portion: _____</p> <p>Title References: Vol 11824 Fol 876</p> <p>Lost Plan Reference: PS724024Y (LOT B)</p> <p>Postal Address: CENTRAL PARK DRIVE, MILDURA, 3500.</p> <p>MGA94 Co-ordinates: E 603870 (01 approx. centre of plan) N 6215680 Zone 54</p> | | <p>COUNCIL NAME : MILDURA RURAL CITY COUNCIL</p> | | |
| Vesting of Roads or Reserves | | Notations | | |
| Identifier | Council/Body/Person | | | |
| ROAD RI RESERVE No.1 | MILDURA RURAL CITY COUNCIL MILDURA RURAL CITY COUNCIL | | | |
| Notations | | | | |
| Depth Limitation: 15-24 Metres applies to all land in this plan. | | | | |
| Survey:- This plan is / is not based on survey. LOT 1 TO 13 (BOTH INCLUSIVE) ARE OMITTED FROM THIS PLAN. <i>To be completed where applicable.</i> This survey has been connected to permanent marks no(s). In Proclaimed Survey Area no. _____ Staging This is is not a staged subdivision Planning Permit No. 009.2007.00000128.004 | | | | |
| Easement Information | | | | |
| Legend: | | LR use only | | |
| E - Encumbering Easement or Condition in Crown Grant in the Nature of an Easement A - Appurtenant Easement R - Encumbering Easement (Road) | | Statement of Compliance / Exemption Statement | | |
| Easement Reference | Purpose | Width (Metres) | Origin | Land Benefited/In Favour Of |
| | SEE | | SHEET | 2 |
| | | Received <input checked="" type="checkbox"/> | | |
| | | Date 9/9/16 | | |
| | | LR use only | | |
| | | PLAN REGISTERED | | |
| | | TIME 12:48 PM | | |
| | | DATE 10/10/16 | | |
| | | G. ANGELINI Assistant Registrar of Titles | | |
| LICENSED SURVEYOR: ROBERT BRUCE FREEMAN REF 9053/B | | DIGITALLY SIGNED | | |
| VERSION 3 | | Sheet 1 of 3 Sheets | | |
| | | Original sheet size A3 | | |
| <p>FREEMAN & FREEMAN LAND SURVEYORS PO BOX 2135 MILDURA VIC 3502 TELEPHONE: (03) 50236239 EMAIL: ffsurvey@ncable.com.au</p> | | | | |

Signed by Council: Mildura Rural City Council, PP Ref: Stage 3, Cert Ref: 007-2007.00000128.002, Original Certification: 17/11/2015, S.O.C.: 16/08/2016. Amendments accepted: 10/10/2016

PLAN OF SUBDIVISION

PS724025W

Easement Information

Legend: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)

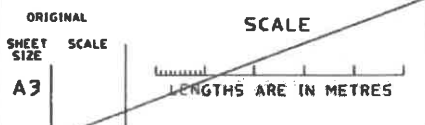
| Easement Reference | Purpose | Width (Metres) | Origin | Land Benefited/In Favour Of |
|--------------------|--|----------------|--|--|
| E-1 | PIPELINE OR ANCILLARY PURPOSES DRAINAGE | 4 | PS724024Y & SEC.136 WATER ACT 1989 PS724024Y | LOWER MURRAY URBAN & RURAL WATER CORPORATION MILDURA RURAL CITY COUNCIL |
| E-2 | PIPELINE OR ANCILLARY PURPOSES | 2 | PS724024Y & SEC.136 WATER ACT 1989 | LOWER MURRAY URBAN & RURAL WATER CORPORATION |
| E-3 | DRAINAGE | SEE DIAG. | PS724024Y | MILDURA RURAL CITY COUNCIL |
| E-4 | DRAINAGE | 3 | PS724024Y | MILDURA RURAL CITY COUNCIL |
| E-5 | DRAINAGE PIPELINE OR ANCILLARY PURPOSES | 3-50 | PS724024Y PS724024Y & SEC.136 WATER ACT 1989 | MILDURA RURAL CITY COUNCIL LOWER MURRAY URBAN & RURAL WATER CORPORATION |
| E-6 | PIPELINE OR ANCILLARY PURPOSES DRAINAGE | 3 | PS724024Y & SEC.136 WATER ACT 1989 PS724024Y | LOWER MURRAY URBAN & RURAL WATER CORPORATION MILDURA RURAL CITY COUNCIL |
| E-7 | DRAINAGE | 1-50 | THIS PLAN | MILDURA RURAL CITY COUNCIL |
| E-8 | PIPELINE OR ANCILLARY PURPOSES | 2 | THIS PLAN & SEC.136 WATER ACT 1989 | LOWER MURRAY URBAN & RURAL WATER CORPORATION |
| E-9 | PIPELINE OR ANCILLARY PURPOSES DRAINAGE | 2 | THIS PLAN & SEC.136 WATER ACT 1989 THIS PLAN | LOWER MURRAY URBAN & RURAL WATER CORPORATION MILDURA RURAL CITY COUNCIL |
| E-10 | PIPELINE OR ANCILLARY PURPOSES DRAINAGE | 2-50 | PS724024Y & SEC.136 WATER ACT 1989 PS724024Y | LOWER MURRAY URBAN & RURAL WATER CORPORATION MILDURA RURAL CITY COUNCIL |

FREEMAN & FREEMAN

LAND SURVEYORS

PO BOX 2135 MILDURA VIC 3502
TELEPHONE: (03) 50236239
EMAIL: ffsurvey@ncoble.com.au

SHEET 2 OF 3 SHEETS



LICENSED SURVEYOR: ROBERT BRUCE FREEMAN

DIGITALLY SIGNED

REF 9053/B

VERSION 3

Signed by Council: Mildura Rural City Council, PP Ref: Stage 3, Cert Ref: 007.2007.00000128.002, Original Certification: 17/11/2015, S.O.C.: 18/06/2016, Amendments accepted: 10/10/2016

PLAN OF SUBDIVISION

PS724025W



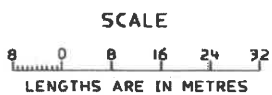
FREEMAN & FREEMAN

LAND SURVEYORS

PO BOX 2135 MILDURA VIC 3502
 TELEPHONE: (03) 50236239
 EMAIL: ffsurvey@ncable.com.au

SHEET 3 OF 3 SHEETS

| | |
|---------------------|-------|
| ORIGINAL SHEET SIZE | SCALE |
| A3 | 1:800 |



LICENSED SURVEYOR: ROBERT BRUCE FREEMAN
 DIGITALLY SIGNED
 REF 9053/B VERSION 3



Mildura Rural City Council

Plan of Subdivision PS724025W
Certification of plan by Council (Form 2)

SUBDIVISION (PROCEDURES) REGULATIONS 2011

SPEAR Reference Number: S066837A
Plan Number: PS724025W
Responsible Authority Name: Mildura Rural City Council
Responsible Authority Permit Ref. No.: Stage 3
Responsible Authority Certification Ref. No.: 007.2007.00000128.002
Surveyor's Plan Version: 3

Certification

☑ This plan is certified under section 6 of the Subdivision Act 1988

Public Open Space

A requirement for public open space under section 18 of the Subdivision Act 1988

☒ Has not been made at Certification

Digitally signed by Council Delegate: Natalie Dean
Organisation: Mildura Rural City Council
Date: 17/11/2015



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FORM 18

Section 181

APPLICATION BY RESPONSIBLE AUTHORITY FOR THE MAKING OF A RECORDING OF AN AGREEMENT

Planning and Environment Act 1987

Lodged by:

Name: Martin Irwin & Richards Lawyers
Phone: 03 50237900
Address: 61 Deakin Avenue, Mildura VIC 3500
Ref: BERRY
Customer Code: 1008B

The Authority having made an agreement referred to in Section 181(1) of the *Planning and Environment Act 1987* requires a recording to be made in the Register for the land.

LAND: Lot 2 on Plan of Subdivision 201737R contained in Certificate of Title Volume 9657 Folio 868

AUTHORITY: Mildura Rural City Council of 108-116 Madden Avenue, Mildura, Victoria 3500

Section and Act under which agreement is made: Section 173 of the *Planning and Environment Act 1987*.

A COPY OF THIS AGREEMENT IS ATTACHED TO THIS APPLICATION

Signature of Authority 

Name of Officer Mark Henderson

Date 24.11.09

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✓
MILDURA RURAL CITY COUNCIL

and

✓
**LOWER MURRAY URBAN AND RURAL
WATER CORPORATION**

and

✓
**ROBERT ALFRED BERRY and MICHELE
GWYNNE BERRY**

**SECTION 173 AGREEMENT
425 ONTARIO AVENUE MILDURA**



**Martin Irwin & Richards
Lawyers
61 Deakin Avenue
MILDURA VIC 3500
DX 50022 MILDURA**

**Phone: 03 5023 7900
Fax: 03 5021 2700
Ref: KEM:DD 09-1974**

AG914487X



Section 173 Agreement – 425 Ontario Avenue, Mildura

THIS AGREEMENT is made on the *24* day of *November*, 2009.

