



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

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

# Vendor Statement

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

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

The vendor may sign by electronic signature.

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

PROPERTY: 5 Holyoake Way, Mildura

VENDOR'S NAME: Mark Travis Bulger and Jennifer Colleen Bulger (formerly Elliott)

VENDOR'S SIGNATURE: [Handwritten signatures of Mark Travis Bulger and Jennifer Colleen Bulger]

DATE: 8.10.2020

PURCHASER'S NAME:

PURCHASER'S SIGNATURE:

DATE:

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

**Vendor:**                    **Mark Travis Bulger and  
Jennifer Colleen Bulger (formerly Elliott)**

**Property:**                **5 Holyoake Way, Mildura  
Lot 4 on PS 401155K being the whole of the land in  
Certificate of Title Volume 10311 Folio 506**

**1. Financial matters in respect of the land**

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

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

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

Any further amounts (including any proposed Owners Corporation Levy) for which the Purchaser may become liable as a consequence of the purchase of the property are as follows: Usual Adjustment of outgoings and water by measure

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

**2. Insurance details in respect of the land**

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

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

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

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

### 3. Matters relating to land use

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

### 4. Notices made in respect of land

- (a) Particulars of any notice, order, declaration, report or recommendation of a public authority or government department or approved proposal directly and currently affecting the property of which the vendor might reasonably be expected to have knowledge:

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

~~Is as follows:~~

None to the Vendor's knowledge

- (b) Whether there are any notices, property management plans, reports or orders in respect of the land issued by a government department or public authority in relation to livestock disease or contamination by agricultural chemicals affecting the ongoing use of the land for agricultural purposes:

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

~~Is as follows:~~

None to the Vendor's knowledge

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

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

~~Is as follows:~~

None to the Vendor's knowledge

### 5. Building permits

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

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

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

~~Is as follows:~~



## 6. Information relating to any Owners Corporation

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

## 7. Growth areas infrastructure contribution

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

Particulars of work-in-kind agreement:

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

## 8. Disclosure of non-connected services

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

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

## 9. Evidence of title

Attached are copies of the following document/s concerning Title:

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

## **10. DUE DILIGENCE CHECKLIST:**

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

### **IMPORTANT NOTICE – ADDITIONAL DISCLOSURE REQUIREMENTS:**

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

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

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

VOLUME 10311 FOLIO 506

Security no : 124085942591T  
Produced 08/10/2020 11:46 AM

LAND DESCRIPTION

Lot 4 on Plan of Subdivision 401155K.  
PARENT TITLE Volume 09953 Folio 000  
Created by instrument PS401155K 03/01/1997

REGISTERED PROPRIETOR

Estate Fee Simple  
Joint Proprietors  
MARK TRAVIS BULGER  
JENNIFER COLLEEN ELLIOTT both of 5 HOLYOAKE WAY MILDURA VIC 3500  
AN321031P 29/11/2016

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AN321032M 29/11/2016  
COMMONWEALTH BANK OF AUSTRALIA

COVENANT V110628A

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

DIAGRAM LOCATION

SEE PS401155K 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 HOLYOAKE WAY MILDURA VIC 3500

ADMINISTRATIVE NOTICES

NIL

eCT Control 15771K COMMONWEALTH BANK OF AUSTRALIA - CONSUMER  
Effective from 29/11/2016

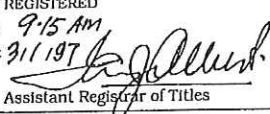
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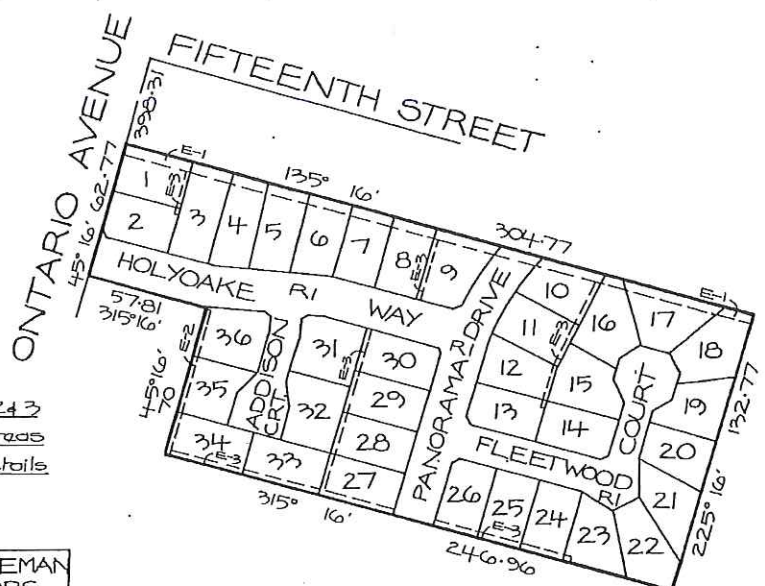
Delivered from the LANDATA® System by InfoTrack Pty Ltd.

