



**ROTMAN & MORRIS**  
**SOLICITORS**

**HEAD OFFICE**

429 South Road **BENTLEIGH** 3204  
**Phone:** 9532 1500 (**Fax:** 9532 1571)  
P.O. Box 2220 Moorabbin 3189

**BRANCHES**

156 Hawthorn Road **CAULFIELD NORTH** 3162  
**Phone:** 9533 0644 (**Fax:** 9533 0677)  
P.O. Box 2414 Caulfield Junction 3161

33 Pier Street **DROMANA** 3936  
**Phone:** 5981 0221

# Vendor Statement

## Instructions for completing this document

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.

## Land **6 SOTIRI COURT, MILDURA**

<b>Vendor's name</b>	<b>AQEEL CHALABI</b>	<b>Date</b>
		/ /

<b>Vendor's signature</b>	.....
---------------------------	-------

<b>Vendor's name</b>	<b>ZAINAB MAHER MUTWALLY</b>	<b>Date</b>
		/ /

<b>Vendor's signature</b>	.....
---------------------------	-------

<b>Purchaser's name</b>	.....	<b>Date</b>
		/ /

<b>Purchaser's signature</b>	.....
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<b>Purchaser's name</b>	.....	<b>Date</b>
		/ /

<b>Purchaser's signature</b>	.....
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## 1. FINANCIAL MATTERS

### 1.1 Particulars of any Rates, Taxes, Charges or Other Similar Outgoings (and any interest on them)

Their total does not exceed: \$4,500.00

### 1.2 Particulars of any Charge (whether registered or not) imposed by or under any Act to secure an amount due under that Act, including the amount owing under the charge:

None to the Vendor's knowledge

### 1.3 Terms Contract

Not applicable

### 1.4 Sale Subject to Mortgage

Not applicable

## 2. INSURANCE

### 2.1 Damage and Destruction

The Vendor remains liable until settlement

### 2.2 Owner-Builder – Not applicable

## 3. LAND USE

### 3.1 Easements, Covenants or Other Similar Restrictions

- (a) A description of any easement, covenant or other similar restriction affecting the land (whether registered or unregistered): -

Is in the attached Register Search Statement and copies of title document/s and Plan of Subdivision

- (b) Particulars of any existing failure to comply with that easement, covenant or other similar restriction are: None to the Vendor's knowledge

### 3.2 Road Access

There is NO access to the property by road if marked with an "X": ☐

### 3.3 Designated Bushfire Prone Area

The land is in a designated bushfire prone area under Section 192A of the *Building Act* 1993 if the square box is marked with an "X": ☐

### 3.4 Planning Scheme

Attached is a certificate with the required specified information.

## **4. NOTICES**

### **4.1 Notice, Order, Declaration, Report or Recommendation**

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, being a notice, order, declaration, report, recommendation or approved proposal of which the vendor might reasonably be expected to have knowledge:

The vendor has no way of knowing the contents of any of the documents referred to above unless communicated to the vendor by the relevant public authority or government department

### **4.2 Agricultural Chemicals**

There are NO 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. However, if this is not the case, the details of any such notices, property management plans, reports or orders, are as follows:

Not applicable

### **4.3 Compulsory Acquisition**

The particulars of any notices of intention to acquire that have been served under section 6 of the *Land Acquisition and Compensation Act 1986* are as follows:

Not applicable

## **5. BUILDING PERMITS**

Particulars of any building permit issued under the *Building Act 1993* in the preceding 7 years (required only where there is a residence on the land):

Are contained in the attached certificate

## **6. OWNERS CORPORATION**

Not Applicable

## **7. GROWTH AREAS INFRASTRUCTURE CONTRIBUTION ("GAIC")**

This property is not subject to GAIC

## **8. SERVICES**

The services which are marked with an "X" are NOT connected to the land:

Electricity supply:  
Gas supply:  
Water supply:  
Sewerage:  
Telephone services:

## **9. TITLE**

Attached are copies of the following documents:

### **Registered Title**

A Register Search Statement and the document, or part of a document, referred to as the "diagram

location" in that statement which identifies the land and its location.

## **10. SUBDIVISION**

10.1 **Unregistered Subdivision** – Not applicable

10.2 **Staged Subdivision** – Not applicable

10.3 **Further Plan of Subdivision** – Not applicable

## **11. DISCLOSURE OF ENERGY INFORMATION**

Details of any energy efficiency information required to be disclosed regarding a disclosure affected building or disclosure area affected area of a building as defined by the *Building Energy Efficiency Disclosure Act 2010* (Cth)

- (a) to be a building or part of a building used or capable of being used as an office for administrative, clerical, professional or similar based activities including any support facilities; and
- (b) which has a net lettable area of at least 1000m<sup>2</sup>; (but does not include a building under a strata title system or if an occupancy permit was issued less than 2 years before the relevant date):

Not applicable

## **12. MATERIAL FACTS**

The Vendors advise that there are no material facts related to the property that must be disclosed by a vendor pursuant to Section 12(d) of the Sale of Land Act

## **13. DUE DILIGENCE CHECKLIST**

As attached

## **14. ATTACHMENTS**

- Title Search Volume 10911 Folio 410
- Plan of Subdivision No. 535151U
- Covenant No. AE975908X
- Section 173 Agreement No. AC554132C
- Property Report
- Planning Property Report
- Mildura Rural City Council 2021/22 Rate & Valuation Notice
- Lower Murray Water Information Statement including Asset Location Plan
- Property Clearance Certificate
- Mildura Rural City Council Building Information Certificate
- Building Permit No. BS-U 29378-20150091/0 issued 30/04/2015
- Certificate of Final Inspection issued 29/09/2015
- Vic Roads Property Certificate

# Due Diligence Checklist

## What you need to know before buying a residential property

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

### 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

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

Page 1 of 1

VOLUME 10911 FOLIO 410

Security no : 124092505654E  
Produced 16/09/2021 10:36 AM

### LAND DESCRIPTION

Lot 113 on Plan of Subdivision 535151U.  
PARENT TITLE Volume 10833 Folio 834  
Created by instrument PS535151U 16/11/2005

### REGISTERED PROPRIETOR

Estate Fee Simple  
Joint Proprietors  
AQEEL CHALABI  
ZAINAB MAHER MUTWALLY both of 165 THIRTEENTH STREET MILDURA VIC 3500  
AE975907A 27/03/2007

### ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AE975908X 27/03/2007  
AUSTRALIA AND NEW ZEALAND BANKING GROUP LTD

COVENANT AE975907A 27/03/2007

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  
AC554132C 18/12/2003

### DIAGRAM LOCATION

SEE PS535151U 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: 6 SOTIRI COURT MILDURA VIC 3500

### ADMINISTRATIVE NOTICES

NIL

eCT Control 16165A ANZ RETAIL AND SMALL BUSINESS  
Effective from 23/10/2016

DOCUMENT END

# Imaged Document Cover Sheet

The document following this cover sheet is an imaged document supplied by LANDATA®, Victorian Land Registry Services.

Document Type	<b>Plan</b>
Document Identification	<b>PS535151U</b>
Number of Pages (excluding this cover sheet)	<b>3</b>
Document Assembled	<b>16/09/2021 10:41</b>

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# PLAN OF SUBDIVISION

Stage No.

LTO use only

PLAN NUMBER

EDITION

PS 53515IU

## Location of Land

Parish: MILDURA

Township: \_\_\_\_\_, BLOCK E

Section: 33

Crown Allotment: 17 (PART) &amp;

Crown Portion: 2 (PART)

LTO base record: VICMAP DIGITAL PROPERTY

Title References: Vol 10853 Fol 834

Last Plan Reference: PS 535150W (LOT E)

Postal Address: KANE DRIVE,  
MILDURA SOUTH, 3500.

MGA Co-ordinates: E 603650

(Of approx. centre of plan) N 6214380 Zone 54

## Council Certification and Endorsement

Council Name: MILDURA RURAL CITY COUNCIL Ref: 50798

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 Subdivision Act 1988 ~~has~~ / has not been made.(ii) ~~The requirement has been satisfied.~~(iii) ~~The requirement is to be satisfied in Stage~~

Council Delegate

~~Council seal~~

Date 11 / 05 / 05

~~Re-certified under section 11(7) of the Subdivision Act 1988~~~~Council Delegate~~~~Council seal~~~~Date~~ / /

## Vesting of Roads or Reserves

Identifier

Council/Body/Person

ROAD RI

MILDURA RURAL CITY COUNCIL

## Notations

Depth Limitation: 15-24 Metres below the surface.  
Applies to C.A. 17 only.

Staging

This ~~is~~ is not a staged subdivision  
Planning Permit No. P04/108THE RESERVATIONS AND CONDITIONS CONTAINED IN  
TRANSFER 265085 AFFECT LOTS ON THIS PLAN.THE RESERVATIONS AND CONDITIONS CONTAINED IN  
TRANSFER 290191 AFFECT LOTS ON THIS PLAN.

LOTS 1 TO 108 AND A TO E HAVE BEEN OMITTED FROM THIS PLAN.

Survey:- This plan is / ~~is not~~ based on survey. (See PS 503523 N)

To be completed where applicable.

This survey has been connected to permanent marks no(s). 183,333&334  
421,749,863,  
In Proclaimed Survey Area no. \_\_\_\_\_ 1044&1120.

## Easement Information

### Legend:

E - Encumbering Easement or Condition in Crown Grant in the Nature of an Easement  
A - Appurtenant Easement R - Encumbering Easement (Road)

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
E-1	SEWERAGE	2	THIS PLAN	LOWER MURRAY URBAN & RURAL WATER AUTHORITY
E-2	SEWERAGE	2	PS 503523N	LOWER MURRAY REGION WATER AUTHORITY
E-3	WAY, DRAINAGE & SEWERAGE	SEE DIAG.	PS 503523N	MILDURA RURAL CITY COUNCIL & LOWER MURRAY REGION WATER AUTHORITY
E-4	WAY, DRAINAGE & SEWERAGE	SEE DIAG.	PS 515749S	MILDURA RURAL CITY COUNCIL & LOWER MURRAY REGION WATER AUTHORITY
E-5	SEWERAGE	2	PS 515749S	LOWER MURRAY REGION WATER AUTHORITY
RI	WAY, DRAINAGE & SEWERAGE AND THE SUPPLY OF WATER, GAS, ELECTRICITY & TELECOMMUNICATIONS.	SEE DIAG.	THIS PLAN	LOTS ON THIS PLAN

LTO use only

Statement of Compliance  
/ Exemption Statement

Received



Date 15 / 11 / 05

LTO use only

PLAN REGISTERED

TIME 10:51 am

DATE 16 / 11 / 2005

Assistant Registrar of Titles

Sheet 1 of 3 Sheets

LICENSED SURVEYOR ROBERT BRUCE FREEMAN

REF 7192/6

VERSION 2

DATE 31/01/2005

SIGNATURE \_\_\_\_\_

## FREEMAN & FREEMAN

LAND SURVEYORS

PO BOX 2135 MILDURA VIC 3502

TELEPHONE: (03) 50236239

DATE 11/05/05

COUNCIL DELEGATE SIGNATURE

Original sheet size A3

# PLAN OF SUBDIVISION

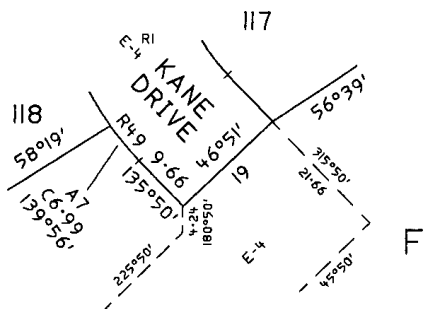
Stage No.