PARTIES

BETWEEN *✓* **MILDURA RURAL CITY COUNCIL** of 108 – 116 Madden Avenue, Mildura in the State of Victoria ("the Council")

And

✓ **LOWER MURRAY URBAN AND RURAL WATER CORPORATION** of Fourteenth Street, Mildura in the State of Victoria ("the Water Corporation")

And

✓ **ROBERT ALFRED BERRY and MICHELE GWYNNE BERRY** both of Ontario Avenue Mildura in the State of Victoria ("the Owners")

RECITALS

- A. The Owners are registered or entitled to be registered as the proprietors of the land situate at 425 Ontario Avenue Mildura in the State of Victoria being the land known as Lot 2 on Plan of Subdivision 201737R and described in Certificate of Title Volume 9657 Folio 868 ("the land"). *✓*
- B. The Council is the responsible authority under the Planning and Environment Act 1987 ("the Act") for the Mildura Planning Scheme ("the Planning Scheme"). *✓*
- C. The Water Authority is the responsible authority for provision of water and sewerage for the subject and surrounding land. *✓*
- D. The Owners have made an application for the Council for a planning permit under the Planning Scheme for a twenty-nine (29) lot subdivision (staged residential subdivision) of the subject land ("the Development"). *✓*
- E. On 3 December 2008 2009 Council issued Permit numbered P07/128 and amended on 9 September 2009 ("the Permit") for the proposed development subject to the conditions contained therein. *✓*

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Section 173 Agreement – 425 Ontario Avenue, Mildura

F. Condition 3 of the permit provides:

MRCC

3. Prior to the issue of a Statement of Compliance of Stage 1 the owner must enter into an agreement with the Responsible Authority in accordance with Section 173 of the Planning and Environment Act, 1987. The agreement must be prepared by Council to provide the following:

- Construction of Ontario Avenue frontage to Lot 1 PS627695P frontage 47.97m which will include the following:
 - road design documentation (including plan checking and supervision fees);
 - road widening, footpath, naturestrip treatment, kerb and channel, concrete driveway, street lighting and drainage to the satisfaction of the Relevant Authority. These works are at full cost to the owner of Lot A on PS627695P .

This agreement is to be registered on the title of Lot A PS627695P.

G. Condition 38 of the Permit provides:

DEPARTMENT OF SUSTAINABILITY AND ENVIRONMENT

38. Prior to the issue of a Statement of Compliance the owner must enter into an agreement with the Responsible Authority in accordance with Section 173 of the Planning and Environment Act, 1987. The agreement must be prepared by Council to provide the following:

- Lot 23 of planning permit number P07/128 has an Interpreted Urban Salinity Risk of Very High and that no development is permitted on the lot.

H. Condition 39 of the Permit provides:

LOWER MURRAY WATER

39. Prior to the issue of a Statement of Compliance for Stage 1 the owner must enter into an agreement with the Responsible Authority and Lower Murray Water made pursuant to Section 173 of the Planning and Environment Act 1987. As per Section 174, the agreement must be under

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Section 173 Agreement – 425 Ontario Avenue, Mildura

seal and must bind the owner to the following covenant which also must be specified in the agreement:

- The owners of lot 1 created by this subdivisions must pay the full apportioned cost, including relevant changes, for the provision of sewerage services to the allotment in the event that reticulated sewerage becomes available to the land as a result of development of nearby adjoining land requiring sewerage.

The Responsible Authority must make application to the Registrar of Titles to have the agreement registered on the title to the land under Section 181 of the Act. ✓

The owner must pay the costs of the preparation, execution and registration of the Section 173 Agreement.

NOW THIS AGREEMENT WITNESSETH as follows:

1. INTERPRETATION:

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

“Full apportioned cost” shall mean the total cost of the scheme apportioned amongst all the contributing allotments in the scheme including relevant charges.

“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 and/or the subject land or any part thereof and shall include the singular and the plural.

“the Subject Land” shall mean Lot 2 on Plan of Subdivision 201737R being the land referred to in Recital A hereof and any allotment or piece of land which shall be created by any subdivision of the same.

2. OWNER'S COVENANTS:

The Owners with the intent that the covenants hereunder shall run with the subject land **HEREBY COVENANT AND AGREE** that they:

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Section 173 Agreement – 425 Ontario Avenue, Mildura

- (a) will comply with and carry out the conditions of the Permit;
- (b) will do all things necessary to enable the Council to enter a Memorandum of this Agreement on the Certificates of Title to the subject land in accordance with Section 181 of the Act including signing any further agreement acknowledgment or document to enable the said Memorandum to be registered under that Section;
- (c) will 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;
- (d) will 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;
- (e) will construct the Ontario Avenue frontage to Lot 1 on PS627695P frontage 47.97m which will include the following: road design documentation (including kerb checking and supervision fees) road widening, footpath naturestrip treatment, kerb and channel, street lighting and drainage to the satisfaction of the Council when requested to do so by Council and acknowledge that such works are at full cost to the owner of Lot A on PS627695P;
- (f) commence works within 30 days of receipt of a notice from Council requiring the commencement of the same and complete the same as

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Section 173 Agreement – 425 Ontario Avenue, Midura

soon as practicable thereafter. In default of compliance with this requirement, Council may undertake and or complete the works at the cost of the Owner in accordance with the provisions of clause 4 hereof;

- (g) follow the reasonable directions of the Council in respect of the nature of the works to be undertake pursuant to clause 2(e);
- (h) pay the full costs of the works to be undertaken pursuant to clause 2(e) including the Council's fees for construction supervision and plan checking;
- (i) will notify any future purchaser of the land of the existence of this agreement;
- (j) acknowledge and agree that Lot 23 of planning permit P07/128 has an Interpreted Urban Salinity Risk of Very High and further acknowledge and agree that no development is permitted on the said lot.

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 shall be borne by the Owners from time to time of each of the subject land equally and in the event that there is more than one Owner of the said lot;
- d. any time or other indulgence granted by the Council to the Owner or any variation of the terms or conditions of this Agreement or any judgment or order obtained by either party against the other will not in anyway amount

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Section 173 Agreement – 425 Ontario Avenue, Mildura

to a waiver of any of the rights or remedies of the Council in relation to the terms of this Agreement;

- e. upon the carrying out and completion by the Owners of the covenants and obligations under this Agreement the Council will at the request of the Owners and at the cost of the Owners certify that the provisions of this Agreement have been carried out and acknowledge that the Agreement has ended in accordance with Section 177 of the Act.
- f. the obligation of the Owners for the works, costs of works required pursuant to clause 2(e), (f), (g), (h) & (i) hereof and notification.

4. WATER CORPORATION

- (a) The Owners of Lot 1 created by the subdivisions will pay the full apportioned costs, including relevant changes, for the provision of sewerage services to the allotment in the event that reticulated sewerage becomes available to the land as a result of development of nearby or adjoining land requiring sewerage;
- (b) The costs shall be payable to the Water Corporation on demand or on such terms as the Water Corporation may specify.

5. DEFAULT OF OWNERS:

In the event of the Owners defaulting or failing to perform any of the obligations under this Agreement, the Council and/or the Water Corporation may without prejudice to any other remedies rectify such default and the cost of any works undertaken by the Council and/or the Water Corporation to rectify any default shall be borne by the Owners and any such costs together with any amount payable to Council and/or the Water Corporation pursuant to this Agreement

AG914487X

09/12/2009 \$102.90 173



Section 173 Agreement – 425 Ontario Avenue, Mildura

shall be capable of being recovered by the Council and/or Water Corporation in
any Court of competent jurisdiction as a civil debt recoverable summarily.

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

AG914487X

09/12/2009 \$102.90 173



Section 173 Agreement – 425 Ontario Avenue, Mildura

THE COMMON SEAL of the)
MILDURA RURAL CITY COUNCIL)
was affixed hereto by authority of)
the Council in the presence of:)



[Signature]
Councillor Citem mike

[Signature]
Councillor Sue Nichols

[Signature]
Chief Executive Officer

THE COMMON SEAL of LOWER)
MURRAY URBAN AND RURAL)
WATER CORPORATION was)
hereunto affixed in the presence of:)



[Signature]
Chairman Director

[Signature]
Director

[Signature]
Chief Executive Officer M.D.

SIGNED SEALED & DELIVERED)
by the said ROBERT ALFRED)
BERRY in the presence of:)

[Signature]

[Signature]

SIGNED SEALED & DELIVERED)
by the said MICHELE GWYNNE)
BERRY in the presence of:)

[Signature]

[Signature]

AG914487X

09/12/2009 \$102.90 173



Section 173 Agreement – 425 Ontario Avenue, Mildura

MORTGAGEE'S CONSENT

COMMONWEALTH BANK OF AUSTRALIA being the registered Mortgagee Under Mortgage No's: M867641H and S386897G which encumbers the land described in clause 1 in the attached agreement **HEREBY CONSENTS** to the Owners, Robert Alfred Berry and Michele Gwynne Berry, encumbering the land within the Agreement.

DATED this _____ **day of** _____ **2009.**

.....
**FOR AND ON BEHALF OF THE
COMMONWEALTH BANK OF AUSTRALIA**

SIGNED, SEALED and DELIVERED in Victoria
for and on behalf of COMMONWEALTH BANK
of AUSTRALIA by its Attorney
SIMONA HILL
under Power dated 11 December 2000 a certified
copy of which is filed in Permanent Order Book
No 277 at Page 016 who certifies that ~~she~~ is
A CONVEYANCING OFFICER
Victoria of COMMONWEALTH BANK OF AUSTRALIA
In the presence of

AMENDED PLANNING PERMIT

Form 4

Permit No: P07/128
Planning Scheme: Mildura Planning Scheme
Responsible Authority: Mildura Rural City Council

ADDRESS OF THE LAND:

425 Ontario Avenue, MILDURA (Lot 2 PS 201737R Sec 22 Blk E)

AG914487X

THE PERMIT ALLOWS:

29 lot Subdivision (staged residential subdivision)



THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

- 1 The subdivision as shown on the endorsed plans must not be altered.
- 2 A landscaping plan must be submitted to Council and approved prior to any on-site planting. Nature strips must be planted in accordance with the approved landscaping plan prior to the issue of a statement of compliance.

It is the developers responsibility to maintain the landscaping during the maintenance period to the satisfaction of the responsible authority.