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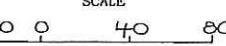
<b>PLAN OF SUBDIVISION</b>		STAGE NO. <hr/>	LTO use only <b>EDITION 2</b>	Plan Number <b>PS 401155 K</b>
<b>Location of Land</b> Parish: Mildura Township: _____ Section: _____ Crown Allotment: _____ Crown Portion: 2 (part)  LTO base record: Litho Sheet 2 Title references: Vol Fol 9953 000 Last plan reference: L.P. 2202235 (Lot 2)  Postal Address: Ontario Avenue (at time of subdivision) Mildura South 3500 AMG co-ordinates E 603450 Zone: 54 (of approx. centre of plan) N 6214650		<b>Council Certification and Endorsement</b> Council Name: Mildura Rural City Council Ref: L11/2014/1534 (1) 1. This plan is certified under section 6 of the Subdivision Act 1988 2. This plan is certified under section 11(7) of the Subdivision Act 1988 Date of original certification under section 6: / / 3. This is a statement of compliance issued under section 21 of the Subdivision Act 1988. Open Space: (i) A requirement for public open space under section 18 of the Subdivision Act 1988 has not been made. (ii) The requirement has been satisfied. (iii) The requirement is to be satisfied in stage. Council delegate Council seal Date 15 / 4 / 20 Re-certified under section 11(7) of the Subdivision Act 1988 Council delegate Council seal Date / /		LTO use only Statement of Compliance/ Exemption Statement Received <input checked="" type="checkbox"/> Date: 24 / 12 / 2016  LTO use only PLAN REGISTERED TIME 9:15 AM DATE 31 / 1 / 197  Assistant Registrar of Titles Notations Depth Limitation: Does not apply  THE RESERVATIONS & CONDITIONS CONTAINED IN TRANSFER No. 286703 AFFECTS THE LAND ON THIS PLAN.  Staging: This is/ is not a staged subdivision Planning Permit No. P1608/04  Survey: This plan is/ is not based on survey  This Survey has been corrected to permanent mark NO. (s). In Proclaimed Survey Area No.
<b>Easement Information</b>				
Legend: E - Encumbering Easement or Condition in Crown Grant in the Nature of an Easement A - Appurtenant Easement R - Encumbering Easement (Road)				
Subject Land	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
E-1	Sewerage	5.50	C/EM507223D	Sunraysia Water Board
E-2	Sewerage	2	L.P. 2202235	Lot 1 on L.P. 2202235
E-3	Sewerage	See diagram on sheets 2/3	This Plan	Lower Murray Region Water Authority.
R1	Way, drainage, sewerage & supply of water to telephone & electricity.	See diagram on sheets 2/3	This Plan	Lots on this Plan



Approx. True North

Refer to sheets 2/3 for dimensions, areas and easement details for each lot:

**FREEMAN & FREEMAN LAND SURVEYORS**  
 P.O. Box 2135, Mildura 3502  
 Phone 050 236 2399

SCALE  LENGTHS ARE IN METRES	ORIGINAL SCALE SHEET SIZE 1:2000 A3	LICENSED SURVEYOR (PRINT) <b>ROBERT BRUCE FREEMAN</b> SIGNATURE..... REF <b>5533</b>	DATE <b>19/2/2016</b> VERSION <b>1</b>
Sheet 1 of 3 Sheets			DATE <b>15/4/2016</b> COUNCIL DELEGATE SIGNATURE

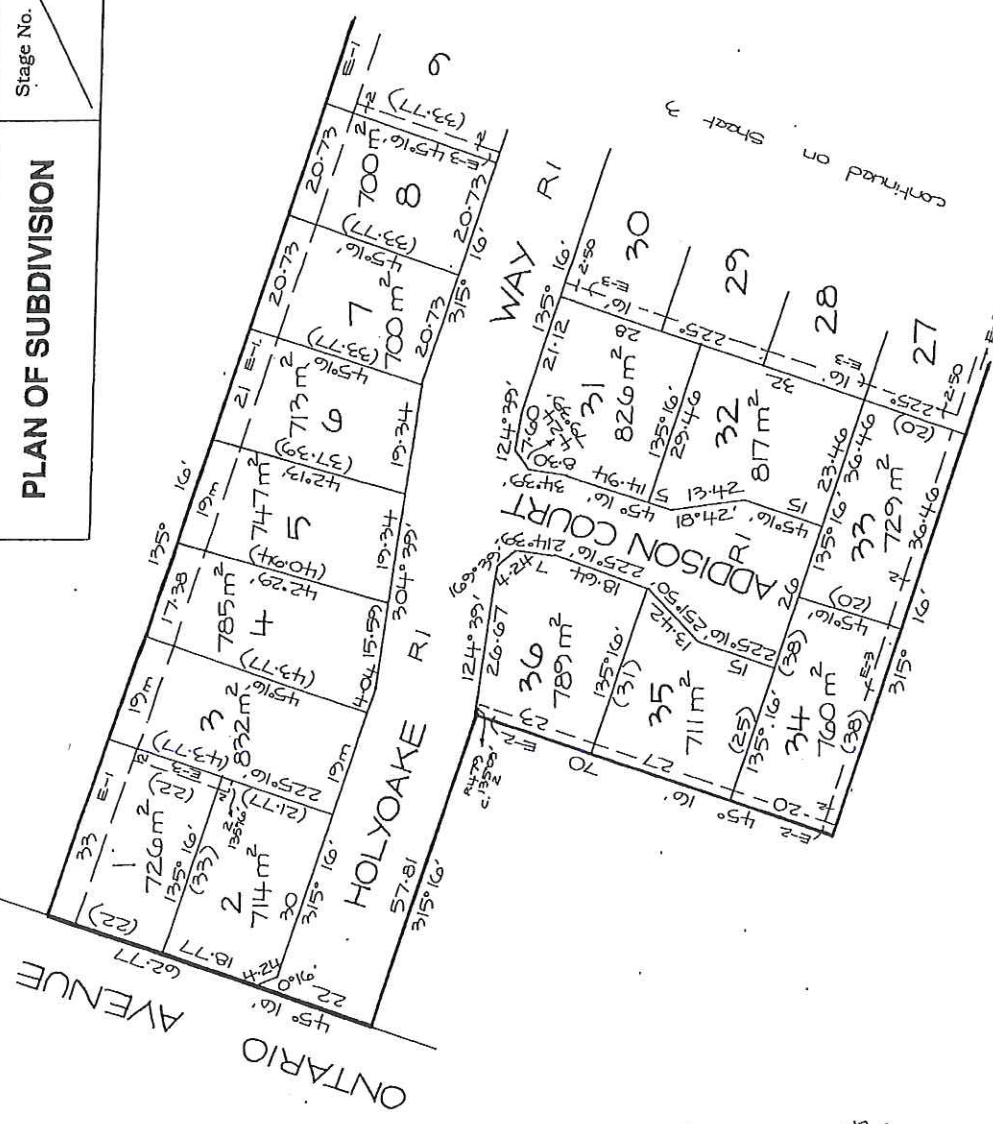
0 10 20 30 40 50 60 70 80 90 100 110 120 130 140 150 mm