Plan Number

PS 53515IU

## ENLARGEMENT DIAGRAM

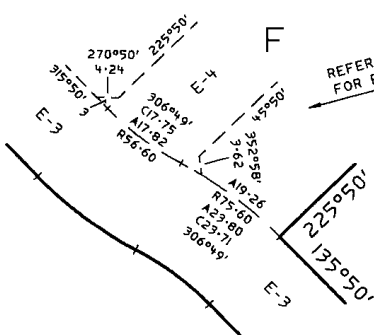
SCALE 1:1000



REFER TO SHEET 3  
FOR DIMENSIONS OF  
OTHER DETAILS OF  
LOTS 109 TO 122.

## ENLARGEMENT DIAGRAM

SCALE 1:1000



REFER TO ENLARGEMENT  
FOR EASEMENT DETAILS

SIXTEENTH  
STREET

## FREEMAN & FREEMAN

LAND SURVEYORS

PO BOX 2135 MILDURA VIC 3502

TELEPHONE: (03) 50236239

LICENSED SURVEYOR: ROBERT BRUCE FREEMAN

SIGNATURE

DATE 31/01/2005

REF 7192/6

VERSION 2

SHEET 2 OF 3 SHEETS

DATE / /  
COUNCIL DELEGATE SIGNATURE

ORIGINAL

SHEET  
SIZE  
A3

SCALE

20 0 20 40 60 80  
LENGTHS ARE IN METRES

MGA ZONE 54

0 10 20 30 40 50 60 70 80 90 100 110mm

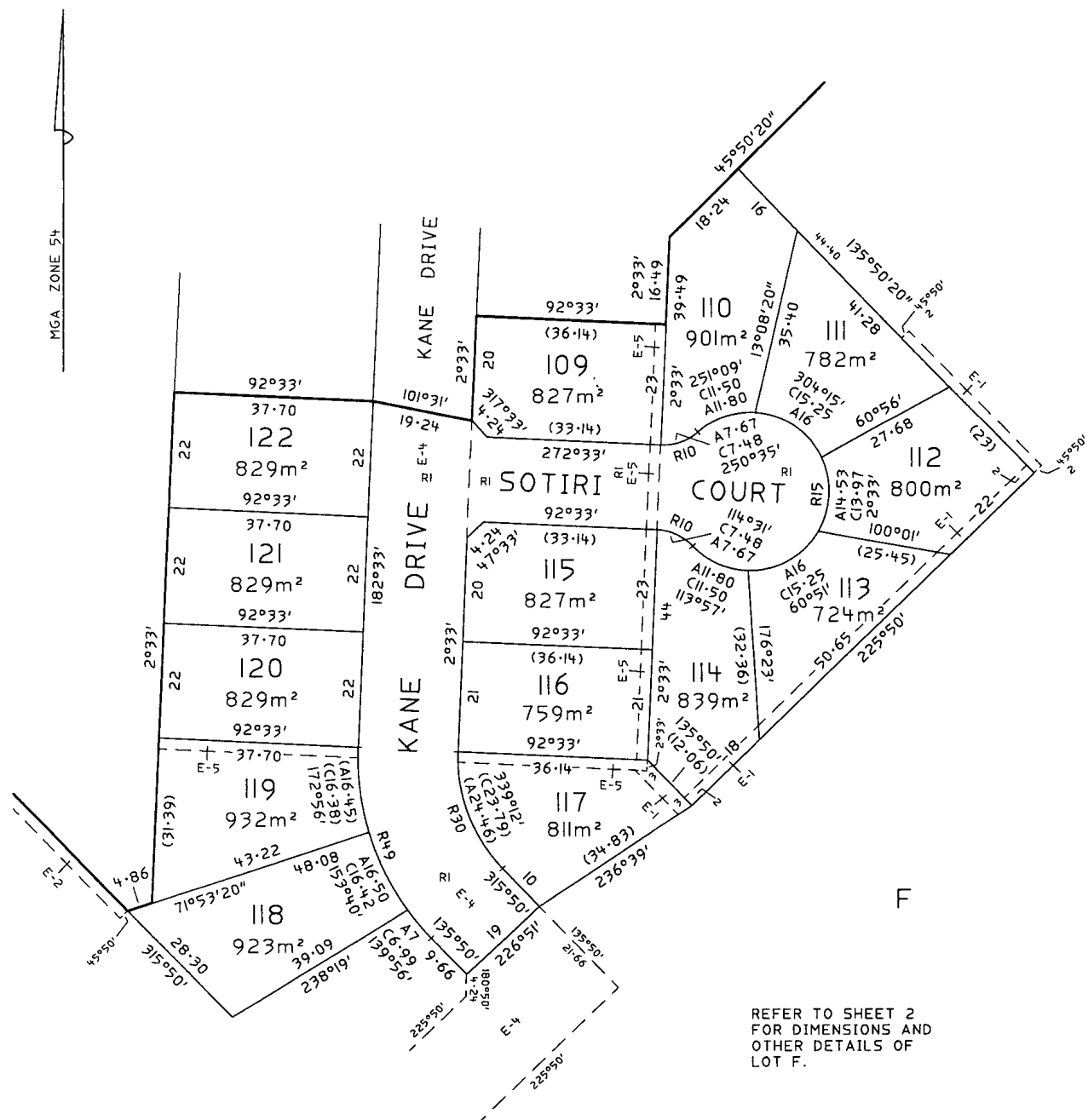
# PLAN OF SUBDIVISION

Stage No.

Plan Number

PS 535151U

MGA ZONE 54



**FREEMAN & FREEMAN**

LAND SURVEYORS

PO BOX 2135 MILDURA VIC 3502

TELEPHONE: (03) 50236239

SHEET 3 OF 3 SHEETS

ORIGINAL

SCALE

LICENSED SURVEYOR: ROBERT BRUCE FREEMAN

SIGNATURE \_\_\_\_\_ DATE 31/01/2005

REF 7192/6

VERSION 2

DATE / /

COUNCIL DELEGATE SIGNATURE

SHEET SIZE  
A3

SCALE  
1:800

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LENGTHS ARE IN METRES

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SPFS535151U-3-5

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# MORTGAGE OF LAND

Section 74 Transfer of Land Act 1958

Lodged by:

Name: Australia and New Zealand Banking Group Limited  
Group ANZ  
A.C.N. 005 357 522

Branch: DEAKIN AVE & EIGHTH ST, MILDURA

**12590F**

Customer Code: 0019B

Tel.: (03) 9211 4444



Priv  
The info  
collecte  
and is u  
maintain  
registers  
Victoria

**AE975908X**



MADE AVAILABLE / CHANGE CONTROL

Office Use Only

The mortgagor mortgages to the mortgagee the estate and interest specified in the land described subject to the encumbrances affecting the land including any created by dealings lodged for registration prior to the lodging of this mortgage.

The provisions contained in Memorandum of Common Provisions retained by the Registrar of Titles in No. AA505 and any further provisions endorsed on or annexed to this mortgage are incorporated in this mortgage. The mortgagor acknowledges having received a copy of the Memorandum of Common Provisions prior to executing this mortgage.

Land: (Title) VOLUME 10911 FOLIO 410.

Estate and interest being mortgaged:

The mortgagor's estate and interest in fee simple

Mortgagor: (Full name) AQEEL CHALABI AND ZAINAB MAHER MUTWALLY

Mortgagee:

Australia and New Zealand Banking Group Limited A.C.N. 005 357 522  
of Level 6, 530 Collins Street, Melbourne (Ref.: Doc. No. 300965388 )

Date of this mortgage:

27 / 2 / 20 07

Execution and attestation:

SIGNED by

AQEEL CHALABI  
in the presence of:

(signature of witness)

(name) TRACIE KYNE  
(address) Cnr DEAKIN  
AVE & EIGHTH ST  
MILDURA 3500

SIGNED by

ZAINAB MAHER  
MUTWALLY

in the presence of:

(signature of witness)

(name) TRACIE KYNE  
(address) Cnr DEAKIN AVE &  
EIGHTH ST, MILDURA 3500

Approval No.

573067A

ORDER TO REGISTER

Please register and issue documents to  
(insert details of documents and to whom they  
are to issue)

**M**



Signed

Cust. Code:

Firm's name

STAMP DUTY USE ONLY

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AC554132C

18/12/2003 \$59

173



**FORM 13**

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

**Lodged at the Titles Office by:**

**Name:** Martin Irwin & Richards Lawyers  
**Phone:** 03 50237900  
**Address:** 61-63 Deakin Avenue, Mildura VIC 3500  
**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 PS503518F, Lot 4 on PS402899C and part of Crown Allotment 17, Section 33 Block E, Parish of Mildura and being the land described in Certificates of Title Volume 10767 Folio's 500, 501, 502, 503, 504, 506, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 524, 525, 516.~~ VOLUME 10767 FOLIO 587 M

**ADDRESS OF LAND:** Walnut Avenue, Kane Drive, Ontario Avenue Mildura in the State of Victoria

**RESPONSIBLE  
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*.

**AGREEMENT DATE:**

**AGREEMENT WITH:** DUNNING CLASSIC HOMES PTY LTD (ACN 059 897 657) of Mildura in the State of Victoria. ("the owner")

**A COPY OF THIS AGREEMENT IS ATTACHED TO THIS APPLICATION**

Signature for the Responsible Authority .....

Name of Officer ..... RICHARD SEXTON

Position of Officer ..... MANAGER (CCA)

Date ..... 21/12/03



DAC554132C-1-5

18/12/03

# **MILDURA RURAL CITY COUNCIL**

**and**

## **DUNNING CLASSIC HOMES PTY LTD**

**ACN 059 897 657**

**SECTION 173 AGREEMENT  
WALNUT AVENUE, KANE DRIVE, ONTARIO  
AVENUE MILDURA**

**Martin Irwin & Richards  
Lawyers**

61 – 63 Deakin Avenue  
MILDURA VIC 3500  
DX 50022 MILDURA

Phone: 03 5023 7900

Fax: 03 5021 2700

Ref: KEM:DD 03/2923



**DAC554132C-2-3**

**AC554132C**

18/12/2003 \$59

173





Section 173 Agreement – Walnut Avenue, Kane Drive, Ontario Avenue Mildura

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THIS AGREEMENT is made on the 2nd day of December 2003.

**PARTIES**

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

**And**

**DUNNING CLASSIC HOMES PTY LTD**  
**ACN 059 897 657** of Mildura in the State of Victoria ("**the owner**")

**RECITALS**

- A. The Owner is registered or entitled to be registered as the proprietor of the land situate at Walnut Avenue, Kane Drive and Ontario Avenue Mildura in the State of Victoria being ~~Lot 2 on PS 503518F, Lot 4 on PS402809C and part of Crown Allotment 17, Section 33 Block E, Parish of Mildura and being the land described in Certificates of Title Volume 10767 Folio's 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 524, 525, 526 ("the land").~~ Volume 10767 folio 587 #1
- 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 Owners have made an application for the Council for a planning permit under the Planning Scheme for a fifty-seven (57) lot subdivision of the subject land ("the Development").
- D. On the 22<sup>nd</sup> November 2002 Council issued Permit numbered P02/385 ("the Permit") for the proposed development subject to the conditions contained therein.
- E. Condition 7 of the permit provides:



**AC554132C**



Section 173 Agreement – Walnut Avenue, Kane Drive, Ontario Avenue Mildura

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7. 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 to provide the following:

- the Owner must contribute a Development Contribution charge for the allotments approved under this permit when two parent lots (B & D as marked on the approved plan) be further subdivided.

This agreement is to be registered on the title to Lots B & D marked on the approved plan and any cost associated with its preparation must be borne by the Owner.

F. The Owner further agrees to pay the responsible authority's costs of and in connection with the preparation and lodging of the Section 181 Application and Section 173 Agreement.

G. The Council and the Owner 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.

**NOW THIS AGREEMENT WITNESSETH as follows:**

**1. INTERPRETATION:**

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

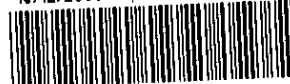
"Owner" shall mean the person or persons entitled from time to time to be registered by the Registrar of Titles as the proprietor or proprietors of an estate in fee simple of the subject land and/or the subject land or any part thereof and shall include the singular and the plural.