The developer shall ensure that the landscape plan submitted for assessment gives consideration to alternative treatments to grass.

- 3 Prior to the issue of Statement of Compliance of Stage 1 the owner must enter into an agreement with the Responsible Authority in accordance with Section 173 of the Planning and Environment Act 1987. The agreement must be prepared by Council to provide the following:

- Construction of Ontario Avenue frontage to Lot 1 PS 627695P frontage 47.97m which will include the following:

- Road design documentation (including plan checking and supervision fees), road widening, footpath, naturstrip treatment, kerb & channel, concrete driveway, street lighting & drainage to the satisfaction of the relevant Authority. These works are at full cost to the owner of Lot A on PS 627695P.

- This agreement is to be registered on title of Lot A PS 627695P.

- 4 A development contribution must be paid to the Responsible Authority in accordance with the provisions of the approved Development Contribution Plan contained in the Mildura Planning Scheme prior to the issue of Statement of Compliance of each stage.

Payment is to be made in cash, prior to the issue of Statement of Compliance. Council, in its discretion may accept works in kind in lieu of cash donations.

- 5 Developers to prepare full services layout with offsets approved by relevant authorities prior to work commencing (Co-ordination Plan) for Stage 2.

Date Issue 03 December 2008

Signature for the Responsible


GARRY HEALY
GENERAL MANAGER
ASSETS AND DEVELOPMENT

AMENDED PLANNING PERMIT

Form 4

Permit No: P07/128
Planning Scheme: Mildura Planning Scheme
Responsible Authority: Mildura Rural City Council

ADDRESS OF THE LAND:

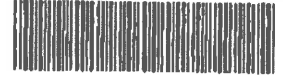
425 Ontario Avenue, MILDURA (Lot 2 PS 201737R Sec 22 Blk E)

AG914487X

09/12/2009 \$102.90 173

THE PERMIT ALLOWS:

29 lot Subdivision (staged residential subdivision)



THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

- 6 Developer to supply (at completion of works) "as constructed" Plans for Council records, in both digital Autocad and hard copy form. This is to include finished level checking by a licensed surveyor and shown on plan prior to statement of compliance of Stage 2.
- 7 Priced schedule of quantities, program of construction works and list of principal representatives to be submitted to Council prior to works commencing of Stage 2.
- 8 Payments of "Construction Supervision" and "Plan Checking" fees to be paid prior to statement of compliance of Stage 2.
- 9 Service vehicles of the single unit truck type to be able to turn to the satisfaction of the responsible authorities.
- 10 Developer to nominate a person (with technical experience acceptable to Council) to be the point of contact for all construction works prior to any start on the development of Stage 2.
- 11 On-site work are not to be started prior to having a design plan approved by Council for Stage 2.
- 12 Developer to supply Plan showing contours/levels so that easement locations can be determined for stormwater drainage prior to certification of Stage 1.
- 13 Road Design / Drainage Design for whole site including Ontario Avenue frontages to be submitted with all relevant documentation for approval to Council requirements (including a digital Autocad copy of design and co-ordination plan) prior to works commencing for Stage 2.
- 14 All concrete works within the road reserve and common property to be constructed in such a manner as to limit the damage of salt attack.
- 15 Rear boundaries of Lots 6, 7, 14, 15, 22 and the public open space area are to be built up to a maximum 300mm below existing retaining wall.
- 16 Developer to design / demonstrate how stormwater detention is achieved including construction with a sealed surface on Body Corporate (Common Property Area) area to the satisfaction of Council prior to works commencing.
- 17 All street sign (names, hazard markers and regulatory signs are to be installed to Council's and the relevant Statutory Authority's requirements.

Date Issue 03 December 2008

Signature for the Responsible

**GARRY HEALY
GENERAL MANAGER
ASSETS AND DEVELOPMENT**

AMENDED PLANNING PERMIT

Form 4

Permit No: P07/128
Planning Scheme: Mildura Planning Scheme
Responsible Authority: Mildura Rural City Council

ADDRESS OF THE LAND:

425 Ontario Avenue, MILDURA (Lot 2 PS 201737R Sec 22 Blk E)

AG914487X



THE PERMIT ALLOWS:

29 lot Subdivision (staged residential subdivision)

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

- 18 A maintenance period of three months shall apply from issue of the statement of compliance for Stage 2. The 3 month period provides time for the developer to maintain the development. A bank guarantee of 5% of the estimated cost of construction must be lodged prior to the issue of the statement of compliance for the maintenance period.
- 19 Street lighting to total site, including Ontario Avenue frontage to be provided by the developer to Powercor and MRCC requirements prior to Statement of Compliance of Stage 2.
- 20 All roadworks (concrete works to be salt resistant) stormwater drainage works and associated works including Ontario Avenue frontage are to be constructed at developers cost as per approved design plan to Council's requirements prior to Statement of Compliance of Stage 2.
- 21 The subdivider shall fence, at their own cost, the boundary of the allotments abutting any area to be reserved for public purposes. Such fencing to be the standard required by the Responsible Authority, and shall be constructed so that the fence posts and rails are not exposed on the side of the land so reserved, and shall be compatible with other residential fences within the subdivision.
- 22 Developer to provide a Road Safety Audit Report by a qualified Road Safety Audit acceptable to/registered with VicRoads on the proposed design and to incorporate any changes recommended by the audit prior to council approval for construction of Stage 2.
- 23 Street trees shall be provided throughout the subdivision. A landscape plan detailing the location of each tree, tree species and tree spacing shall be provided for approval by the Responsible Authority. The species and spacing of the trees shall be determined in consultation with Council's Environmental Services Branch.
- 24 Council will undertake street planting in the subdivision. the developer must pay Council the relevant fee per tree.
- 25 The developer shall provide adequate road design to allow for the collection of domestic garbage and recycling bins. This will include entry and exit points, adequate turning points if required and shall not require the collection vehicle to enter onto private property to complete the collection.

Date issue 03 December 2008

Signature for the Responsible



GARRY HEALY
GENERAL MANAGER
ASSETS AND DEVELOPMENT

AMENDED PLANNING PERMIT

Form 4

Permit No: P07/128
Planning Scheme: Mildura Planning Scheme
Responsible Authority: Mildura Rural City Council

ADDRESS OF THE LAND:

425 Ontario Avenue, MILDURA (Lot 2 PS 201737R Sec 22 Blk E)



THE PERMIT ALLOWS:

29 lot Subdivision (staged residential subdivision)

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

- 26 The developer shall provide adequate space for the collection of domestic waste and recycling receptacles. Each domestic garbage bin requires 0.5m and each domestic recycling bin requires 0.5m. Additional space of 0.5m is required between each bin.
- 27 The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
- 28 All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
- 29 The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.
- 30 This permit will expire if one of the following circumstances applies:
 - (a) The subdivision is not certified within two years of the date of this permit.
 - (b) The subdivision is not completed within five years of the date of certification.

The permit time may be extended pursuant to Section 69 of the Planning and Environment Act 1987 if a written request is received before the permit expires or within 3 months of the expiry date.

COUNTRY FIRE AUTHORITY

- 31 The applicant or owner must lodge a subdivision application and obtain the consent of Lower Murray Water to the subdivision pursuant to Section 11 of the Water Act 1989.
- 32 Operable hydrants, above or below ground must be provided to satisfaction of CFA.
- 33 The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelope, to rear of all lots) must be 120m and hydrants must be no more than 200m apart.

Date issue 03 December 2008

Signature for the Responsible

GARRY HEALY
GENERAL MANAGER
ASSETS AND DEVELOPMENT

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425 Ontario Avenue, MILDURA (Lot 2 PS 201737R Sec 22 Blk E)

AG914487X

09/12/2009 \$102.90 173



THE PERMIT ALLOWS:

29 lot Subdivision (staged residential subdivision)

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

- 34 Hydrants must be identified as specified in 'Identification of Street Hydrants for Firefighting purposes' available under publications on the Country Fire Authority web site (www.cfa.vic.gov.au)
- 35 Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.
- 36 Constructed roads with a minimum trafficable width of 7.3m if parking unrestricted, or 5.4m if parking prohibited on one side of road.
- 37 Constructed roads more than 60m in length from the nearest intersection must have a turning circle with a minimum radius of 8m (including roll-over kerbs if they are provided) T or Y heads of dimensions specified by the CFA may be used as alternatives.

DEPARTMENT OF SUSTAINABILITY AND ENVIRONMENT

- 38 Prior to the issue of a Statement of Compliance the owner must enter into an agreement with the Responsible Authority in accordance with Section 173 of the Planning and Environment Act, 1987 . The agreement must be prepared by Council to provide the following:

- Lot 23 of planning permit number P07/128 has an Interpreted Urban Salinity Risk of Very High and that no development is permitted on the lot.

This agreement is to be registered on the title to the land and any cost associated with its preparation must be borne by the owner.

LOWER MURRAY WATER

Date issue 03 December 2008

Signature for the Responsible

**GARRY HEALY
GENERAL MANAGER
ASSETS AND DEVELOPMENT**

AMENDED PLANNING PERMIT

Form 4

Permit No: P07/128
Planning Scheme: Mildura Planning Scheme
Responsible Authority: Mildura Rural City Council

ADDRESS OF THE LAND:

425 Ontario Avenue, MILDURA (Lot 2 PS 201737R Sec 22 Blk E)

AG914487X



THE PERMIT ALLOWS:

29 lot Subdivision (staged residential subdivision)

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

39 Prior to the issue of a Statement of Compliance for Stage 1 the owner must enter into an agreement with the Responsible Authority and Lower Murray Water made pursuant to Section 173 of the Planning and Environment Act 1987. As per Section 174, the agreement must be under seal and must bind the owner to the following covenant which also must be specified in the agreement:

- the owners of Lot 1 created by the subdivisions must pay the full apportioned cost, including relevant changes, for the provision of sewerage services to the allotment in the event that reticulated sewerage becomes available to the land as a result of development of nearby or adjoining land requiring sewerage.