**PLAN OF SUBDIVISION**

Stage No. /

Plan Number  
**PS 401155K**



Sheet 2 of 3 Sheets

LICENSED SURVEYOR (PRINT) ROBERT BURCE FREEMAN

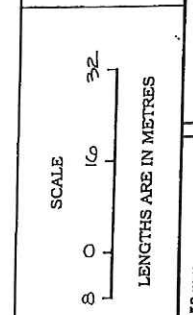
SIGNATURE ..... DATE 15 / 4 / 196

COUNCIL DELEGATE SIGNATURE

VERSION 1

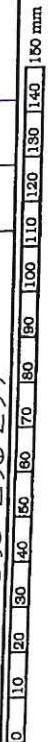
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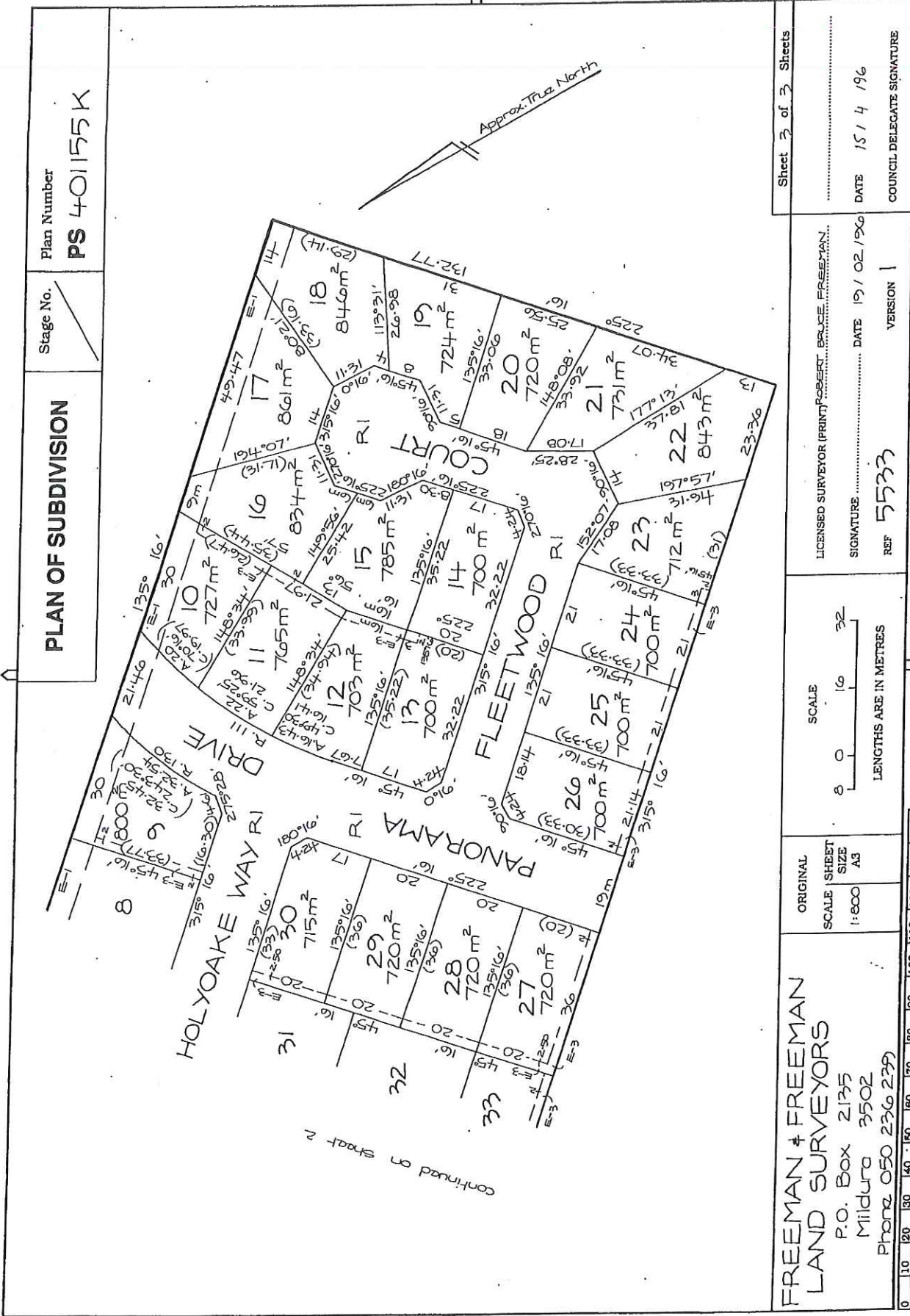
DATE 15 / 02 / 196