"the Subject Land" shall mean Lot B and Lot D on proposed Plan of Subdivision of part of Lot 2 on PS329623D (now Lot 2 on PS503518F), Lot 4 on PS402899C and part of Crown Allotment 17 Section 33, Block E, Parish of Mildura and being the land marked B & D on the plan annexed hereto (being the land referred to in



**AC554132C**

18/12/2003 \$59 173



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 Owner with the intent that the covenants hereunder shall run with the subject land **HEREBY COVENANT AND AGREES** that it:

- (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 it carries out the covenants and agreements and obligations hereunder and to enable the Council to enforce the performance by the Owner 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 contribute a Development Contribution charge for the allotments approved under this permit when the subject land or any part thereof is further subdivided;



- (f) pay the contribution assessed by the Council within the time specified by the Council upon the determination of the contribution



**DAC554132C-6-6**

**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 Owner shall be borne by the Owner from time to time of each of the subject land jointly and severally in the event that there is more than one Owner of the said land;
- 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 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 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 177 of the Act.

**5. DEFAULT OF OWNER:**

In the event of the Owner defaulting or failing to perform any of the obligations under this Agreement, the Council may without prejudice to any other remedies

**AC554132C**



Section 173 Agreement – Walnut Avenue, Kane Drive, Ontario Avenue Mildura

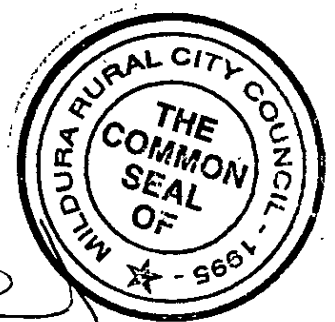
rectify such default and the cost of any works undertaken by the Council to rectify any default shall be borne by the Owner and any such costs together with any amount payable to Council pursuant to this Agreement shall be capable of being recovered by the Council in any Court of competent jurisdiction 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.

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

.....  
Councillor John Arnold  
.....  
Chief Executive Officer

.....  
Councillor Tom Crouch

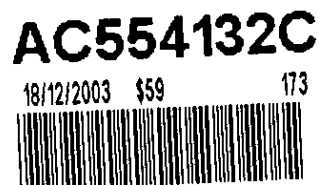


**THE COMMON SEAL** of **DUNNING** )  
**CLASSIC HOMES PTY LTD** was )  
hereunto affixed in the presence of: )

.....  
Director  
Daniel John DUNNING  
31 Tulane Drive,  
MILDURA



.....  
Secretary  
Christopher John Dunning  
31 Tulane Drive,  
MILDURA



7

# PLANNING PERMIT

Form 4.4

Application No P02/385  
Planning Scheme: Mildura Planning Scheme  
Responsible Authority Mildura Rural City Council

## ADDRESS OF THE LAND:

Walnut Avenue, Kane Drive, Ontario Avenue, Mildura (Lot 4 PS 402899C, Lot 1 TP 592178M, Lot 1 141600, Lot 2 PS 329623D)

## THE PERMIT ALLOWS:

57 Lot Subdivision



## THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

- 1 The subdivision as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
- 2 The subdivision must proceed in the order of stages as shown on the endorsed plan except with the prior written consent of the Responsible Authority.
- 3 The proposed drainage area as marked on the approved plan, must be created as a reserve and form part of this permit.
- 4 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 for each stage.

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

- 5 It is the developers responsibility to provide adequate erosion protection / control to prevent the entry of soil into stormwater infrastructure. All stormwater infrastructure must be clear of sediment etc, prior to the issue of Statement of Compliance for each stage.
- 6 The permit holder must provide details of wetland area incorporating integration with adjoining properties in accordance with approved outline development plan when finalised. This is to be done to the satisfaction of the Responsible Authority.

All works are to be funded/paid for by the developer which will include but are not limited to lighting/landscaping and fencing to Council requirements.

**AC554132C**



Date issued: 22 November 2002

Signature for the  
Responsible Authority

**GARRY HEALY**  
DIRECTOR SPECIAL PROJECTS  
AND DEVELOPMENT SERVICES

# PLANNING PERMIT



DAC554132C-10-8

Form 4.4

Application No P02/385  
Planning Scheme: Mildura Planning Scheme  
Responsible Authority Mildura Rural City Council

## ADDRESS OF THE LAND:

Walnut Avenue, Kane Drive, Ontario Avenue, Mildura (Lot 4 PS 402899C, Lot 1 TP 592178M, Lot 1 141600, Lot 2 PS 329623D)

## THE PERMIT ALLOWS:

57 Lot Subdivision

**AC554132C**

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## THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

- 7 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:
  - The owner must contribute a Development Contribution charge for the allotments approved under this permit when the two parent lots (B & D as marked on the approved plan) are further subdivided.

This agreement is to be registered on the title to Lots B & D marked on the approved plan and any cost associated with its preparation must be borne by the owner.
- 8 Developer to supply plan showing contours/levels so that easement locations can be determined for stormwater drainage prior to Certification of each stage..
- 9 Road Design / Drainage Design generally to the total site approved under this permit must be submitted with all relevant documentation for approval to Council requirements (including a digital Autocad copy of design and co-ordination plan)
- 10 Developer must provide stormwater drainage to each allotment fronting Ontario Avenue and adjoining this development.
- 11 The drainage outfall is to be connected initially via pump and rising main to the nominated discharge point on Ontario Avenue.
- 12 Developers to prepare full services layout with offsets approved by relevant authorities prior to certification (Co-ordination Plan).
- 13 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 the final stage.
- 14 A priced schedule of quantities, program of construction works and list of principle representatives to be submitted to Council prior to works commencing on each stage.
- 15 Payments of "Construction Supervision" and "Plan Checking" fees must be paid prior to Statement of Compliance for the final stage.

Date issued: 22 November 2002

Signature for the  
Responsible Authority

GARRY HEALY  
DIRECTOR SPECIAL PROJECTS  
AND DEVELOPMENT SERVICES



# PLANNING PERMIT

Form 4.4



DAC554132C-11-1

Application No P02/385  
Planning Scheme: Mildura Planning Scheme  
Responsible Authority Mildura Rural City Council

## ADDRESS OF THE LAND:

Walnut Avenue, Kane Drive, Ontario Avenue, Mildura (Lot 4 PS 402899C, Lot 1 TP 592178M, Lot 1 141600, Lot 2 PS 329623D)

## THE PERMIT ALLOWS:

57 Lot Subdivision

**AC554132C**

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## THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

- 16 Service vehicles of the single unit truck type to be able to turn to the satisfaction of the Responsible Authority.
- 17 The developer must 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.
- 18 Footpaths must be stamped with "year of construction" at start and end.
- 19 On-site works are not be started prior to having a design and certified plan approved by Council.
- 20 Upon completion of all works and prior to Statement of Compliance being issued a bank guarantee to cover the subdivision maintenance period will be required, at a value of 10% of the estimated cost of the construction works.

The maintenance period will be 12 months. The maintenance period will commence from the issue of the Statement of Compliance. (It should be noted that Council will only provide routine street sweeping approximately every six weeks during this maintenance period.

- 21 All street signs (names, hazard markers and regulatory signs) <sup>shown on E & PC</sup> are to be installed to Council's and the relevant Statutory Authority's requirements prior to the Statement of Compliance for each stage.
- 22 Street lighting to all residential allotments approved under this permit must be provided by the developer to Powercor and MRCC requirements prior to Statement of Compliance of each stage.
- 23 All roadworks and associated works including Ontario Avenue and Walnut Avenue frontage are to be constructed at developers cost as per approved design plan to Council's requirements prior to Statement of Compliance of each stage.
- 24 Street lighting to be activated following Statement of Compliance of each stage.
- 25 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.

Date issued: 22 November 2002

Signature for the  
Responsible Authority

**GARRY HEALY**  
DIRECTOR SPECIAL PROJECTS  
AND DEVELOPMENT SERVICES

# PLANNING PERMIT

Form 4.4



DAC554132C-12-5

Application No P02/385  
Planning Scheme: Mildura Planning Scheme  
Responsible Authority Mildura Rural City Council

## ADDRESS OF THE LAND:

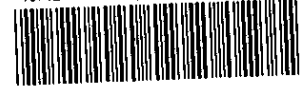
Walnut Avenue, Kane Drive, Ontario Avenue, Mildura (Lot 4 PS 402899C, Lot 1 TP 592178M, Lot 1 141600, Lot 2 PS 329623D)

## THE PERMIT ALLOWS:

57 Lot Subdivision

**AC554132C**

18/12/2003 \$59 173



## THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

- 26 The developer must provide a Road Safety Audit Report by a qualified Road Safety Auditor, acceptable to / registered with VicRoads, on the proposed design and to incorporate any changes recommended by the auditor prior to Council approval for construction.
- 27 On completion of the subdivision construction works, a Road Safety Audit Report by a qualified Road Safety Auditor, acceptable to / registered with VicRoads, is to be carried out with all recommendations adopted and incorporated prior to issue of Statement of Compliance for the final stage.

## COUNTRY FIRE AUTHORITY

- 28 There must be no obstructions within one metre of the edge of the formed width of roads at any time, and there must be four metres height clearance above all roads to allow fire vehicle access.
- 29 The minimum width of the trafficable road must be six metres.
- 30 Adequate provision for turning of fire brigade vehicles must be provided in dead end roads and cul de sacs by:
  - the court bowl must have a minimum trafficable area of 10 metres.
- 31 The amount and location of parking facilities should not impede access of emergency vehicles.
- 32 Curves should have an minimum inner radius of ten metres
- 33 Road structures should have a minimum load limit of 15 tonnes.
- 34 Fire hydrants must be supplied to the satisfaction of the Country Fire Authority. The hydrants must be located within 90 metres of every building envelope with the spacing between hydrants being a maximum of 120 metres.
- 35 Fire hydrants must be clearly identified in accordance with the fire service guideline - Identification of Street Hydrants for Fire Fighting Purposes.
- 36 Areas of Public Open Space must be managed in a minimum fuel condition during the fire danger period.

## FIRST MILDURA IRRIGATION TRUST

Date issued: 22 November 2002

Signature for the  
Responsible Authority

**GARRY HEALY**  
DIRECTOR SPECIAL PROJECTS  
AND DEVELOPMENT SERVICES

# PLANNING PERMIT



Form 4.4

Application No P02/385  
Planning Scheme: Mildura Planning Scheme  
Responsible Authority Mildura Rural City Council

## ADDRESS OF THE LAND:

Walnut Avenue, Kane Drive, Ontario Avenue, Mildura (Lot 4 PS 402899C, Lot 1 TP 592178M, Lot 1 141600, Lot 2 PS 329623D)

## THE PERMIT ALLOWS:

57 Lot Subdivision

**AC554132C**

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## THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

- 37 The plan of subdivision lodged for certification with the Responsible Authority shall be referred to the First Mildura Irrigation Trust (FMIT) in accordance with Section 8 of the Subdivision Act 1987.
- 38 Detailed drawings (referred to as Coordination Plans) shall be provided to the FMIT, in a form satisfactory to the FMIT prior to the commencement of any works associated with the development. Such drawings must be certified by a licensed surveyor or member of the Institute of Engineers of Australia and must detail the proposed completed works and must also locate and define the height by reference to the Australian Height Datum of those various Works, including otherwise as follows:
  - (a) All FMIT assets;
  - (b) The assets of other relevant authorities or servicing entities detailing the clearance between such other assets and FMIT assets;
  - (c) All roads, footpaths and such other works which may impact upon the FMIT assets;
  - (d) Final levels across the site to a level of detail so as to satisfy the requirements of the FMIT in respect to remaining level cover over FMIT assets.
- 39 Where the nature of the development or impact of the development on FMIT assets makes the Coordination Plans inadequate for the purposes of assessment of the application, the FMIT may require Engineering Specifications (plans and design calculations), to the satisfaction of the FMIT which must be provided prior to the commencement of any Works associated with the Development, prepared by a licensed surveyor or member of the Institute of Engineers of Australia.
- 40 A conditions letter will not be issued on a proposed development until a Surveyed Plan and Coordination Plan certified by a licensed Surveyor or member of the Institute of Engineers has been submitted to the Trust to the satisfaction of the Trust.