The Responsible Authority must make application to the Registrar of Titles to have the agreement registered on the title to the land under Section 181 of the Act.

The owner must pay the costs of the preparation, execution and registration of the Section 173 Agreement.

40 The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the Lower Murray Water pursuant to Section 8 of that Act.

41 The requirements of the Lower Murray Water shall be met, in regard to the provision of water supply to the land, including payment of all associated costs prior to the Corporation agreeing to the issue of a Statement of Compliance.

42 The holder of this permit, or authorised agent, shall meet the Authority's requirements regarding easements in favour of the Lower Murray Water, prior to the submission of any plan of subdivision for certification.

43 The Subdivider/Developer or authorised agent must supply Lower Murray Water with a copy of the approved and signed Engineering Plan, which has been endorsed for construction, prior to the commencement of construction.

44 The subdivider/developer or authorised agent must supply Lower Murray Water with a copy of the final services layout plan (Co-ordination plan). Which has been fully signed by Council and all relevant service authorities, prior to the commencement of construction of works.

POWERCOR

Date Issue 03 December 2008

Signature for the Responsible

**GARRY HEALY
GENERAL MANAGER
ASSETS AND DEVELOPMENT**

AMENDED PLANNING PERMIT

Form 4

Permit No: P07/128
Planning Scheme: Mildura Planning Scheme
Responsible Authority: Mildura Rural City Council

ADDRESS OF THE LAND:

425 Ontario Avenue, MILDURA (Lot 2 PS 201737R Sec 22 Blk E)

AG914487X



THE PERMIT ALLOWS:

29 lot Subdivision (staged residential subdivision)

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

- 45 The applicant shall provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards (A payment to cover the cost of such work will be required). In the event that a supply is not provided the applicant shall provide a written undertaking to Powercor Australia Ltd that prospective purchasers will be so informed.
- 46 The owner/applicant shall where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply they shall be brought into compliance with the Service and installation Rules issued by the Victorian Electricity Supply Industry. The owner/applicant shall arrange compliance through a Registered Electrical Contractor
- 47 The applicant shall set aside on the plan of subdivision for the use of Powercor Australia Ltd reserves and / or easements satisfactory to Powercor Australia Ltd, where any electric substation (other than a pole mounted type) is required to service the subdivision. Powerline easements in favour of the Authority shall be appropriated for the ingress and egress of electric lines and for access. Alternatively, at the discretion of Powercor Australia Ltd, a lease(s) of the site(s) and for easements for associated powerlines, cables and access ways shall be provided. Such a lease shall be for a period of 30 years at a nominal rental with a right to extend the lease for a further 30 years. Powercor Australia Ltd will register such leases on the title by way of a caveat prior to the registration of the plan of subdivision.
- 48 The applicant shall provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on the land and for any new power lines required to service the lots and adjoining land, save for lines located, or to be located, on public roads set out on the plan. These easements shall show on the plan an easement(s) in favour of "Powercor Australia Ltd" for "Powerline Purposes" pursuant to Section 88 of the Electricity Industry Act 2000.
- 49 The applicant shall obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.
- 50 The applicant shall adjust the position of any existing easement(s) for powerlines to accord with the position of the lines(s) as determined by survey.
- 51 The applicant shall obtain Powercor Australia Ltd's approval for lot boundaries within any are affected by an easement for a powerline and for the construction of any works in such an area.

Date issue 03 December 2008

Signature for the Responsible

GARRY HEALY
GENERAL MANAGER
ASSETS AND DEVELOPMENT

AMENDED PLANNING PERMIT

Form 4

Permit No: P07/128
Planning Scheme: Mildura Planning Scheme
Responsible Authority: Mildura Rural City Council

ADDRESS OF THE LAND:

425 Ontario Avenue, MILDURA (Lot 2 PS 201737R Sec 22 Blk E)



THE PERMIT ALLOWS:

29 lot Subdivision (staged residential subdivision)

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

52 Provide to Powercor Australia Ltd, a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.

TELSTRA

- 53 The plan of subdivision submitted for certification shall be referred to Telstra or other licensed telecommunications carrier, whichever is appropriate, in accordance with Section 8 of the Subdivision Act 1988.
- 54 Telstra will not consent to the issue of a Statement of Compliance until such time as the applicant provides satisfactory evidence of compliance with the above condition.

PERMIT NOTES

It should be noted that Council will only provide routine street sweeping approximately every six weeks during this period. Street sweeping works do not include the removal of excessive red loam from street gutters.

Council will be responsible for the supply, establishment and maintenance of all trees. Council will undertake planting during May – September of each year and only when approx 90% of houses have been built and driveways constructed. Council may carryover tree planting until the following year if insufficient houses and driveways are constructed.

The developer shall where possible ensure all property owners are made fully aware of the planting proposal for the subdivision. A plan of the street tree planting shall be made available to property owners for review.

The developer shall make the occupier of the property aware that they are responsible for the ongoing maintenance of the nature strip/s.

Where applicable the developer shall provide an irrigation controller that is compatible with Council's existing requirements.

All letterboxes must be placed at least 600mm back from the footpath. Where no footpath is provided, 600mm from the back of the kerb.

Date Issue 03 December 2008

Signature for the Responsible

GARRY HEALY
GENERAL MANAGER
ASSETS AND DEVELOPMENT

AMENDED PLANNING PERMIT

Form 4

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ADDRESS OF THE LAND:

425 Ontario Avenue, MILDURA (Lot 2 PS 201737R Sec 22 Blk E)

AG914487X



THE PERMIT ALLOWS:

29 lot Subdivision (staged residential subdivision)

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

All plantings/landscaping other than approved street trees must remain on private property and not extend onto naturestrip.

Bins in courts – properties situated in courts will be required to place their domestic garbage bins on the left-hand side of the neck of the court and their recycling bin on the right hand side of the neck of the court. Collection by vehicles will not collect bins from the bowl courts. If there are any further special collection requirements Council will notify residents as they arise.

DEPARTMENT OF SUSTAINABILITY AND ENVIRONMENT

The potential for regional groundwater rebound exists and needs to be considered when ascertaining long term risks.

TELSTRA

Approval does not cover alterations to existing Telstra Plant or network. Locations of existing network can be obtained from Dial Before You Dig Ph: 1100.

For co-ordinated Telstra plant reticulation in this development, please refer to www.telstrasmartcommunity.com to Register your Development and Apply for Reticulation.



THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:

9 September 2009 Pursuant to Section 71 of the Planning and Environment Act 1987 this permit has been amended as follows conditions 3, 4, 5, 6, 7, 9, 10, 11, 12, 16, 17, 18, 20 & 22 to reflect the staging, the Section 173 Agreement requirement has been added as condition 3, therefore all following conditions have been renumbered accordingly. Lower Murray Water conditions have now had a Section 173 Agreement condition added to condition 38, remaining conditions on the permit have been amended accordingly.

Date issue 03 December 2008

Signature for the Responsible

GARRY HEALY
GENERAL MANAGER
ASSETS AND DEVELOPMENT

| PLAN OF SUBDIVISION | | Stage No. / LR use only | PLAN NUMBER | | | | | | | | | | |
|---|---------------------|--|--|---|----------------|--------|-----------------------------|-----|----------|---|-----------|---|---|
| | | EDITION | PS 627695P | | | | | | | | | | |
| <p>Location of Land Parish: MILDURA Township: _____, BLOCK E Section: 22 Crown Allotment: 18 & 18^A Crown Portion: _____</p> <p>Title References: Vol 9657 Fol 86B</p> <p>Lost Plan Reference: LP 201737R (LOT 2)</p> <p>Postal Address: 425 ONTARIO AVENUE, MILDURA, 3500.</p> <p>MGA94 Co-ordinates: E 603920 (Of approx. centre of plan) N 6215630 Zone 54</p> | | <p style="text-align: center;">Council Certification and Endorsement</p> <p>Council Name: MILDURA RURAL CITY COUNCIL Ref: 501328</p> <ol style="list-style-type: none"> 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. <p style="text-align: center;">Open Space</p> <p>(i) A requirement for public open space under section 18 Subdivision Act 1988 has / has not been made.</p> <p>(ii) The requirement has been satisfied.</p> <p>(iii) The requirement is to be satisfied in Stage</p> <p>Council Delegate Council seal</p> <p>Date / /</p> <p style="text-align: right; font-size: 1.2em;">AG914487X</p> <p style="text-align: right;">09/12/2009 \$102.90 173</p>  <p>Re-certified under section 11(7) of the Subdivision Act 1988</p> <p>Council Delegate Council seal</p> <p>Date / /</p> | | | | | | | | | | | |
| Vesting of Roads or Reserves | | | | | | | | | | | | | |
| Identifier | Council/Body/Person | | | | | | | | | | | | |
| NIL | NIL | | | | | | | | | | | | |
| Notations | | | | | | | | | | | | | |
| <p>Depth Limitation: 15-24 Metres below the surface. Applies to Crown Allotment 18. 15 Metres below the surface. Applies to Crown Allotment 18^A.</p> | | <p>Staging This is/ is not a staged subdivision Planning Permit No. P07/128</p> <p>Survey:- This plan is / is not based on survey. LOT 1 IS THE RESULT OF SURVEY. LOT A IS THE BALANCE OF TITLE.</p> <p>To be completed where applicable. This survey has been connected to permanent marks no(s).392,399&1102. In Proclaimed Survey Area no. _____</p> | | | | | | | | | | | |
| Easement Information | | | <p>LR use only _____</p> <p>Statement of Compliance / Exemption Statement</p> <p>Received <input type="checkbox"/></p> <p>Date / /</p> | | | | | | | | | | |
| <p>Legend: E - Encumbering Easement or Condition in Crown Grant in the Nature of an Easement A - Appurtenant Easement R - Encumbering Easement (Road)</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:10%;">Easement Reference</th> <th style="width:20%;">Purpose</th> <th style="width:10%;">Width (Metres)</th> <th style="width:15%;">Origin</th> <th style="width:45%;">Land Benefited/In Favour Of</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">E-1</td> <td style="text-align: center;">DRAINAGE</td> <td style="text-align: center;">4</td> <td style="text-align: center;">THIS PLAN</td> <td style="text-align: center;">LOWER MURRAY URBAN & RURAL WATER CORPORATION.</td> </tr> </tbody> </table> | | | Easement Reference | Purpose | Width (Metres) | Origin | Land Benefited/In Favour Of | E-1 | DRAINAGE | 4 | THIS PLAN | LOWER MURRAY URBAN & RURAL WATER CORPORATION. | <p>LR use only _____</p> <p>PLAN REGISTERED TIME DATE / /</p> |
| Easement Reference | Purpose | Width (Metres) | Origin | Land Benefited/In Favour Of | | | | | | | | | |
| E-1 | DRAINAGE | 4 | THIS PLAN | LOWER MURRAY URBAN & RURAL WATER CORPORATION. | | | | | | | | | |
| <p>LICENSED SURVEYOR: ROBERT BRUCE FREEMAN REF 0103/A VERSION 3 DATE 29/06/2009 SIGNATURE </p> | | | <p>Assistant Registrar of Titles</p> <p>Sheet 1 of 2 Sheets</p> | | | | | | | | | | |
| <p>FREEMAN & FREEMAN LAND SURVEYORS PO BOX 2195 MILDURA VIC 3502 TELEPHONE: (03) 50236299</p> | | | <p>DATE / /</p> <p>COUNCIL DELEGATE SIGNATURE</p> <p>Original sheet size A3</p> | | | | | | | | | | |