ORIGINAL SCALE SHEET SIZE 1:500 A3

**FREEMAN & FREEMAN**  
**LAND SURVEYORS**  
 P.O. Box 21235  
 Midura 3502  
 Phone 050 236 239





**PLAN OF SUBDIVISION**

Stage No. / Plan Number  
**PS 401155 K**

FREEMAN & FREEMAN LAND SURVEYORS P.O. Box 2135 Mildura 3502 Phone 050 236 239		ORIGINAL SCALE SHEET SIZE 1:800 A3	SCALE 0 10 20 30 LENGTHS ARE IN METRES	LICENSED SURVEYOR (PRINT) ROBERT BRUCE FREEMAN SIGNATURE ..... DATE 19 / 02 / 1966 REF 5533 VERSION 1	SHEET 3 of 3 Sheets DATE 15 / 4 / 196 COUNCIL DELEGATE SIGNATURE
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T.O.8

continued on sheet 2





**TRANSFER OF LAND**  
 Section 45 Transfer of Land Act 1958

Lodged by:

Name: **Westpac Banking Corporation**  
 Phone: .....  
 Address: ..... **0023 L**  
 Ref.: ..... **28002683**  
 Customer Code: .....



**V110628A**  
 251197 0903 45 37

MADE AVAILABLE / CHANGE CONTROL  
 Land Titles Office Use Only

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

Land: (volume and folio reference)  
 Lot 4 on Plan of Subdivision No. 401155K  
 Certificate of Title Volume 10311 Folio 506

**IMAGED**

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

All its estate in fee simple

Consideration:

Transferor: (full name)  
 Dunning Developments Pty Ltd ACN 059 897 657

Transferee: (full name and address including postcode)

Nevruz Sedef  
 of 20 Richardson Grove, Mildura 3500

Directing Party: (full name)  
 NIL

Creation and/or Reservation and/or Covenant:

And the said Nevruz Sedef for herself and her transferee the registered proprietor for the time being of the land transferred and every part thereof DO HEREBY as a separate covenant COVENANT with the said Dunning Developments Pty Ltd and the other registered proprietor or proprietors for the time being of the land comprised in the said Plan of Subdivision and every part thereof (other than the land hereby transferred) as follows:

Continued on T2 Page 2

Approval No. 002926L ORDER TO REGISTER  
 Please register and issue title to

**T2**



Signed \_\_\_\_\_ Cust. Code: \_\_\_\_\_

**3 DEC 1997**

STAMP DUTY USE ONLY

Victorian Stamp Duty  
 \$ 688  
 Stamps Act 1958  
 AP - 163 726 689  
 Transaction No. ....  
 Date 25 NOV 1997  
 Signature \_\_\_\_\_  
 Secures \$ 31.92

THE BACK OF THIS FORM MUST NOT BE USED

With the exception of Lots 26, 31, 33 and 34 on the said Plan of Subdivision, she will not erect or cause or suffer to be erected upon the said lot more than one main building which shall not be less than one hundred and twenty square metres (120m<sup>2</sup>) in floor area and that such building shall not be other than a building that is a class 1a(i) Building as defined in Part A3.2 of the Building Code of Australia 1990 as amended and that such building and lot or other part thereof shall not be registered under the provision of the Subdivision Act 1988 or amendment, modification or re-enactment of or substitution of that Act.