Date issued: 22 November 2002

Signature for the  
Responsible Authority

**GARRY HEALY**  
DIRECTOR SPECIAL PROJECTS  
AND DEVELOPMENT SERVICES

# PLANNING PERMIT

Form 4.4

Application No P02/385  
Planning Scheme: Mildura Planning Scheme  
Responsible Authority Mildura Rural City Council

## ADDRESS OF THE LAND:

Walnut Avenue, Kane Drive, Ontario Avenue, Mildura (Lot 4 PS 402899C, Lot 1 TP 592178M, Lot 1 141600, Lot 2 PS 329623D)

## THE PERMIT ALLOWS:

57 Lot Subdivision

**AC554132C**

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## THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

- 41 Any FMIT assets which are on the land shall at the earliest possible date be defined by permanent markers in a manner to the satisfaction of the FMIT at the cost of the Applicant/Owner prior to the commencement of any works associated with any development or subdivision.
- 42 Trust assets must be located on the ground prior to the issue of a conditions letter at the cost of the Applicant/Owner.
- 43 The Applicant/Owner shall be required to register on Title, at the Applicant/Owner's cost, water supply and drainage easements as required by the FMIT.
- 44 Any asset of the FMIT which in the opinion of the FMIT, due to the development, needs to be:

- (a) replaced;
- (b) relocated;
- (c) taken from service or disconnected;
- (d) made safe, secured or otherwise dealt with to preserve its integrity;
- (e) dealt with in order to maintain the existing irrigation and drainage service



**DAC554132C-14-2**

then such assets shall have works carried out in respect of same, be secured by Agreement (including as appropriate bank guarantee), registered on Title under Section 173 of the Act or Section 17(2)(c) of the Subdivision Act 1988 and otherwise preserved or secured in the manner directed by the FMIT at the cost of the Applicant/Owner.

- 45 All private irrigation and drainage pipelines crossing any boundary must be terminated to the satisfaction of the Trust.
- 46 The Applicant/Owner shall pay the relevant fees or costs to the FMIT in respect of the FMIT's assessment of the development, subdivision plans, inspections and other attendances of the FMIT associated with the development/subdivision.
- 47 A minimum cover of 900 mm shall be retained or put in place in respect of all FMIT assets.

Date issued: 22 November 2002

Signature for the  
Responsible Authority

GARRY HEALY  
DIRECTOR SPECIAL PROJECTS  
AND DEVELOPMENT SERVICES

# PLANNING PERMIT

Form 4.4

Application No P02/385  
Planning Scheme: Mildura Planning Scheme  
Responsible Authority Mildura Rural City Council

## ADDRESS OF THE LAND:

Walnut Avenue, Kane Drive, Ontario Avenue, Mildura (Lot 4 PS 402899C, Lot 1 TP 592178M, Lot 1 141600, Lot 2 PS 329623D)

## THE PERMIT ALLOWS:

57 Lot Subdivision

## THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

- 48 A minimum separation from the assets of any other servicing entity of 2000 mm from the outside extremity of any FMIT asset shall be maintained. Separation in section shall be a minimum of 300 mm. No works which results in:

- (a) alteration to the cover or support of any FMIT assets; or
- (b) alters any FMIT asset or its connections in any respect;

may occur unless written consent has been obtained from the FMIT in respect of that works and any conditions imposed in respect of that work are complied with.

- 49 After completion of the development the Applicant/Owner shall provide to the FMIT as built or completion plans showing the location of FMIT assets, clearance between those assets and the assets of other servicing entities and the level of cover over FMIT assets and otherwise to the satisfaction of the FMIT.
- 50 Until such time as all conditions required by the FMIT are complied with the FMIT will not consent to the issue of a Statement of Compliance in respect of any subdivision or stage of Subdivision if the particular permit relates to a subdivision. A Statement of Compliance on this subdivision will not be issued until the previous plan of subdivision has been issued with a Statement of Compliance.

LOWER MURRAY WATER



DAC554132C-15-6

**AC554132C**

18/12/2003 \$59 173



Date issued: 22 November 2002

Signature for the  
Responsible Authority

  
**GARRY HEALY**  
DIRECTOR SPECIAL PROJECTS  
AND DEVELOPMENT SERVICES

# PLANNING PERMIT



Form 4.4

Application No P02/385  
Planning Scheme: Mildura Planning Scheme  
Responsible Authority Mildura Rural City Council

## ADDRESS OF THE LAND:

Walnut Avenue, Kane Drive, Ontario Avenue, Mildura (Lot 4 PS 402899C, Lot 1 TP 592178M, Lot 1 141600, Lot 2 PS 329623D)

## THE PERMIT ALLOWS:

57 Lot Subdivision

**AC554132C**

18/12/2003 \$59 173



## THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

- 51 The owner or operator under the permit shall meet any requirement or cost of the Lower Murray Region Water Authority in respect of the acquisition by Lower Murray Region Water Authority of additional water entitlements to meet demand for water created by the use or development.

Compliance with this condition may be achieved by:

- Payment to Lower Murray Region Water Authority of the cost of the Authority purchasing the necessary additional water entitlement; or
- The owner or operator under the permit procuring the transfer to Lower Murray Region Water Authority of the appropriate licence or other entitlement to water to meet the relevant demand created; or
- A combination of the above; and

Whichever option is adopted the relevant entitlement shall be in due course transferred to the bulk entitlement of Lower Murray Region Water Authority in accordance with the Water Act 1989 or other successor legislation.

- 52 The plan of subdivision, when lodged for certification, shall be referred to the Lower Murray Region Water Authority pursuant to Section 8(1) of the Subdivision Act.
- 53 The requirements of the Lower Murray Region Water Authority shall be met, in regard to the provision of water supply and sewerage services to the land, including payment of all associated costs prior to the Authority agreeing to the issue of a Statement of Compliance.
- 54 The holder of this permit, or authorised agent, shall meet the Authority's requirements regarding easements in favour of the Lower Murray Region Water Authority, prior to the submission of any plan of subdivision for certification.

## POWERCOR

- 55 The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Powercor Australia Ltd in accordance with Section 3 of that Act.

Date issued: 22 November 2002

Signature for the  
Responsible Authority

**GARRY HEALY**  
DIRECTOR SPECIAL PROJECTS  
AND DEVELOPMENT SERVICES

# PLANNING PERMIT



DAC554132C-17-3

Form 4.4

Application No P02/385  
Planning Scheme Mildura Planning Scheme  
Responsible Authority Mildura Rural City Council

## ADDRESS OF THE LAND:

Walnut Avenue, Kane Drive, Ontario Avenue, Mildura (Lot 4 PS 402899C, Lot 1 TP 592178M, Lot 1 141600, Lot 2 PS 329623D)

## THE PERMIT ALLOWS:

57 Lot Subdivision

**AC554132C**

18/12/2003 \$59 173



## THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

- 56 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.
- 57 The applicant shall re-arrange, to the satisfaction of Powercor Australia Ltd, any existing private electric lines that cross boundaries of the proposed lots to supply existing installations. Such lines shall be constructed with underground cables.
- 58 The applicant shall set aside on the plan of subdivision for the use of Powercor Australia Ltd a reserve(s) satisfactory to Powercor Australia Ltd, where any electric substation (other than a pole mounted type) is required to service the subdivision.
- 59 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 be for the purpose of "Power Line" in favour of Powercor Australia Ltd.
- 60 The applicant shall obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.
- 61 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.
- 62 The applicant shall obtain the approval of Powercor Australia Ltd to lot boundaries within any area affected by an easement for a powerline and for the construction of any works in such an area.
- 63 The applicant shall 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

- 64 The applicant shall enter into an agreement with Telstra or other licensed telecommunications carrier for the satisfactory provision of telephone cable reticulation one (1) metre into each allotment created.

Date issued:

22 November 2002

Signature for the  
Responsible Authority

GARRY HEALY  
DIRECTOR-SPECIAL PROJECTS  
AND DEVELOPMENT SERVICES

# PLANNING PERMIT

Form 4.4

Application No P02/385  
Planning Scheme: Mildura Planning Scheme  
Responsible Authority Mildura Rural City Council

## ADDRESS OF THE LAND:

Walnut Avenue, Kane Drive, Ontario Avenue, Mildura (Lot 4 PS 402899C, Lot 1 TP 592178M, Lot 1 141600, Lot 2 PS 329623D)

## THE PERMIT ALLOWS:

57 Lot Subdivision

## THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

- 65 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.
- 66 The applicant shall set aside on the plan of subdivision, reserve/s satisfactory to Telstra, for Telecommunications substation/s if required.



**AC554132C**



Date issued: 22 November 2002

Signature for the  
Responsible Authority

*Garry Healy*  
GARRY HEALY  
DIRECTOR SPECIAL PROJECTS  
AND DEVELOPMENT SERVICES



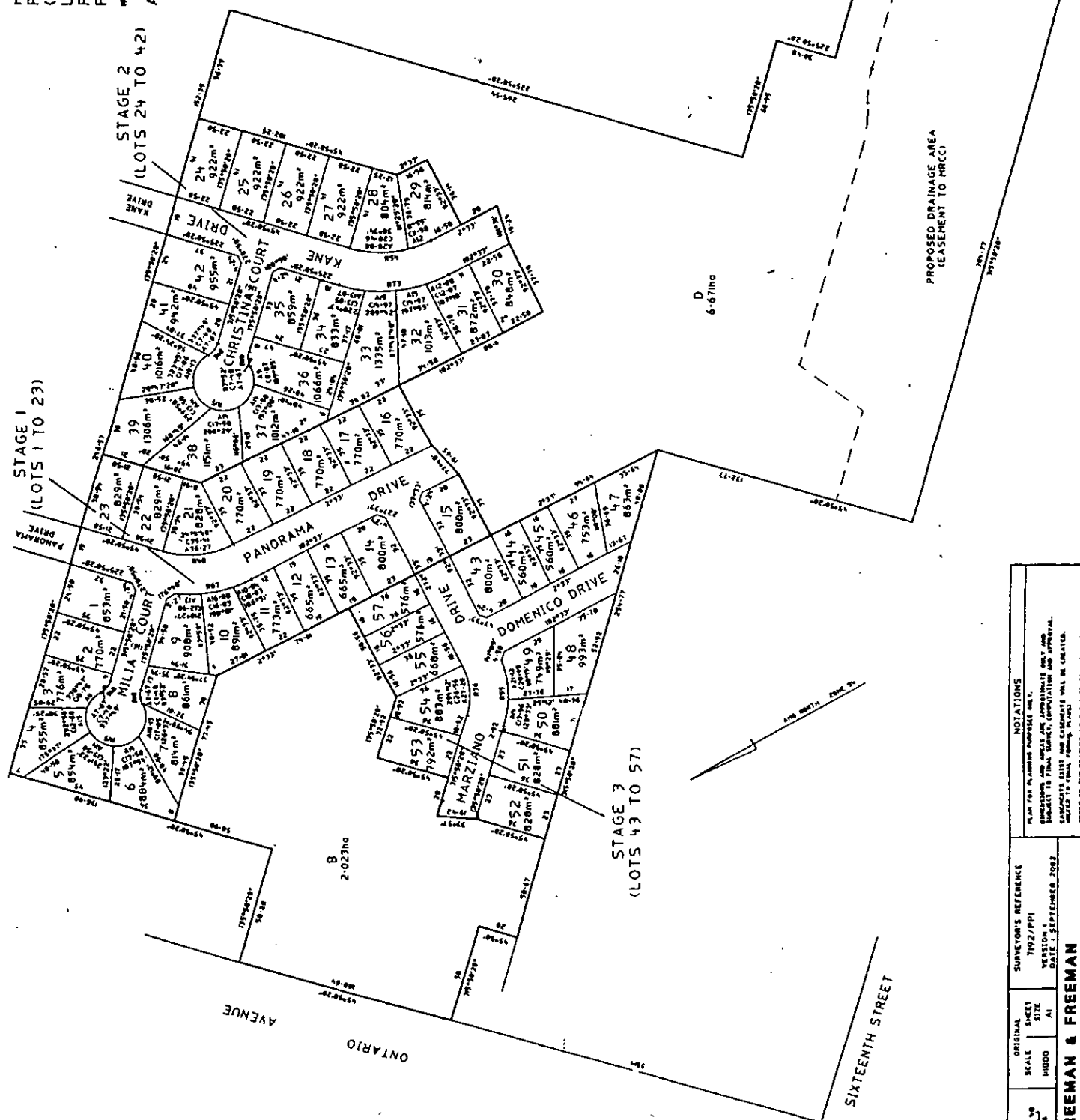
"PANORAMA ESTATE"  
AT MILDURA.