SCANNED

PLAN OF SUBDIVISION

Stage No. Plan Number
PS 627695P

AG914487X

09/12/2009 \$102.90 173



MG494 NORTH
ZONE 54

A
3.416ha

3300m²

FIFTEENTH
STREET

ONTARIO

AVENUE

FREEMAN & FREEMAN

LAND SURVEYORS

PO BOX 2195 MILDURA VIC 3502

TELEPHONE: (03) 50236239

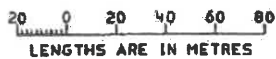
SHEET 2 OF 2 SHEETS

ORIGINAL

SCALE

SHEET
SIZE
A3

SCALE
1:2000



LICENSED SURVEYOR: ROBERT BRUCE FREEMAN

SIGNATURE

DATE 29/06/2009

REF 8103/A

VERSION 3

DATE / /

COUNCIL DELEGATE SIGNATURE

Certificate of Insurance

Building Act 1993 Section 135
Domestic Building Insurance Order
DOMESTIC BUILDING CONTRACT

Certificate No: AIBWCI217401

Date of Issue: 12 July 2017

SNOWDON DEVELOPMENTS PTY LTD
PO BOX 364
KEILOR
VIC 3036

A contract of insurance complying with the Ministerial Order for Domestic Building Insurance Issued under section 135 of the Building Act 1993 namely Builders Home Warranty has been issued by Assetinsure Pty Limited as insurer in the name of the Building Owner, in respect of the Domestic Building Work as set out in the schedule herein.

SCHEDULE

Business Name: SNOWDON DEVELOPMENTS PTY LTD

ABN/ACN No: 52078452187

Practitioner Name: ORLANDO SANDNER (DB-U 8148)

DETAILS OF WORKS

Building Owner (The Insured): SNOWDON DEVELOPMENTS PTY LTD

Site Address: LOT 28 SOHO COURT, MILDURA

Description of Works: Residential - New Build

Fixed Price Contract Dated: 28 March 2017

Declared Contract Price: 200000

Estimated Start Date: 1 May 2017

Estimated Completion Date: 1 May 2018

Building Surveyor: ACME BUILDING CONSULTANTS PTY LTD

Subject to the Building Act, the Ministerial Order, and the terms and conditions of the Insurance contract, cover will be provided to the Building Owner named in the Domestic Building Contract, and to the successors in this to the Building Owner.

Signed for and on behalf of the Insurer:



NOTE: IN THE EVENT OF THIS PROPERTY BEING SOLD TO A SUBSEQUENT OWNER, ANY CLAIMS PAID UNDER THIS POLICY SHOULD BE DECLARED TO THE SUBSEQUENT PURCHASERS.

FORM 2
Building Act 1993
Building Interim Regulations 2017
Regulation 313

BUILDING PERMIT WITH CONDITIONS

PERMIT NO: BS-U 29378-20170377/0

ISSUED TO:-

Agent: Envy Pool Services Pty Ltd PO Box 15 BEVERFORD VIC 3590
Phone: 03 5037 6774 Mobile: 0400 050 393

OWNERSHIP DETAILS:-

Owners: Snowdon Developments Pty Ltd 7 Mirage Drive MILDURA VIC 3500
Phone: Mobile: 0411 381 974

PROPERTY DETAILS:-

Lot: 28 No: 5 Soho Court MILDURA VIC 3500
Municipality: Mildura Rural City Council
Title Details: PS: 724025W Volume: 11824 Folio: 956
Site Area: 697m²

BUILDER:-

Builder: John Falk 34 Gap Road SUNBURY 3429
Phone: 1300 654 324

DETAILS OF DOMESTIC BUILDING WORK INSURANCE:-

The issuer or provider of the required insurance policy is:-
Insurance Provider Name: Berkshire Hathaway Specialty Insurance
Policy No: 47-ZCA-005474-S45152 Date Issued: 16/11/2017

DETAILS OF RELEVANT PLANNING PERMIT:-

Not Applicable

NATURE OF BUILDING WORK:-

Construction of Domestic Inground Fibreglass Swimming Pool and Safety Barriers

Building Classification: 10b
Part of Building: As per Plans
Project Use: Swimming Pool
Total New Floor Area: 29m²
Estimated Pool Value: \$34,846
Estimated Barrier Value: \$7,500 (By Owner)
Project Estimated Value: \$42,346
No of Storeys: Not Applicable
Allowable Live Load: Not Applicable

PRESCRIBED REPORTING AUTHORITIES:-

The following bodies are prescribed reporting authorities for the purposes of the application for this permit in relation to the matters set out below: Not Applicable

INSPECTION REQUIREMENTS:-

Inspection of excavation
Inspection of reinforced bond beam (swimming pool)
Inspection of swimming pool fencing/barriers
Final upon completion of all building work

OCCUPATION OR USE OF BUILDING:-

A Certificate of Final Inspection is required at completion of works

COMMENCEMENT AND COMPLETION:-

Building work is to be commenced by: 27/11/2018 and is to be completed by 6 (six) months of commencement

Details of building practitioners and architectsa) to be engaged in the building work³

| Type | Name | Registration Number |
|---------|-----------|---------------------|
| Builder | John Falk | DB-L 20059 |

b) who were engaged to prepare documents forming part of the application for this permit⁴

| Type | Name | Registration Number |
|----------|------------|---------------------|
| Builder | John Falk | DB-L 20059 |
| Engineer | Geoff Cadd | EC 1476 |

PRIVATE BUILDING SURVEYOR:-**TIM ANDERSON****REGISTRATION NO:****BS-U 29378****SIGNATURE:**

ISSUE DATE:**27/11/2017****NOTES**

- Note 1:** Under Regulation 318, an owner of a building or land, for which a building permit has been issued, must notify the relevant building surveyor within 14 days after any change in the name or address of the owner or of the builder carrying out the building work. The penalty for non-compliance is 10 penalty units.
- Note 2:** Under Regulation 317, the person in charge of the carrying out of building work on an allotment must take all reasonable steps to ensure that a copy of this permit and one set of any approved plans, specifications and documents are available for inspection at the allotment while the building work is in progress. They must also take all reasonable steps to ensure the registration numbers and contact details of the builder and building surveyor and the number and date of this permit are displayed in a conspicuous position accessible to the public before and during the building work to which the permit applies.
- Note 3:** Include building practitioners with continuing involvement in the building work.
- Note 4:** Include only building practitioners with no further involvement in the building work.
- Note 5:** Domestic builders carrying out domestic building work forming part of this permit (where the contract price for that work is more than \$16 000) must be covered by an insurance policy as required under section 135 of the **Building Act 1993**.

BUILDING PERMIT CONDITIONS

PERMIT NO: BS-U 29378-20170377/0

1. GENERAL

All works authorised by this Building Permit shall comply with the provisions of the Building Act 1993, Building Regulations 2006, Building Code of Australia (BCA) current edition, other relevant codes and any local laws of the municipality. No variation from the approved documents shall be permitted without the consent of the Relevant Building Surveyor. The owner and/or builder is responsible to obtain any other relevant permits or consents prior to commencing work.

2. COMPLETION DATE

All works must be completed within six (6) months of commencement.

3. CONSTRUCTION REQUIREMENTS

All construction shall meet the performance requirements of Section 2, B.1 as applicable of the Building Code of Australia (BCA).

4. INSURANCE

Warranty insurance applies in relation to building work approved by this permit.