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

AND IT IS HEREBY AGREED AS FOLLOWS:

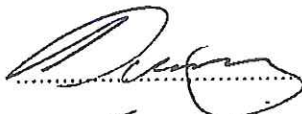
That the benefit of the foregoing covenant shall be attached to and run at law and in equity with the land comprised in the said Plan of Subdivision other than the land hereby transferred and that the burden thereof shall be annexed to and run at law and in equity to the said land hereby transferred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


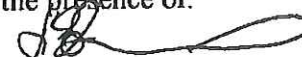
Dated: 14-11-1997

Execution and attestation:

The Common Seal of Dunning Developments Pty Ltd )  
is hereunto affixed in accordance with its Articles of )  
Association by a person who is a Sole Director and )  
Sole Secretary of the company in the presence of: )



Sole Director and Sole Secretary 

SIGNED by the Transferee )   
in the presence of: ) 

Approval No. 002926L

T2 Page 2







LOWER MURRAY URBAN AND RURAL WATER AUTHORITY

and

MR G P UNDY  
MRS A J UNDY

---

AGREEMENT MADE PURSUANT TO  
SECTION 148 OF  
THE WATER ACT 1989

---



Please Quote the following File No.  
In reply:

19 October 2005

REF: 022-05  
PAC: 27529  
HC: 9909  
BF:tp

Mildura (Head Office)  
41-759 Fourteenth Street  
O Box 1430  
Mildura 3502  
X 50023  
Telephone: (03) 5051 3400  
Facsimile: (03) 5051 3400

Mr G P Undy  
Mrs A J Undy  
5 Holyoake Way  
MILDURA VIC 3500

Ympye  
115-2117 Fifteenth Street  
O Box 1430  
Mildura 3502  
X 50023  
Telephone: (03) 5051 3400  
Facsimile: (03) 5021 9270

Dear Sir/Madam,

Re: Proposed Construction of a Shed over an Authority Sewer &  
Easement  
5 Holyoake Way, Mildura  
Lot 4 PS 401155K

War Hill  
3 Beveridge Street  
O Box 1447  
War Hill 3505  
X 30164  
Telephone: (03) 5036 2150  
Facsimile: (03) 5036 2180

I acknowledge your request for permission to construct a 'shed' over an Authority sewer and easement at the above address. I now wish to advise the following:-

oblnvale  
7 Moore Street  
O Box 600  
oblnvale 3549  
Telephone: (03) 5026 1300  
Facsimile: (03) 5026 1106

Where the Authority, at its discretion, has determined to allow any structure or filling to be placed over an easement and or sewerage main the owner(s) are required to complete an Agreement between the Authority and the owner(s). This Agreement sets out specific conditions to be met by the owner(s).

erang  
6 Wellington Street  
O Box 547  
erang 3579  
X 57908  
Telephone: (03) 5450 3960  
Facsimile: (03) 5450 3967

Enclosed are two (2) copies of the Agreement for signing by the owner(s). Both Agreements must be returned to the Authority for endorsement. A copy will then be forwarded to the owner for their records.

Yours faithfully



RON J LEAMON  
CHIEF EXECUTIVE OFFICER  
Encl.

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

EMERGENCY:  
IRRIGATION (03) 5024 5725  
RDAN 1800 808 830  
BN 18 475 808 826

## AGREEMENT AND CONSENT FOR BUILDING OVER SERVICES

- This is a legally binding document and you should read it carefully and if necessary consult legal advice before you sign it.
- The purpose of this Agreement is to protect the Water Authority against claim by current and subsequent owners or occupiers of this property arising out of this Consent to build over particular services.

The Owner/s: Mr G P Undy & Mrs A J Undy  
The Property: No. 5 Holyoake Way, Mildura  
Lot 4 PS 401155K,

The Plans Approved: Endorsed by Lower Murray Water dated 19/10/2005

1. Lower Murray Water (the Authority) grants this Consent to build over the services within the Property subject to the conditions set out in this Agreement and Consent and subject to any conditions or requirements imposed from time to time by the Authority either by resolution of the Authority, Regulation under Statute or by Authority By-Law.
2. The nature of the construction over the services shall be as set out in the plans referred to and identified as set out above and no variation to the proposed construction from those plans may occur without the Authority's written consent, otherwise this Consent shall have no effect.
3. The owner agrees that this Agreement and Consent is binding on the Owner, the Owner's legal and personal representatives and any transferee or assignee of the Property or the relevant part of the Property.
4. The Owner agrees that if it is necessary at any time for the Authority to carry works out on the particular services and those works require the demolition in part or in total of any part of the structure permitted to be constructed over the services then the Owner shall make no claim whatsoever against the Authority for carrying out of any such works.
5. Where any third party has a claim against either the Owner or the Authority in relation to any works that may be carried out as contemplated in the preceding clause (for example a tenant of the Owner) the Owner hereby indemnifies the Authority and will keep the Authority harmless in relation to any such claim.
6. The Owner agrees that if it wishes to let the premises to any tenant or some other party under a tenancy or licence or like arrangement the Owner will notify that third party of the existence of the Agreement and the construction over the services.
7. If the Owner intends to transfer or sell the premises then the Owner agrees that any document of transfer or contract prepared shall fully disclose the existence of this Agreement and Consent to any such purchaser, assignee or transferee before any contract or agreement is entered into for sale, assignment or transfer of the Property. This Agreement should be treated by the Owner as a notice by the Authority for the purposes of section 32 of the Sale of Land Act and therefore disclosed in any sale documentation.
8. The owner expressly releases the Authority from any legal action or claim or demand which the Owner may have against the Authority (including any claim by employees, agents or invitees of the Owner) and further in relation to any such legal action or claim the Owner indemnifies and shall keep indemnified the Authority against any such action or claim. It is further agreed:
  - 8.1 There will be no responsibility on the Authority to reinstate any structure built over the services which is removed either partially or totally.
  - 8.2 The Owner shall pay the cost of any maintenance or repairs to the services if those additional costs or repairs have been rendered necessary by the presence of the structure over the services.