### PROPOSED CONSTRUCTION DETAILS

- All steel to be delivered with an appropriate necessary seal treatment.
- People involved in the project will have a 1-1 monthly field presentation.
- People involved in the project will have a 1-1 monthly video presentation.
- Expertise presented in the video package is prepared to be revised.
- A language is presented in each video, with the project's language that they will be presented in the video.
- The project will be presented in the video, with the project's language that they will be presented in the video.
- The project will be presented in the video, with the project's language that they will be presented in the video.
- All video, graphics and working correspondence must be in the appropriate format, and to be appropriate.
- All project, graphics and working correspondence must be in the appropriate format, and to be appropriate.



**DAC554132C-19-1**



# AC554132C

18/12/2003 \$59

173

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## Planning Zone Summary

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

**Planning Overlays:** DESIGN AND DEVELOPMENT OVERLAY (DDO)  
DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 8 (DDO8)  
DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY (DCPO)  
DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY - SCHEDULE 1 (DCPO1)  
DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY - SCHEDULE 2 (DCPO2)  
DEVELOPMENT PLAN OVERLAY (DPO)  
DEVELOPMENT PLAN OVERLAY - SCHEDULE 1 (DPO1)  
SALINITY MANAGEMENT OVERLAY (SMO)  
SALINITY MANAGEMENT OVERLAY SCHEDULE (SMO)  
SPECIFIC CONTROLS OVERLAY (SCO)  
SPECIFIC CONTROLS OVERLAY - SCHEDULE 1 (SCO1)

Planning scheme data last updated on 31 August 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](#)

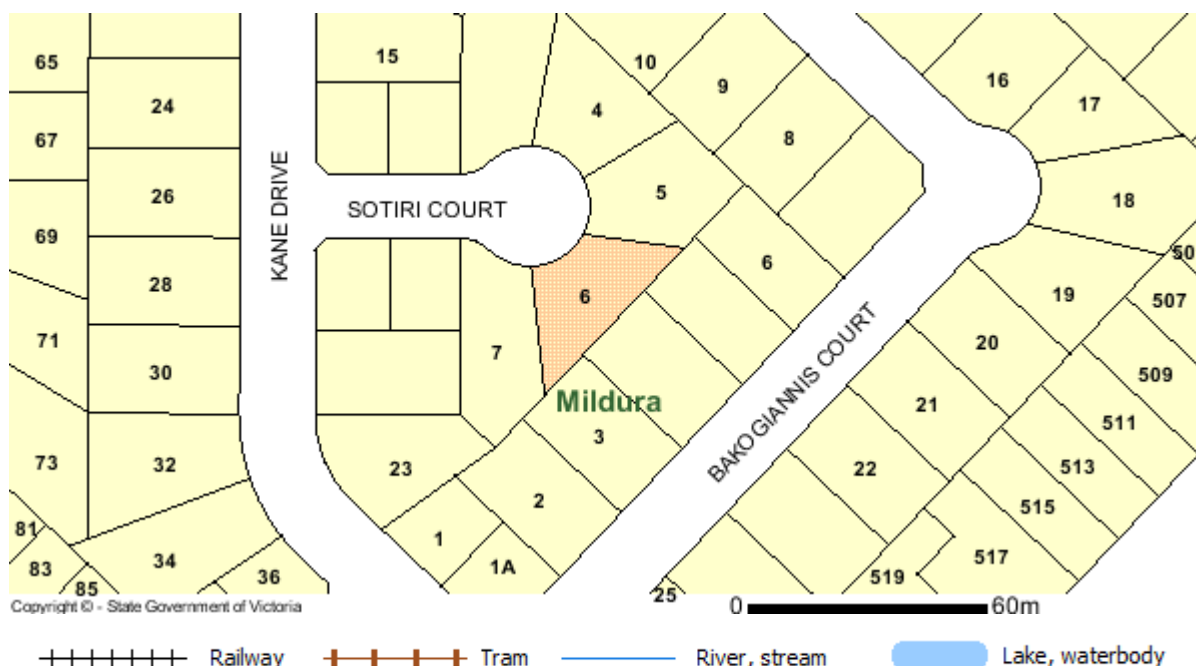
The Planning Property Report includes separate maps of zones and overlays

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](http://www.planning.vic.gov.au)

## Area Map



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# PLANNING PROPERTY REPORT

From [www.planning.vic.gov.au](http://www.planning.vic.gov.au) on 06 September 2021 10:18 AM

## PROPERTY DETAILS

Address: **6 SOTIRI COURT MILDURA 3500**  
Lot and Plan Number: **Lot 113 PS535151**  
Standard Parcel Identifier (SPI): **113\PS535151**  
Local Government Area (Council): **MILDURA**  
Council Property Number: **30901**  
Planning Scheme: **Mildura**  
Directory Reference: **VicRoads 534 J9**

[www.mildura.vic.gov.au](http://www.mildura.vic.gov.au)

[planning-schemes.delwp.vic.gov.au/schemes/mildura](http://planning-schemes.delwp.vic.gov.au/schemes/mildura)

## UTILITIES

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

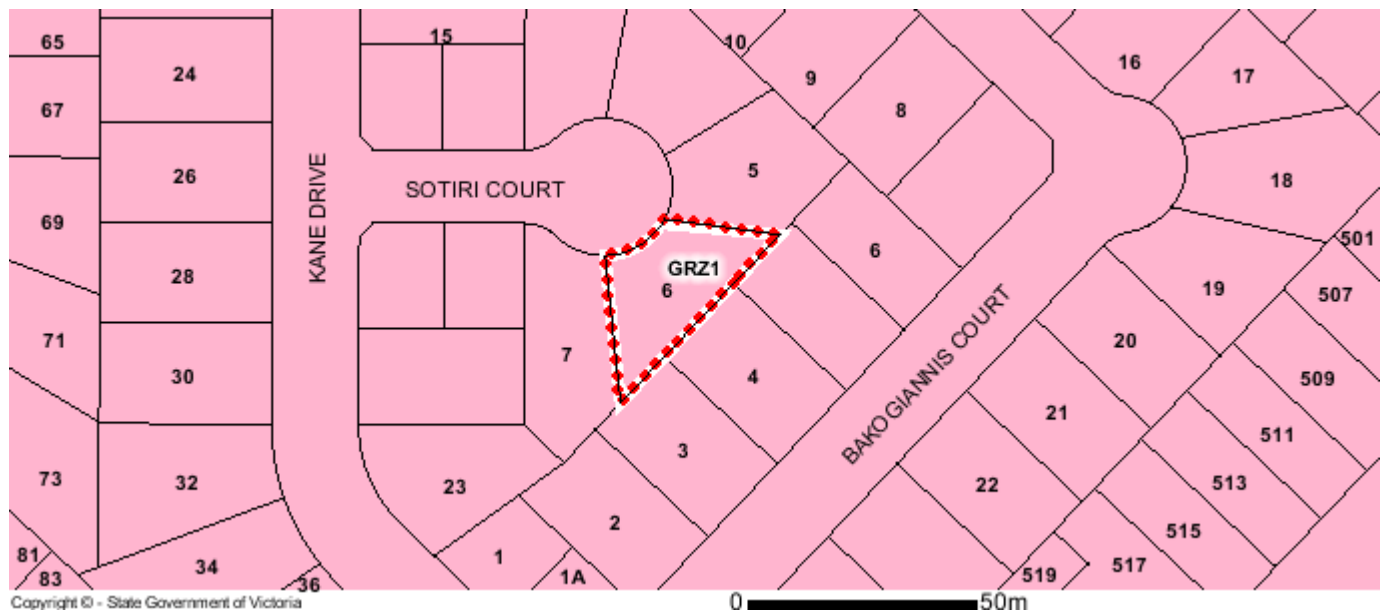
## STATE ELECTORATES

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

## Planning Zones

[GENERAL RESIDENTIAL ZONE \(GRZ\)](#)

[GENERAL RESIDENTIAL ZONE - SCHEDULE 1 \(GRZ1\)](#)



GRZ - General Residential

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

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Notwithstanding this disclaimer, a vendor may rely on the information in this report for the purpose of a statement that land is in a bushfire prone area as required by section 32C (b) of the Sale of Land 1962 (Vic).