5. SWIMMING POOL SAFETY BARRIERS

All swimming pool safety barriers are to be constructed in accordance with Australia Standard 1926.1 - 2012, Part 1: Safety Barriers for Swimming Pools, including:

-A 900mm non-climable zone around the external barrier is to be maintained - all landscaping and climable items to be kept clear

-A 300mm non-climable zone around the inside of the barrier is to be maintained - all landscaping and climable items to be kept clear

6. TEMPORARY POOL FENCING

Compliant temporary pool fencing is to be erected during construction of the swimming pool and remain in place until the permanent barrier is constructed.

7. INTERNAL INFRASTRUCTURE

It is the builders/owners responsibility to make sure all internal infrastructure is clear of the pool area before construction, i.e. "DIAL BEFORE YOU DIG".

8. LOWER MURRAY WATER CONSENT

If the swimming pool is to be connected into Lower Murray Water's sewer system for backwashing than an application for "Consent to Discharge Swimming Pool Backwash" must be completed and appropriate fees paid prior to commencement of works.

9. COMPLETION

The construction of the swimming pool and associated barrier must be completed within 6 months of commencement, i.e. from the date of the first mandatory inspection.

~END OF CONDITIONS~

SIGNATURE:



REGISTRATION NO: BS-U 29378

ISSUE DATE: 27/11/2017

Page 3 of 3

FORM 17
Regulation 200
Building Act 1993
Building Regulations 2018

CERTIFICATE OF FINAL INSPECTION

Property Details

Site Address: 5 Soho Court MILDURA VIC 3500
Title Details: Lot 28 PS: 724025W Volume: 11824 Folio: 956
Municipal District: Mildura Rural City Council

Building Permit Details:

Building Permit Number: 20170377
Version of BCA applicable to building permit: NCC BCA 2016 Volume 2

Description of Building Work:

Project Description: Construction of Domestic Inground Fibreglass Swimming Pool and Safety Barriers
Part of Building: As per plans
Permitted Use: Swimming Pool and Safety Barrier
BCA Class of Building: 10b

Maintenance Determination:

A Maintenance determination is not required to be prepared in accordance with regulation 215 of the Building Regulations 2018.

Relevant Building Surveyor:

Name: TIM ANDERSON
Address: 133B Lime Avenue
Mildura VIC 3500
Email: tim@andersongroupmildura.com.au

Building Practitioner Registration Number: BS-U 29378
Certificate No: 201700526/0
Date of Issue: 22 January 2021

Signature:





**Berkshire Hathaway
Specialty Insurance**

BERKSHIRE HATHAWAY SPECIALTY INSURANCE COMPANY

(Hereinafter referred to as BHSI)

**Domestic Building Insurance
Policy Certificate**

A contract of insurance complying with the Ministerial Order for Domestic Building Insurance issued under Section 135 of the Building Act 1993 (Vic) (Domestic Building Insurance) has been issued by Berkshire Hathaway Specialty Insurance Company.

This Certificate Page is attached to and forms part of the Policy



Policy Number: 47-ZCA-005474-S45152

Currency: AUD

| | | |
|----------------|--|---|
| Item 1. | Certificate Number: | SPASABWI0000665 |
| Item 2. | Issuing Office: | Melbourne |
| Item 3. | Building Owner: | Josh & Holly Southwell |
| Item 4. | Site Address | 5 Soho Court, MILDURA VIC 3500 |
| Item 5. | The Builder: | Summertime Pools (Vic) Pty Ltd ABN/ACN 42 278 314 874 <small>NOTE: The Builder's name and/or their ACN/ABN Number must match with the information provided on the Domestic Building Contract. If this is incorrect, the domestic building Work will not be covered by this contract.</small> |
| Item 6. | Builders' Licence No. | DBL20059 |
| Item 7. | Domestic Building Contract Dated: | 06-Nov-2017 |
| Item 8. | Period of Cover. | The cover commenced on the earlier of the date of the Domestic Building Contract or date of the Building Permit for the Domestic Building Work and concludes: <ul style="list-style-type: none"> • Two years from the completion of the Domestic Building Work or termination of the Domestic Building Contract for non-structural defects • Six years from completion of the Domestic Building Work or termination of the Domestic Building Contract for Structural Defects. |

| | | |
|-----------------|--|--|
| Item 9. | Contract Price: | \$34,846.00 |
| Item 10. | Domestic Building Work: | Swimming Pool |
| Item 11. | Type of Coverage: | The cover is only provided if the Builder specified in Item 5 above has died, becomes insolvent or has disappeared, or fails to comply with a Tribunal or Court Order. |
| Item 12. | Premium: | \$855.00 |
| | GST: | \$85.50 |
| | Stamp Duty: | \$94.05 |
| | Total: | \$1,034.55 |
| Item 13. | The maximum Policy Limit for all claims under this Policy is \$300,000 inclusive of all costs and expenses | |
| | The maximum Policy limit for all claims for non-completion of the Domestic Building Work is 20% of the Contract Price. | |
| Item 14. | Notices to the Insurer: | |
| | For all Claims or potential claims: | |
| | By 24-hour toll free number: 1300 021 415 | |
| | By Email: claimsnoticeaustralia@bhspecialty.com | |
| | By Mail: For street address, log on to: | |
| | www.bhspecialty.com/claims/claims-australia | |

Subject to the Building Act 1993, the Ministerial Order and the Conditions of the insurance contract, cover will be provided to the Building Owner named in the Domestic Building Contract and to the successors in title to the Building Owner.

This Certificate attaches to and forms part of BHSI Domestic Builders Insurance (Policy Form BHSI-AUS-CA-BWI-001-062017 Domestic Builders Insurance) and is valid only if it is signed and dated below by a duly authorised representative of Berkshire Hathaway Specialty Insurance.

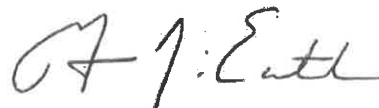
Dated: 16-Nov-2017

Signature:



Ralph Tortorella, Secretary

For and on behalf of Berkshire Hathaway Specialty Insurance Company



Peter Eastwood, President

Building Amendment (Swimming Pool and Spa) Regulations 2019
 S.R. No. 116/2019

S.R. No. 116/2019
FORM 23

Regulations 147Y(4), 147ZB(2)

 Building Act 1993
 Building Regulations 2018

Certificate of Pool and Spa Barrier Compliance
Issued to:

- | | |
|--|------------------------------------|
| 1. Name of owner of the land (the property) on which the swimming pool or spa is located: | Snowdon Developments Pty Ltd |
| 2. Postal Address | 7 Mirage Drive, Mildura, VIC, 3500 |
| 3. Telephone Number | 0411 381 974 |
| 4. Email Address | |

Property details

| | | | | | | | |
|--------------------|----------------------------|-------------|------------|--|---------|----------|------|
| Number | 5 | Street/Road | Soho Court | City/suburb/town | Mildura | Postcode | 3500 |
| Lot/s | 28 | LP/PS | 724025W | Volume | 11824 | Folio | 956 |
| Crown allotment | N/A | Section | N/A | Parish | N/A | County | N/A |
| Municipal District | Mildura Rural City Council | | | Allotment area (for new dwellings only) m ² | 697 | | |

Type of swimming pool or spa: [please tick]

- | | |
|---------------------------|-------------------------------------|
| Permanent swimming pool | <input checked="" type="checkbox"/> |
| Permanent spa | <input type="checkbox"/> |
| Relocatable swimming pool | <input type="checkbox"/> |
| Relocatable spa | <input type="checkbox"/> |

- | | |
|---|----------------|
| 5. Date of construction of the swimming pool or spa: | 20/01/2021 |
| 6. Applicable barrier standard: | AS 1926.1-2012 |
| 7. The applicable barrier standard applies under: [please tick] | |
| <ul style="list-style-type: none"> • Division 2 of Part 9A of the Building Regulations 2018 <input checked="" type="checkbox"/> • relevant deemed to satisfy provisions of the BCA <input type="checkbox"/> • a performance solution in accordance with the BCA <input type="checkbox"/> | |
| 8. Date(s) of inspection(s) of the swimming pool or spa barrier: | 20/01/2021 |

Build with confidence!



Building Amendment (Swimming Pool and Spa) Regulations 2019
S.R. No. 116/2019

S.R. No. 116/2019

Certificate of compliance

Following inspection of the swimming pool barrier on the date 20/01/2021 referred to in item 8 of this certificate, I certify that the barrier complies with the applicable barrier standard.

Signature of Relevant building surveyor

Date:

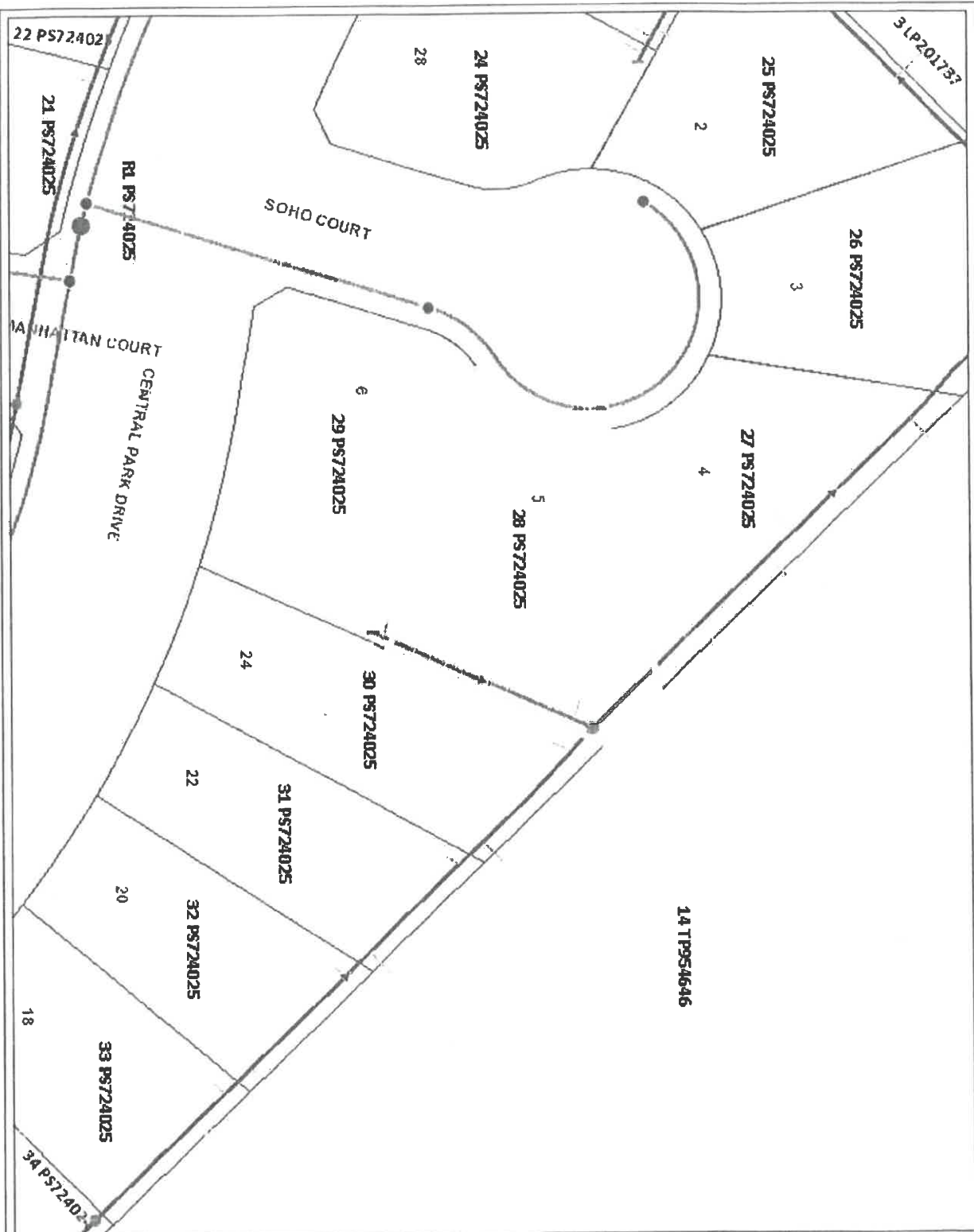
21/01/2021

9. I confirm that I did not carry out building work on the barrier to address identified non-compliance of the barrier prior to certifying the barrier's compliance with the applicable barrier standard.

Inspector details

- | | |
|---|------------------------------------|
| 10. Name of registered building practitioner: | Timothy Anderson |
| 11. ABN | 55 140 846 759 |
| 12. Address: | 133B Lime Avenue Mildura, VIC 3500 |
| 13. Email: | tim@andersongroupmildura.com.au |
| 14. Building practitioner registration no.: | BSU-29378 |
| 15. *Municipal district/*council name: | Mildura Rural City Council |

* Delete if inapplicable



LEGEND

- LMW Urban Sewer
- Gravity Pipeline
 - Rising Main Pipeline
 - Pressure Main Pipeline
- LMW Urban Wastewater Pipeline
- Pipeline
 - Channel
- LMW Rural Treatment
- Gravity Pipeline
 - Rising Main Pipeline
 - Channel



1:568



GDA_1994_MGA_Zone_54
© Lower Murray Urban
and Rural Water Corporation

Notes/Comments

LMW DISCLAIMER: The accuracy and completeness shown on this plan is not guaranteed and therefore shall be used as a guide only. The user is responsible to provide locations and depths in the field. This information is only to be used for the initial project and shall not be passed onto a third party. Note: For further assistance please contact LMW.



From www.planning.vic.gov.au on 16 September 2021 10:12 AM

PROPERTY DETAILS

Address: **5 SOHO COURT MILDURA 3500**
Lot and Plan Number: **Lot 28 PS724025**
Standard Parcel Identifier (SPI): **28\PS724025**
Local Government Area (Council): **MILDURA** www.mildura.vic.gov.au
Council Property Number: **412895**
Planning Scheme: **Mildura** planning-schemes.delwp.vic.gov.au/schemes/mildura
Directory Reference: **VicRoads 534 J7**

UTILITIES

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

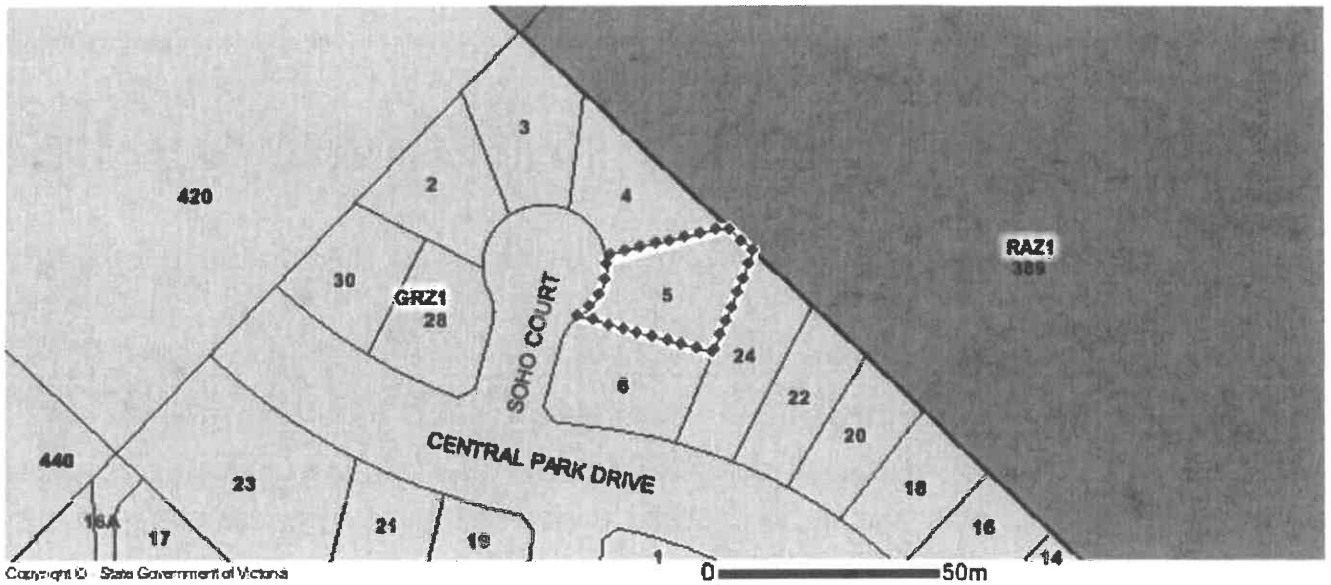
STATE ELECTORATES

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

Planning Zones

GENERAL RESIDENTIAL ZONE (GRZ)

GENERAL RESIDENTIAL ZONE - SCHEDULE 1 (GRZ1)



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 GRZ - General Residential  RAZ - Rural Activity

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

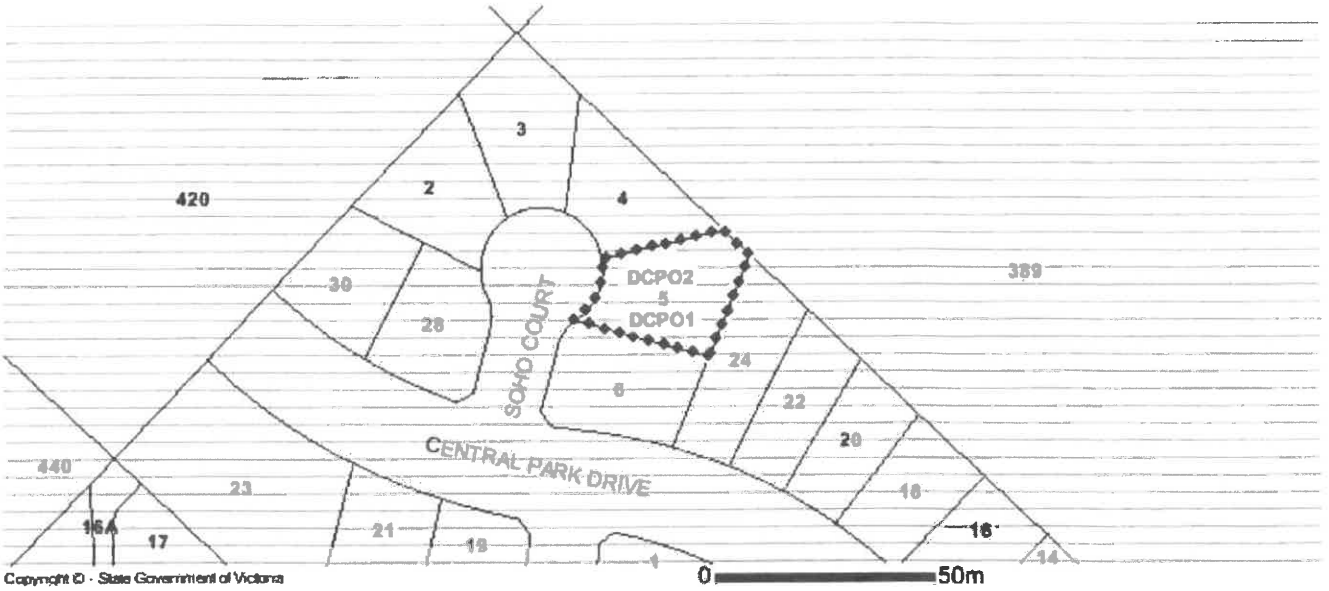
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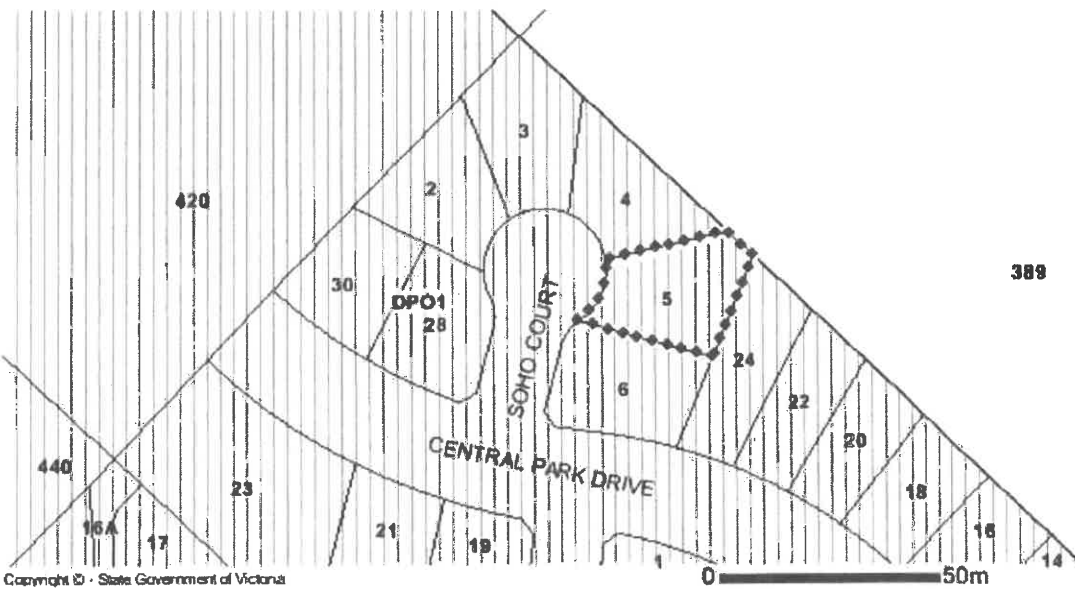
Planning Overlays