9. If there is more than one Owner of the Property then all Owners shall be required to sign this Agreement. All Owners shall be jointly and severally liable under this Agreement. Any failure by a particular Owner to sign this Agreement means the Owner that does sign will be entirely responsible to the Authority for any loss or damage the Authority suffers due to the failure of any other Owner to sign.

10. Additional conditions imposed in relation to this particular Agreement and Consent are:

- 10.1. To permit the Authority at all times hereafter to enter into and upon the said land for the purpose of inspecting the main and as far as necessary maintaining or repairing same.
- 10.2. Not at any time or times to demolish re-erect or modify the said buildings save with previous consent in writing of the Authority and the Building Surveyor of the local municipality or registered private building practitioner and save in accordance with plans and specifications approved by the Authority and Building Surveyor or registered private building practitioner.

DATED:

**EXECUTION OF AGREEMENT**

The Owner/s:  
SIGNED by

)

)

x. *G.P. Kelly*  
x. *A. Dady*

In the presence of:

*LISA CURRANCE*

Witness: *[Signature]*

Execution by the Authority:  
EXECUTED by LOWER MURRAY URBAN AND RURAL  
WATER AUTHORITY )  
By its authorised Delegate:

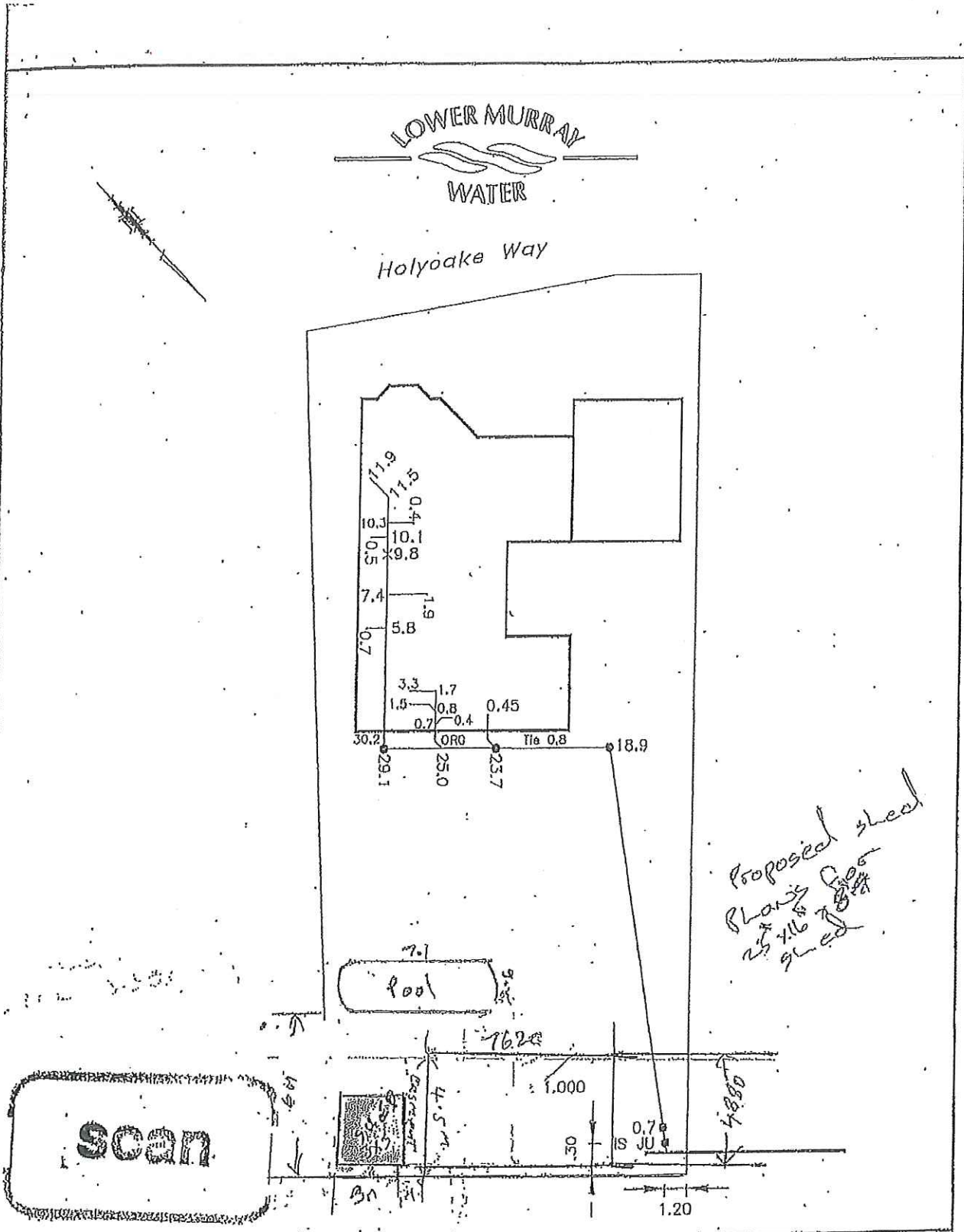
Witness: *[Signature]*

R J (Ron) Leamon  
Chief Executive Officer  
*[Signature]*  
3 / 11 / 05



LOWER MURRAY  
WATER

Holyoake Way



*Proposed steel  
Plans  
25 x 16 x 8  
9' x 12' steel*

scan

LOWER MURRAY WATER

SCALE	1 : 250	PLUMBER / DRAINER	R Woodward
TIE	1.2	MATERIAL	PVC
DEPTH	1.000	OWNER	
FIELD BOOK	FB 1/98 P 1	BLM Developments	
DATE	10/02/98	Holyoake Way	
IC Number	9809		