## Planning Overlays

### [DESIGN AND DEVELOPMENT OVERLAY \(DDO\)](#)

#### [DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 8 \(DDO8\)](#)



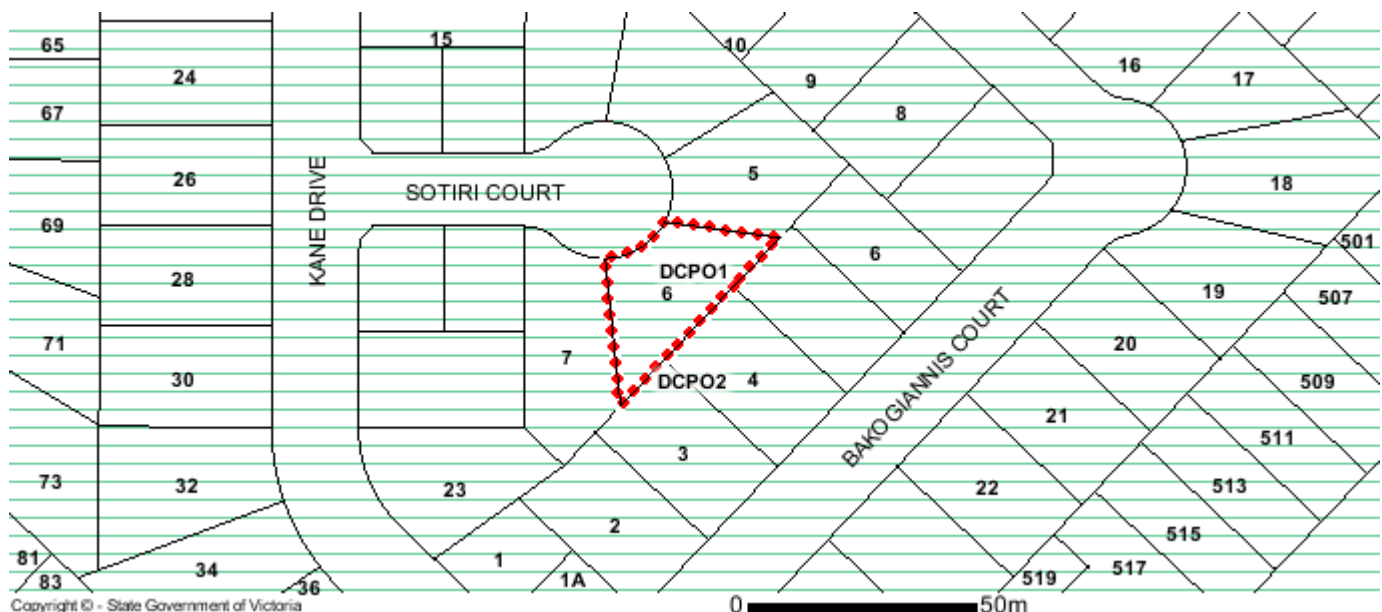
 DDO - Design and Development

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

### [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.

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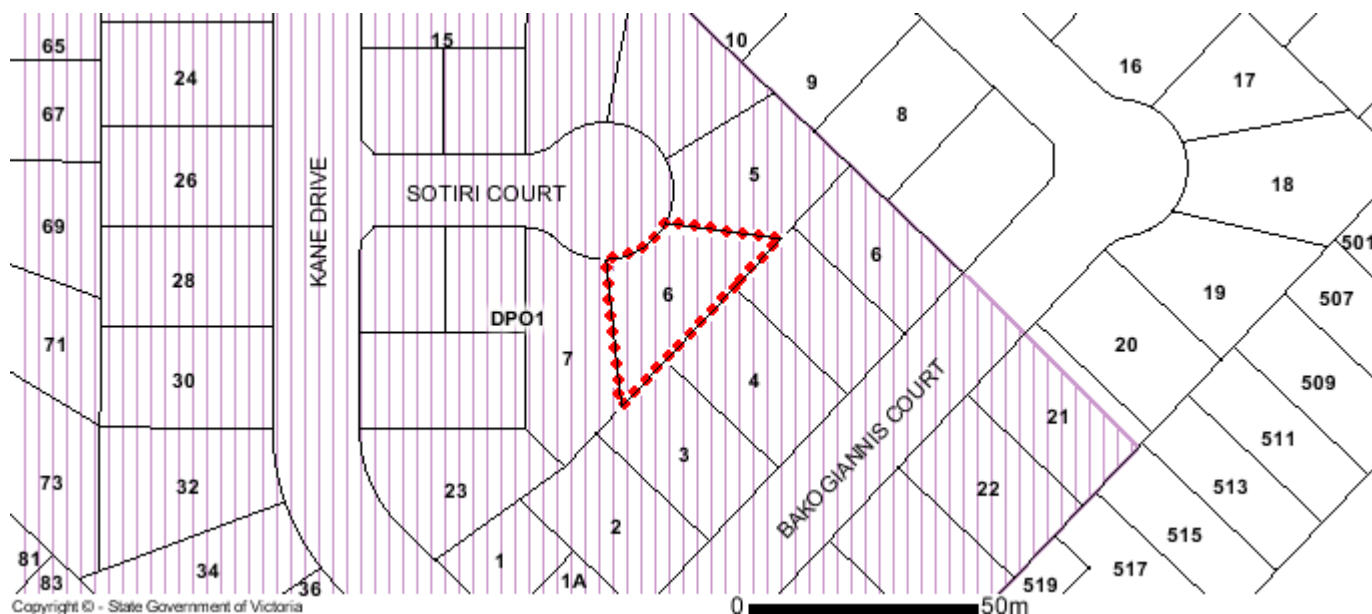
Read the full disclaimer at [www.land.vic.gov.au/home/copyright-and-disclaimer](http://www.land.vic.gov.au/home/copyright-and-disclaimer)

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## Planning Overlays

### [DEVELOPMENT PLAN OVERLAY \(DPO\)](#)

### [DEVELOPMENT PLAN OVERLAY - SCHEDULE 1 \(DPO1\)](#)

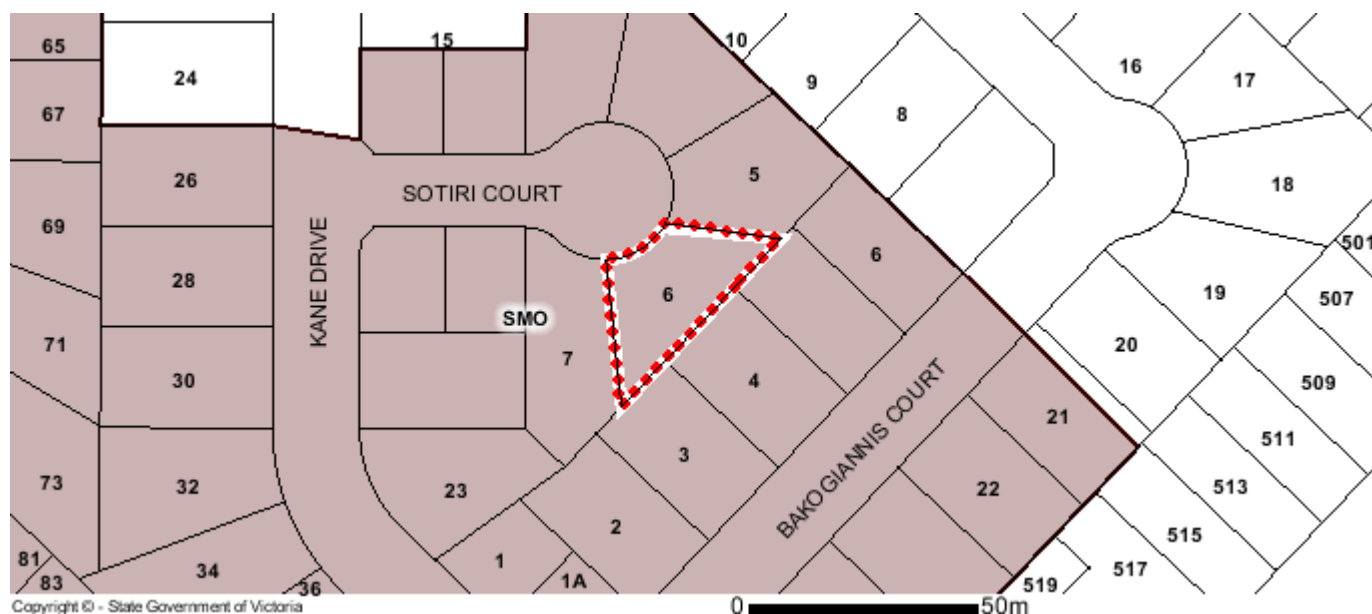


 DPO - Development Plan

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

### [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.

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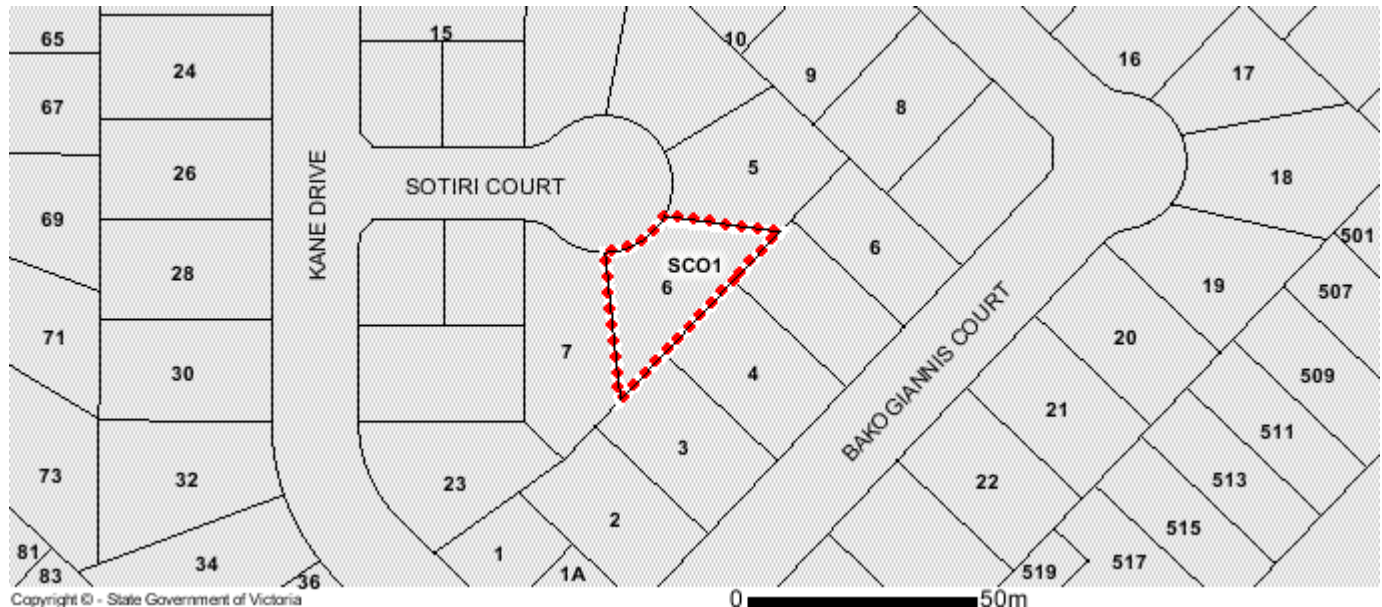
Notwithstanding this disclaimer, a vendor may rely on the information in this report for the purpose of a statement that land is in a bushfire prone area as required by section 32C (b) of the Sale of Land 1962 (Vic).



## Planning Overlays

[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.

## Further Planning Information

Planning scheme data last updated on 31 August 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>

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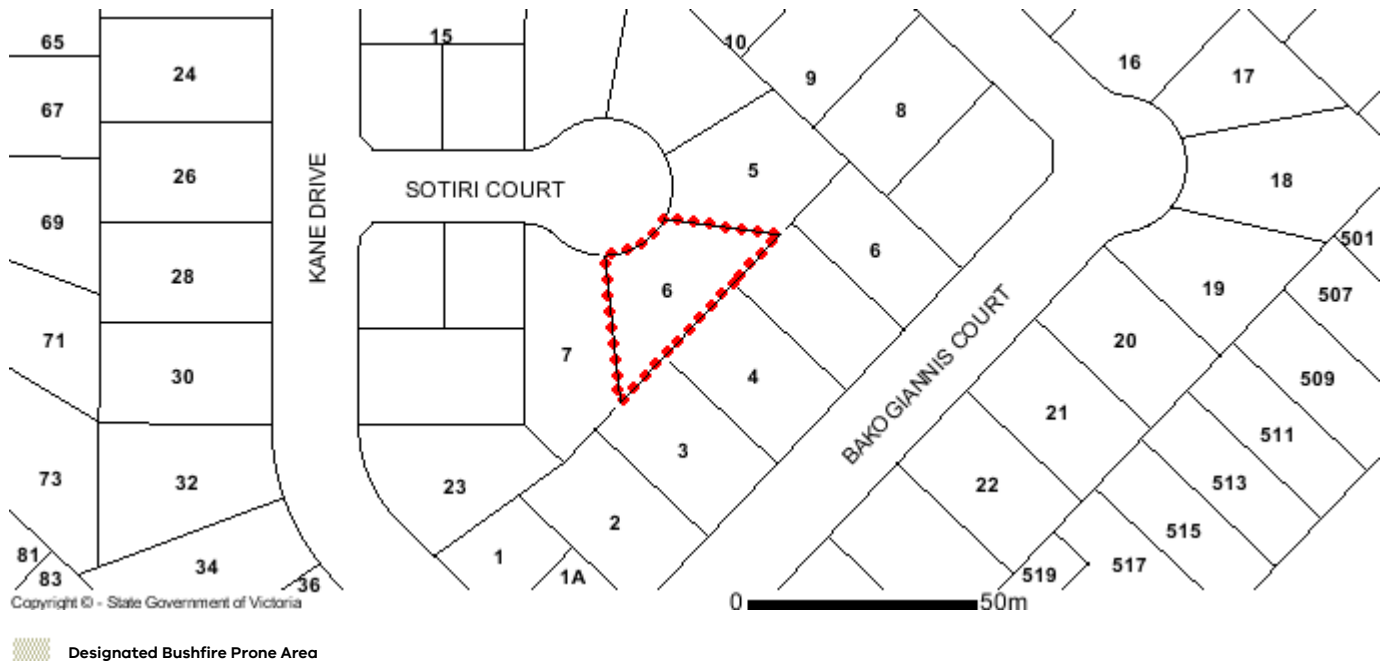
For details of surrounding properties, use this service to get the Reports for properties of interest.