- 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

- DEVELOPMENT PLAN OVERLAY (DPO)
- DEVELOPMENT PLAN OVERLAY - SCHEDULE 1 (DPO1)



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

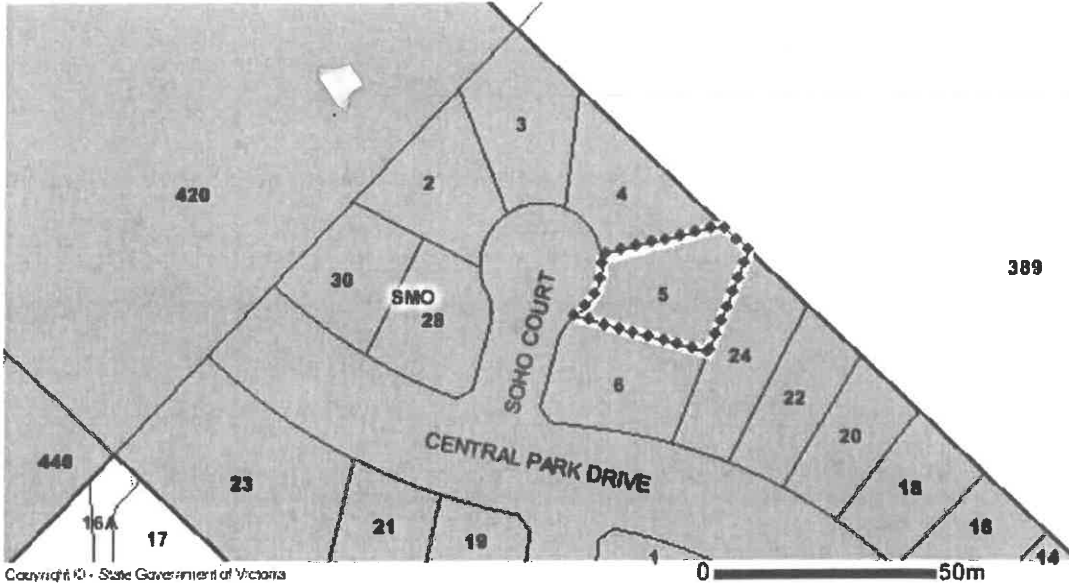
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Planning Overlays

SALINITY MANAGEMENT OVERLAY (SMO)

SALINITY MANAGEMENT OVERLAY SCHEDULE (SMO)

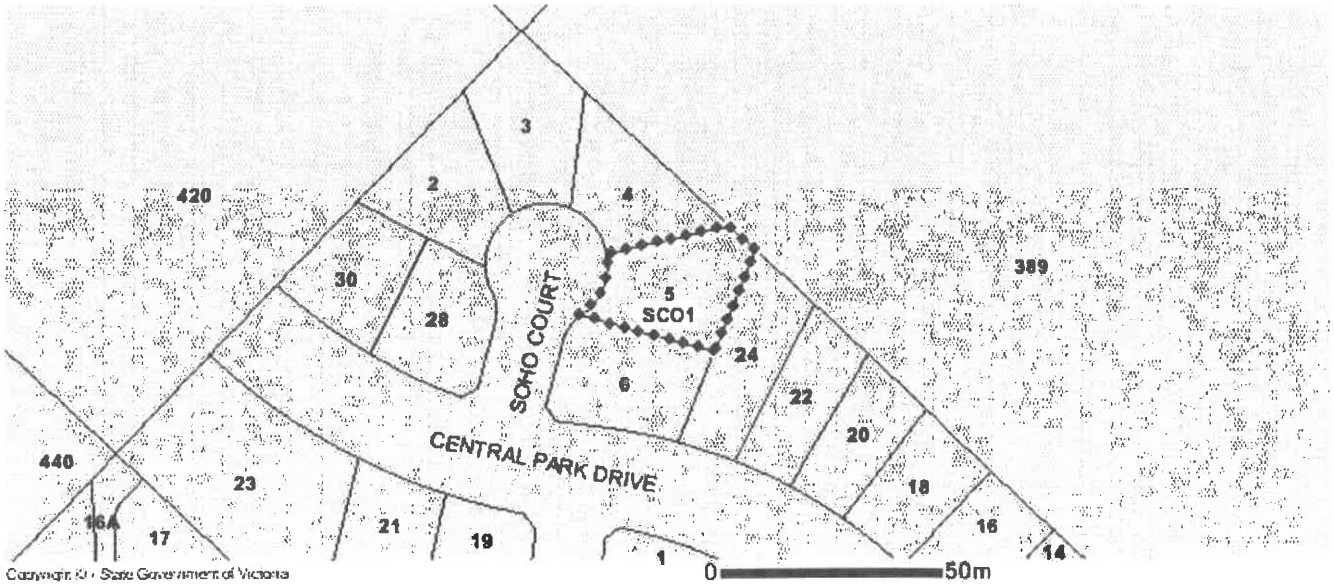


SMO - Salinity Management

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.

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Further Planning Information

Planning scheme data last updated on 8 September 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 <http://mapshare.maps.vic.gov.au/vicplan>

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

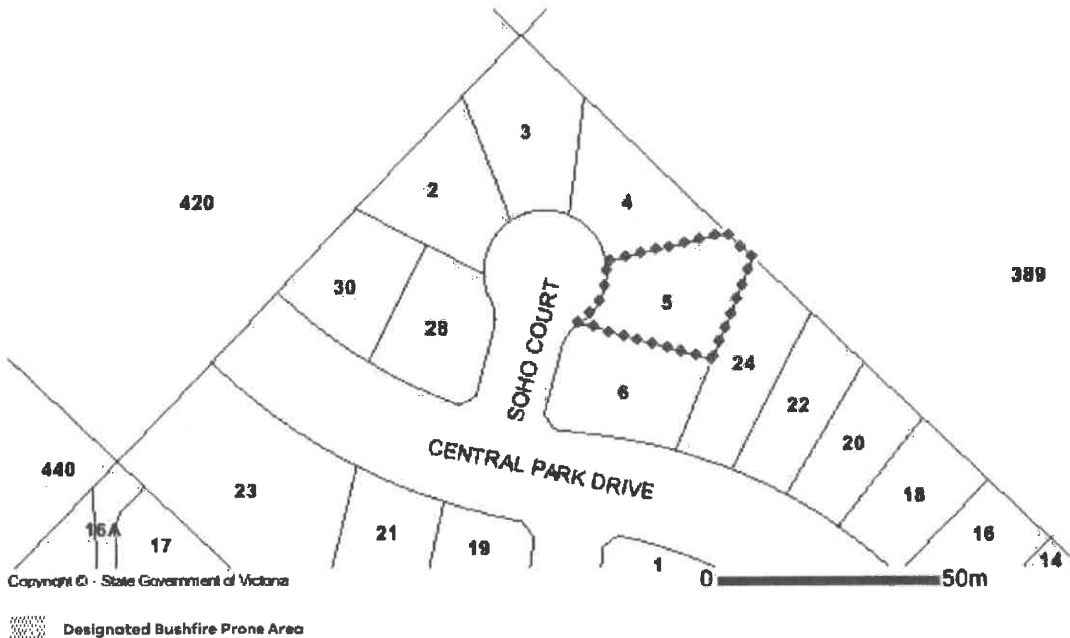
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Designated Bushfire Prone Area

**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 <http://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 www.vba.vic.gov.au

Copies of the Building Act and Building Regulations are available from www.legislation.vic.gov.au

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

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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 the [Due diligence checklist page on the Consumer Affairs Victoria website](http://consumer.vic.gov.au/duediligencechecklist) (consumer.vic.gov.au/duediligencechecklist).

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.

(04/10/2016)

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.