## Property Report from [www.land.vic.gov.au](http://www.land.vic.gov.au) on 08 October 2020 11:43 AM

**Lot and Plan Number:** Lot 4 PS401155

**Address:** 5 HOLYOAKE WAY MILDURA 3500

**Standard Parcel Identifier (SPI):** 4\PS401155

**Local Government (Council):** MILDURA **Council Property Number:** 25401

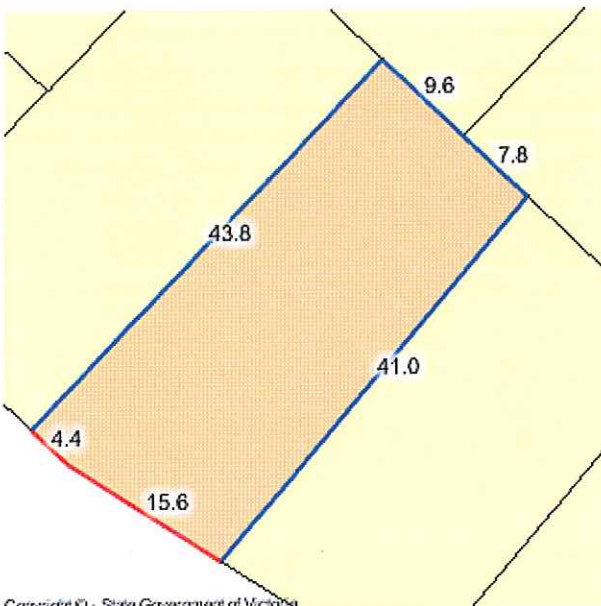
**Directory Reference:** VicRoads 534 J8

**This parcel is not in a designated bushfire prone area.  
No special bushfire construction requirements apply. Planning provisions may apply.**

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

### Site Dimensions

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



**Area:** 792 sq. m

**Perimeter:** 122 m

For this parcel:

- Site boundaries
- Road frontages

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

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

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### State Electorates

**Legislative Council:** NORTHERN VICTORIA

**Legislative Assembly:** MILDURA

### Utilities

**Rural Water Corporation:** Lower Murray Water

**Urban Water Corporation:** Lower Murray Water

**Melbourne Water:** outside drainage boundary

**Power Distributor:** POWERCOR (Information about [choosing an electricity retailer](#))

Planning information continued on next page

## Planning Zone Summary

- Planning Zone:** GENERAL RESIDENTIAL ZONE (GRZ)  
GENERAL RESIDENTIAL ZONE - SCHEDULE 1 (GRZ1)
- Planning Overlays:** DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY (DCPO)  
DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY - SCHEDULE 1 (DCPO1)  
DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY - SCHEDULE 2 (DCPO2)  
SPECIFIC CONTROLS OVERLAY (SCO)  
SPECIFIC CONTROLS OVERLAY - SCHEDULE 1 (SCO1)

Planning scheme data last updated on 30 September 2020.

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](#)

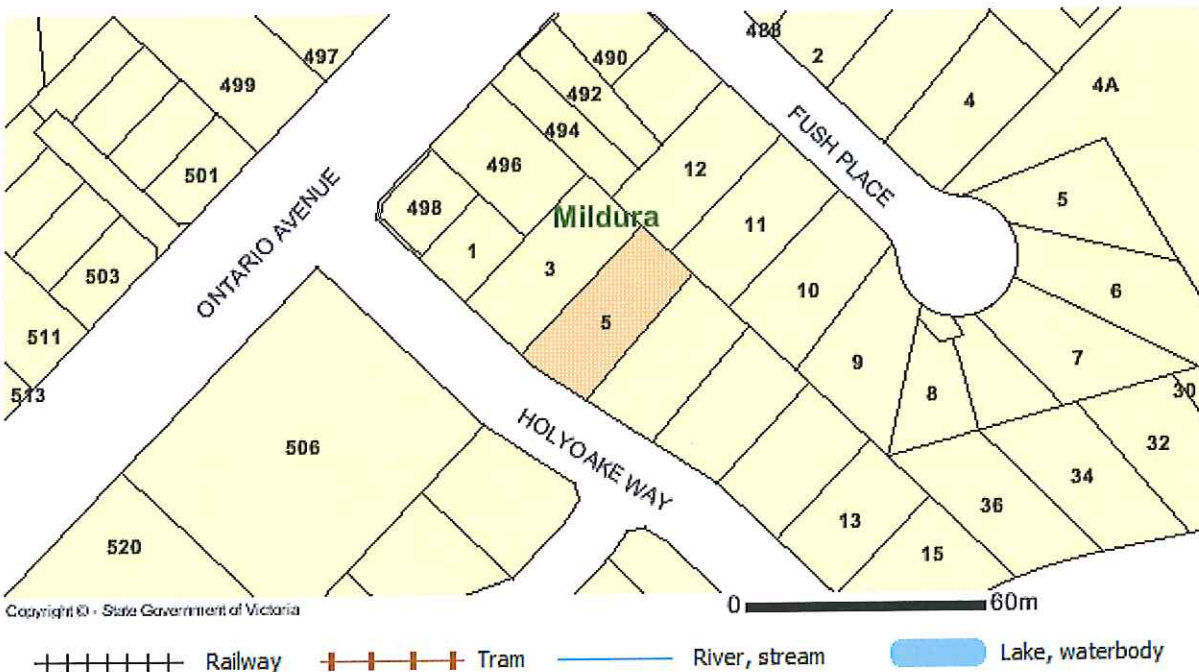
The Planning Property Report includes separate maps of zones and overlays