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>

## 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.

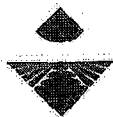
Note: prior to 8 September 2011, the whole of Victoria was designated as bushfire prone area for the purposes of the building control system.

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](http://www.vba.vic.gov.au)

Copies of the Building Act and Building Regulations are available from [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au)

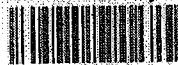
For Planning Scheme Provisions in bushfire areas visit <https://www.planning.vic.gov.au>





Mildura Rural City Council

Internal Use Only



TAX INVOICE

ABN 42 478 737 037



Aqeel Chalabi & Zainab Mutwally  
6 Sotiri Court  
MILDURA VIC 3500



033  
005469  
R1\_13233

**Total Rates & Charges For this Year**  
**\$3,327.25**

Refer below for payment options

## Rate and Valuation Notice

1 July 2021 to 30 June 2022

**Property Location & Description**  
6 Sotiri Court MILDURA VIC 3500  
Lot 113 PS 535151U Sec 33 Blk E

AVPCC: 110 - Detached Home

### RATING DETAILS

Residential Rate  
Waste Management

Assessment No: 30901  
Issue Date 6 August 2021  
Rate declaration date: 1 July 2021  
Capital Improved Value: 462,000  
Site Value: 140,000  
Net Annual Value: 23,100  
Valuation Date: 1 January 2021

0.0059305	462000	\$2,739.89
446.1	1	\$446.10

### VICTORIAN STATE GOVERNMENT FIRE SERVICES PROPERTY LEVY

Residential Fire Levy (Fixed)  
Residential Fire Levy (Variable)

114.00	1	\$114.00
0.000059	462000	\$27.26

**TOTAL AMOUNT**

**\$3,327.25**

Payment in full

Due 15 Feb 2022  
\$3,327.25

Or

1st Instalment

Due 30 Sep 2021  
\$831.82

2nd Instalment

Due 30 Nov 2021  
\$831.81

3rd Instalment

Due 28 Feb 2022  
\$831.81

4th Instalment

Due 31 May 2022  
\$831.81

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

## Payment Slip

Aqeel Chalabi & Zainab Mutwally  
6 Sotiri Court MILDURA VIC 3500  
Assessment No: 30901

Payment In Full: \$3,327.25  
Or 1st Instalment: \$831.82



Billir code: 93922  
Ref: 309013

BPAY is a payment via internet or phone banking.  
BPAY View - View and pay this bill using internet banking.  
BPAY View Registration No.: 309013

POST billpay



Full Payment: \*41 309013



Post Billir code: 0041  
Billir Ref: 309013

Pay in person at any post office, phone  
13 18 16 or go to postbillpay.com.au

Centrepay Ref:  
555 054 7308

Internal Use Only





#### Madden Avenue Service Centre

108 Madden Avenue, Mildura  
Phone: (03) 5018 8100  
Fax: (03) 5021 1899

#### Deakin Avenue Service Centre

76 Deakin Avenue, Mildura  
Phone: (03) 5018 8100  
Fax: (03) 5021 1899

#### Ouyen Service Centre

79 Oke Street, Ouyen  
Phone: (03) 5018 8600  
Fax: (03) 5092 1017

PO Box 105, Mildura Vic 3502

DX 50014, Mildura

mrec@mildura.vic.gov.au

www.mildura.vic.gov.au

#### ARREARS

Payment of arrears must be made immediately unless an agreed payment arrangement is in place. As penalty interest accrues daily, please contact Council for an updated arrears amount when making payment.

#### PAYING YOUR RATES

There are two ways you can pay:

##### 1. One full payment

Pay the full amount of current rates and charges in one annual payment by 15 February 2022, or

##### 2. Four quarterly instalments

Pay your rates in four separate instalments. The full amount of the first instalment must be paid by 30 September 2021. Any arrears must also be paid by this date. Any payments received after this date will be treated as part payment of the 'one full payment' option.

#### INTEREST AND PENALTIES

Under Section 172 of the Local Government Act 1989, late payments will be subject to penalty interest calculated from the date when each quarterly instalment was due, irrespective of whether or not a ratepayer has chosen to pay by the instalment or lump sum option. Late payments will be subject to an interest rate of 10% pa (set under the Penalty Interest Rates Act 1983) on all overdue rates and charges until paid in full. In the absence of full payment or an agreed payment arrangement, Council may utilise legal action to recover outstanding rates and charges. All associated legal costs will be borne by the ratepayer.

#### FINANCIAL DIFFICULTY

Anyone experiencing financial difficulties or having trouble making rates payments should contact Council as soon as possible to discuss their circumstances and make alternative arrangements.

#### ALLOCATION OF PAYMENTS

Payments received will be allocated as follows:

1. Legal Costs Owning (if any)
2. Interest Owning (if any)
3. Arrears Owning (if any)
4. Current Rates or Charges Owning

#### AVPCC

An Australian Valuation Property Classification Code is applied to each property to determine land use classification for Fire Services Property Levy purposes.

#### NOTICE OF VALUATION

The property described in this notice has been valued as at 1 January 2021, having regard to its present condition. Where a notice of valuation has been given by Council for the first time, a person may lodge an objection to the valuation and/or AVPCC with Council within two months of the date of issue. Any such objection must be lodged in accordance with Sec 16 of the Valuation of Land Act 1960.

A person considering objecting is advised to first discuss the matter with Council. The valuations shown may be used by other rating authorities for the purposes of a rate or tax. Regardless of any objection to the valuation, rates must be paid (as assessed) by the due date.

#### RATE NOTICE APPEAL

Under Section 183 of the Local Government Act 1989, if you are a person aggrieved by a decision to classify or not classify the property described in this notice as a particular type or class for differential rating purposes, you may apply to the Victorian Civil and Administrative Tribunal within 60 days of the date of issue for a review of the decision.

Under Section 184 of the Local Government Act 1989, if you are a person aggrieved by a rate or charge imposed by Council, or by anything included or excluded from such a rate or charge, you may lodge an appeal with the County Court within 60 days of the date of issue. There are limited grounds of appeal.

Under Section 185 of the Local Government Act 1989, if you are a person aggrieved by a decision to impose a special rate or special charge imposed by Council, you may apply to the Victorian Civil and Administrative Tribunal within 30 days of the date of issue for a review of the decision. There are limited grounds of appeal.

Prior to lodging any appeal with VCAT or the County Court, ratepayers are encouraged to first discuss the matter with Council.

#### CHANGE OF ADDRESS

It is the responsibility of the ratepayer to ensure Council has a current residential and postal address for the delivery of rate notices. If you change your residential or postal address you must notify Council.

#### RATE CAPPING

Council has complied with the Victorian Government's rates cap of 1.5 per cent. The cap applies to the average annual increase of rates and charges. The rates and charges for your property may have increased or decreased by a different percentage amount for the following reasons: (i) the valuation of your property relative to the valuation of other properties in the municipal district; (ii) the application of any differential rate by Council; (iii) the inclusion of other rates and charges not covered by the Victorian Government's rates cap.

#### FIRE SERVICES PROPERTY LEVY ACT 2012

Council is obliged under the Fire Services Property Levy Act 2012 to apply and collect this levy on behalf of the Victorian State Government. If you are subject to this levy, and your land is rateable, you may apply for a waiver, deferral or concession in respect of the levy amount in accordance with Sec 27. If you are subject to this levy and your land is classified residential for land use classification purposes but is not rateable land, you may apply for a waiver, deferral or concession in respect of the levy amount in accordance with Sec 28.

#### PENSIONER CONCESSION

Eligible pensioners can claim a concession on their Council rates and Fire Services Property Levy. If you have previously made an application and a concession isn't shown on your rate notice, please contact Council.

#### PRIVACY INFORMATION

Information on this notice is used for Council's municipal and statutory obligations only. Council may pass on this information to authorities and agencies where these bodies require the information to perform their legislative functions.

## How to pay

#### IN PERSON

Visit any of Council's Service Centres to pay by cash, cheque or EFTPOS (credit and debit cards accepted).

Office Hours  
8am - 5pm  
Monday to Friday

#### MAIL

Cheque payable to Mildura Rural City Council.  
PO Box 105  
Mildura VIC 3502

#### DIRECT DEBIT

Contact Council to arrange direct debit payments.

#### BPAY®



Contact your bank or financial institution to access BPAY from your account.  
Quote the Biller Code 93922 and Reference No. as on the front of this notice.

#### NOTICES



To have your noticed emailed  
Register at  
[mildura.enotices.com.au](mailto:mildura.enotices.com.au)  
Reference No:  
**8EDCD259BU**

#### AUSTRALIA POST

Pay in-store at Australia Post to pay by cash, cheque, EFTPOS, debit card, MasterCard or Visa. Or by phone, 131 816 or online at [auspost.com.au/postbillpay](http://auspost.com.au/postbillpay)

#### CENTREPAY

Call Centrelink to arrange regular deductions from your Centrelink payments. Quote Centrepay Reference No: 555 054 730B and your Assessment Number.



Statement No: IS22/86678  
 Page: 1 of 2  
 Our Ref: 44041  
 Issue Date: 17/09/2021  
 Your Ref: 54244794-037-7

LANDATA  
 DX 250639  
 EAST MELBOURNE

Statement showing Tariffs, Charges & Interest due within Financial Year Ending 30/06/2022.

Owner Name(s) MR A CHALABI & MS ZM MUTWALLY  
 Situate: 6 SOTIRI COURT MILDURA VIC 3500  
 Description: Lot 113 PS 535151U Blk E Sec 33 Vol 10911 Fol 410

Lower Murray Water hereby states that the above described property has the following Tariffs and Charges raised on the Property and the amounts are due and payable to Lower Murray Water.

NOTE: ALL ARREARS SHOWING ON THIS STATEMENT MUST BE PAID IN FULL ON SETTLEMENT.  
 NOTE: THIS STATEMENT IS VALID FOR A PERIOD OF THIRTY DAYS FROM DATE OF ISSUE  
 OR UNTIL THE END OF THE CURRENT PERIOD AS STATED BELOW

**TARIFFS AND CHARGES**

TARIFFS & CHARGES LEVIED for period:	1/07/2021 to 30/09/2021	
Sewerage Service Tariff		122.38
Water Service Tariff		51.84
Water by Measure to 17/9/2021		24.38
Receipts, Concessions & Rebates		(186.89)
Balance Due		\$11.71

**Mildura (Head Office)**  
 T 03 5051 3400  
 741-759 Fourteenth Street  
 Mildura Victoria 3500  
 PO Box 1438  
 Mildura Victoria 3502  
 AUSDOC DX 50023

**Swan Hill (Area Office)**  
 T 03 5036 2150  
 73 Beveridge Street  
 Swan Hill Victoria 3585  
 PO Box 1447  
 Swan Hill Victoria 3585  
 AUSDOC DX 30164

**Kerang (Area Office)**  
 T 03 5450 3960  
 56 Wellington Street  
 Kerang Victoria 3579  
 PO Box 547  
 Kerang Victoria 3579  
 AUSDOC DX 57908

E [contactus@lmw.vic.gov.au](mailto:contactus@lmw.vic.gov.au)  
[lmw.vic.gov.au](http://lmw.vic.gov.au)  
   

ABN 18 475 808 826

All Emergencies  
**1800 808 830**



PROPERTY SERVICE INFORMATION	
Property Serviced:	Yes
Water Supply:	Potable Water
Sewer Supply:	Reticulated Sewer System

#### Last Billed Water Consumption Details

-----  
 Period Of Usage: 18/3/2021 to 18/6/2021 (92 Days)  
 28 kl @ \$0.45250 Step1 Rate = \$12.67

Period Of Usage: 18/6/2021 to 17/9/2021 (91 Days)  
 26 kl @ \$0.45030 Step1 Rate = \$11.71

#### Water Meter Details

-----  

Serial No.	Size	Date Read	Reading
07W046348	20	17/9/2021	2969

#### Other Information:

Corporation sewer main located inside property boundary

It should be noted that in most instances the integrity of the Corporations sewer mains are protected by way of sewer easements. A Sewer easement can be in the form of a registered easement as depicted on the property title or alternatively as an implied easement as prescribed under section 148 of the Water Act 1989. The Corporation has policies in place which prohibits the placement of buildings and or structures over sewer easements.

If you wish to make the settlement payment for this property via BPay please use the following information: **Biller Code 78477 Payment Reference Number 700440415.**

This Statement was issued from the Mildura Office

Signed:

DocuSigned by:  
  
 775F95AC569F497...

On behalf of:

**LOWER MURRAY URBAN & RURAL WATER CORPORATION**

#### PLEASE NOTE:

Legislative changes in Plumbing Regulations are such that Lower Murray Water is unable to ensure that internal plumbing services are complete. A physical inspection by a Registered/Licensed Plumber is advised.

Property owners of the relevant land are responsible for the operation and maintenance of all internal private services including all drains and service pipes up to the connection point of the Corporation's main.

#### DISCLAIMER:

Information as to the location of services provided in that statement in accordance with Section 158(3) of the Water Act 1989, relate only to services owned by the Corporation which are located within or adjacent to the property. The Corporation does not accept responsibility for information it attempts to provide to assist in relation to the location of private services within the property, this information provided under Section 158(4) of the Water Act 1989, and should not be relied upon without further physical inspection.





Property Clearance Certificate  
Taxation Administration Act 1997



INFOTRACK / ROTMAN & MORRIS

Your Reference:	212543
Certificate No:	48810514
Issue Date:	16 SEP 2021
Enquiries:	ESYSPROD

Land Address: 6 SOTIRI COURT MILDURA VIC 3500

Land Id	Lot	Plan	Volume	Folio	Tax Payable
33580463	113	535151			\$0.00

Vendor: ZAINAB MAHER MUTWALLY & AQEEL CHALABI  
Purchaser: FOR INFORMATION PURPOSES

Current Land Tax	Year	Taxable Value	Proportional Tax	Penalty/Interest	Total
MR AQEEL CHALABI	2021	\$129,000	\$0.00	\$0.00	\$0.00

Comments: Property is exempt: LTX Principal Place of Residence.

Current Vacant Residential Land Tax	Year	Taxable Value	Proportional Tax	Penalty/Interest	Total
-------------------------------------	------	---------------	------------------	------------------	-------

Comments:

Arrears of Land Tax	Year	Proportional Tax	Penalty/Interest	Total
---------------------	------	------------------	------------------	-------

This certificate is subject to the notes that appear on the reverse. The applicant should read these notes carefully.

  
Paul Broderick  
Commissioner of State Revenue

CAPITAL IMP VALUE:	\$447,000
SITE VALUE:	\$129,000
AMOUNT PAYABLE:	\$0.00



# Notes to Certificates Under Section 95AA of the *Taxation Administration Act 1997*

**Certificate No:** 48810514

---

## Power to issue Certificate

1. The Commissioner of State Revenue can issue a Property Clearance Certificate (Certificate) to an owner, mortgagee or bona fide purchaser of land who makes an application specifying the land for which the Certificate is sought and pays the application fee.

## Amount shown on Certificate

2. The Certificate shows any land tax (including Vacant Residential Land Tax, interest and penalty tax) that is due and unpaid on the land described in the Certificate at the date of issue. In addition, it may show:
  - Land tax that has been assessed but is not yet due,
  - Land tax for the current tax year that has not yet been assessed, and
  - Any other information that the Commissioner sees fit to include, such as the amount of land tax applicable to the land on a single holding basis and other debts with respect to the property payable to the Commissioner.

## Land tax is a first charge on land

3. Unpaid land tax (including Vacant Residential Land Tax, interest and penalty tax) is a first charge on the land to which it relates. This means it has priority over any other encumbrances on the land, such as a mortgage, and will continue as a charge even if ownership of the land is transferred. Therefore, a purchaser may become liable for any such unpaid land tax.

## Information for the purchaser

4. If a purchaser of the land described in the Certificate has applied for and obtained a Certificate, the amount recoverable from the purchaser cannot exceed the 'amount payable' shown. A purchaser cannot rely on a Certificate obtained by the vendor.

## Information for the vendor

5. Despite the issue of a Certificate, the Commissioner may recover a land tax liability from a vendor, including any amount identified on this Certificate.

## General information

6. A Certificate showing no liability for the land does not mean that the land is exempt from land tax. It means that there is nothing to pay at the date of the Certificate.
7. An updated Certificate may be requested free of charge via our website, if:
  - The request is within 90 days of the original Certificate's issue date, and
  - There is no change to the parties involved in the transaction for which the Certificate was originally requested.

## For Information Only

LAND TAX CALCULATION BASED ON SINGLE OWNERSHIP

Land Tax = \$0.00

Taxable Value = \$129,000

Calculated as \$0 plus ( \$129,000 - \$0) multiplied by 0.000 cents.

---

## Property Clearance Certificate - Payment Options

### BPAY



Billers Code: 5249  
Ref: 48810514

### Telephone & Internet Banking - BPAY®

Contact your bank or financial institution to make this payment from your cheque, savings, debit or transaction account.

[www.bpay.com.au](http://www.bpay.com.au)

### CARD



Ref: 48810514

### Visa or Mastercard

Pay via our website or phone 13 21 61.  
A card payment fee applies.

[sro.vic.gov.au/paylandtax](http://sro.vic.gov.au/paylandtax)

**Request For Building Information**  
Pursuant to regulation 51 Building Regulation 2018

**Applicant's Name and Address:**

**Landata**  
**Landata.online@victorianlrs.com.au**

<b>File:</b>	<b>PA30901</b>
<b>Your Ref:</b>	<b>54244794-017-9</b>
<b>Date Issued:</b>	<b>20 September 2021</b>

<b>Property Address:</b>	<b>6 Sotiri Court - MILDURA</b> <b>Lot 113 on Plan of Subdivision 535151U</b> <b>Volume: 10911 Folio: 410</b>
--------------------------	---

N.B. Please see page 2 for Salinity Statement

**Regulation 51 (1)**

(A) Details of any permit or certificate of final inspection issued in the preceding 10 years

- Building permit 29378-20150091/0 issued on 30 April 2015 for the Construction of Fibreglass Inground Swimming Pool with Safety Barriers  
Final Certificate issued on 29 September 2015

(B) Details of any current statement issued under regulation 64(1) or 231(2) of these regulations

Nil

(C) Details of any current notice or order issued by the relevant building surveyor under the Act.

Nil



**Signed:**  
**MARK YANTSES**  
**MUNICIPAL BUILDING SURVEYOR**

**N.B.** Please note that information on this form is taken from Council records and is **NOT** evidence that illegal building works do not exist in relation to this property.



**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 blue ink, appearing to read 'Mark Yantses', with a horizontal line extending to the left.

**Mark Yantses**

**MUNICIPAL BUILDING SURVEYOR**

MY/cm

FORM 2  
Building Act 1993  
Building Regulations 2006  
Regulation 313

## BUILDING PERMIT WITH CONDITIONS

PERMIT NO: BS-U 29378-20150091/0

### ISSUED TO:-

Agent:	Cookes Pools and Spas	PO Box 5005	MILDURA VIC 3502
Phone:	03 5022 1266	Mobile: 0428 175 535	Fax:

### OWNERSHIP DETAILS:-

Owners:	Aqeel Chalabi & Z M Mutwally	6 Sotiri Court	MILDURA VIC 3500
Phone:		Mobile: 0400919301	Fax:

### PROPERTY DETAILS:-

Lot: 113	No: 6	Sotiri Court	MILDURA VIC 3500
Municipality:	Mildura Rural City Council		
Title Details:	PS:535151U	Volume: 10911	Folio: 410
Site Area:	724m2		

### BUILDER:-

Builder:	Sunraysia Pools Pty Ltd	PO Box 5005	MILDURA 3502
Phone:	03 5022 1266	Mobile: 0428 175 535	Fax:

### DETAILS OF DOMESTIC BUILDING WORK INSURANCE:-

The issuer or provider of the required insurance policy is:-

Insurance Provider Name:	QBE		
Policy No:	020055619BWI-44	Date Issued:	28/04/2015

### DETAILS OF RELEVANT PLANNING PERMIT:-

Not Applicable

### NATURE OF BUILDING WORK:-

Construction of Fibreglass Inground Swimming Pool with Safety Barriers

Project Classification:	10b
Project Use:	Swimming Pool
Total New Floor Area:	N/A
Project Estimated Value:	\$64,543
No of Storeys:	N/A
Allowable Live Load:	N/A

### 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 reinforced bond beam excavation  
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: 30/10/2015 and is to be completed six (6) months from date of completion

### PRACTITIONERS:-

Type	Name	Registration Number
Builder:	Clifford R Cooke	DB-L 1314
Draftsperson:	Anthony Fox	DP-AD 1091
Engineer:	C E Rickard	EC 1490

PRIVATE BUILDING SURVEYOR:-

TIM ANDERSON

REGISTRATION NO:

BS-U 29378

SIGNATURE:



ISSUE DATE:

30/04/2015

NOTES

- Note 1:** 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 2:** Under Regulation 318, an owner of as 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 of address of the owner or of the builder carrying out the building work. The penalty for non-compliance is 10 penalty units.
- 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**.

**FORM 7**  
Building Act 1993  
Building Regulations 2006  
Regulation 1006

## CERTIFICATE OF FINAL INSPECTION

**TO:-**

**Agent:**

**Address:**

Cookes Pools & Spas  
PO Box 5005  
MILDURA VIC 3502

**Owner:**

**Address:**

Aqeel Chalabi & Zainab Maher Mutwally  
6 Sotiri Court  
MILDURA VIC 3500

**PROJECT ADDRESS:-**

Lot 113 (No. 6) SOTIRI COURT, MILDURA

**MUNICIPAL DISTRICT:-**

Mildura Rural City Council

**DESCRIPTION OF BUILDING WORK:-**

Part of Building:

Permitted Use:

BCA Class:

Allowable Live Load:

Fibreglass Inground Pool with Safety Barriers  
As per plans  
Swimming Pool  
10b  
N/A

**DIRECTIONS:-**

Any directions under Division 5 of Part 4 of the  
**Building Act 1993** have been complied with.

**RELEVANT BUILDING SURVEYOR:-**

Name:

Registration No:

Address:

TIM ANDERSON  
BS-U 29378  
133b Lime Avenue  
Mildura VIC 3500

**SIGNATURE:-**

Signed:

Certificate No:

Final Inspection Date:

Date of Issue:



20150091/0

28 September 2015

29 September 2015



\*\*\*\* Delivered by the LANDATA® System, Department of Environment, Land, Water & Planning \*\*\*\*

## ROADS PROPERTY CERTIFICATE

The search results are as follows:

Rotman & Morris C/- InfoTrack  
135 King St  
SYDNEY 2000  
AUSTRALIA

Client Reference: 88370

NO PROPOSALS. As at the 16th September 2021, VicRoads has no approved proposals requiring any part of the property described in your application. You are advised to check your local Council planning scheme regarding land use zoning of the property and surrounding area.

This certificate was prepared solely on the basis of the Applicant-supplied address described below, and electronically delivered by LANDATA®.

6 SOTIRI COURT, MILDURA 3500  
RURAL CITY OF MILDURA

This certificate is issued in respect of a property identified above. VicRoads expressly disclaim liability for any loss or damage incurred by any person as a result of the Applicant incorrectly identifying the property concerned.

Date of issue: 16th September 2021

Telephone enquiries regarding content of certificate: 13 11 71

**[Vicroads Certificate] # 54244794 - 54244794103635 '88370'**