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



Environment,  
Land, Water  
and Planning

From [www.planning.vic.gov.au](http://www.planning.vic.gov.au) at 08 October 2020 11:44 AM

## PROPERTY DETAILS

Address: **5 HOLYOAKE WAY MILDURA 3500**  
Lot and Plan Number: **Lot 4 PS401155**  
Standard Parcel Identifier (SPI): **4\PS401155**  
Local Government Area (Council): **MILDURA**  
Council Property Number: **25401**  
Planning Scheme: **Mildura**  
Directory Reference: **Vicroads 534 H9**

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

[Planning Scheme - Mildura](#)

## UTILITIES

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

[View location in VicPlan](#)

## STATE ELECTORATES

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

## Planning Zones

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

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



GRZ - General Residential

PPRZ - Public Park and Recreation

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

# PLANNING PROPERTY REPORT



Environment,  
Land, Water  
and Planning

## Planning Overlays

### DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY (DCPO)

#### DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY - SCHEDULE 1 (DCPO1)

#### DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY - SCHEDULE 2 (DCPO2)

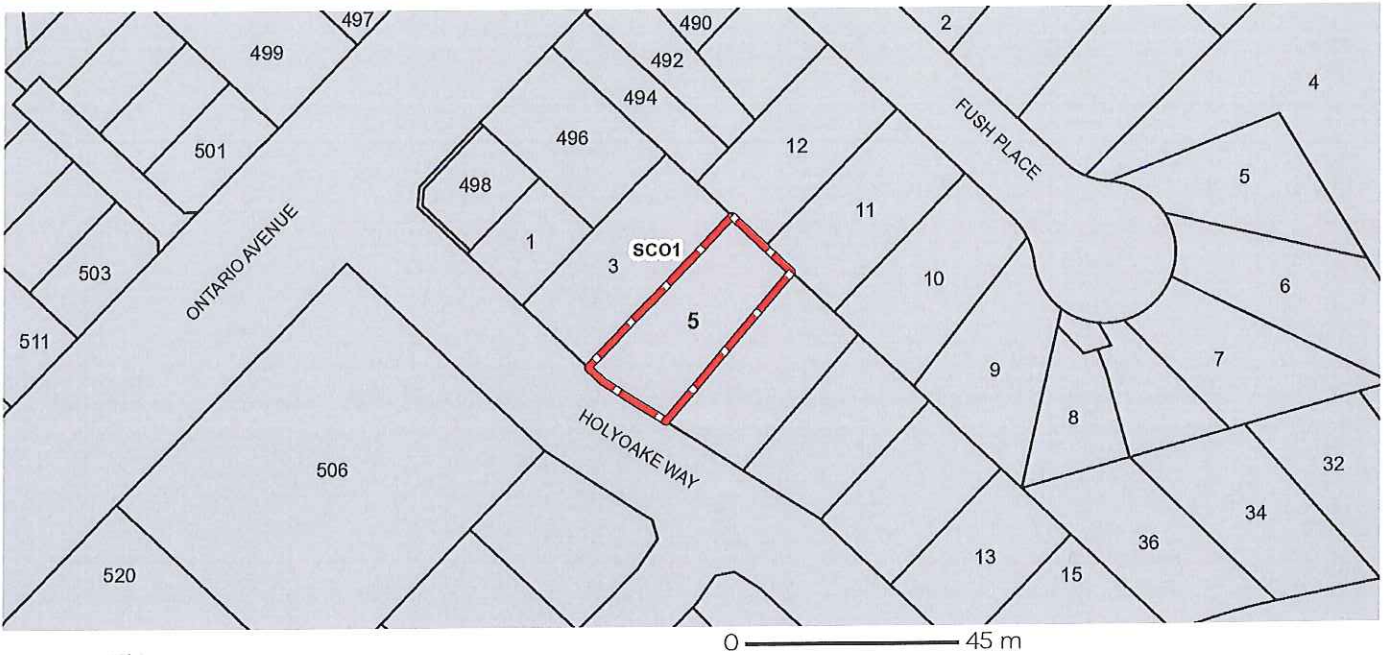



 DCPO - Development Contributions Plan

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

### SPECIFIC CONTROLS OVERLAY (SCO)

#### SPECIFIC CONTROLS OVERLAY - SCHEDULE 1 (SCO1)



 SCO - Specific Controls

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



## Planning Overlays

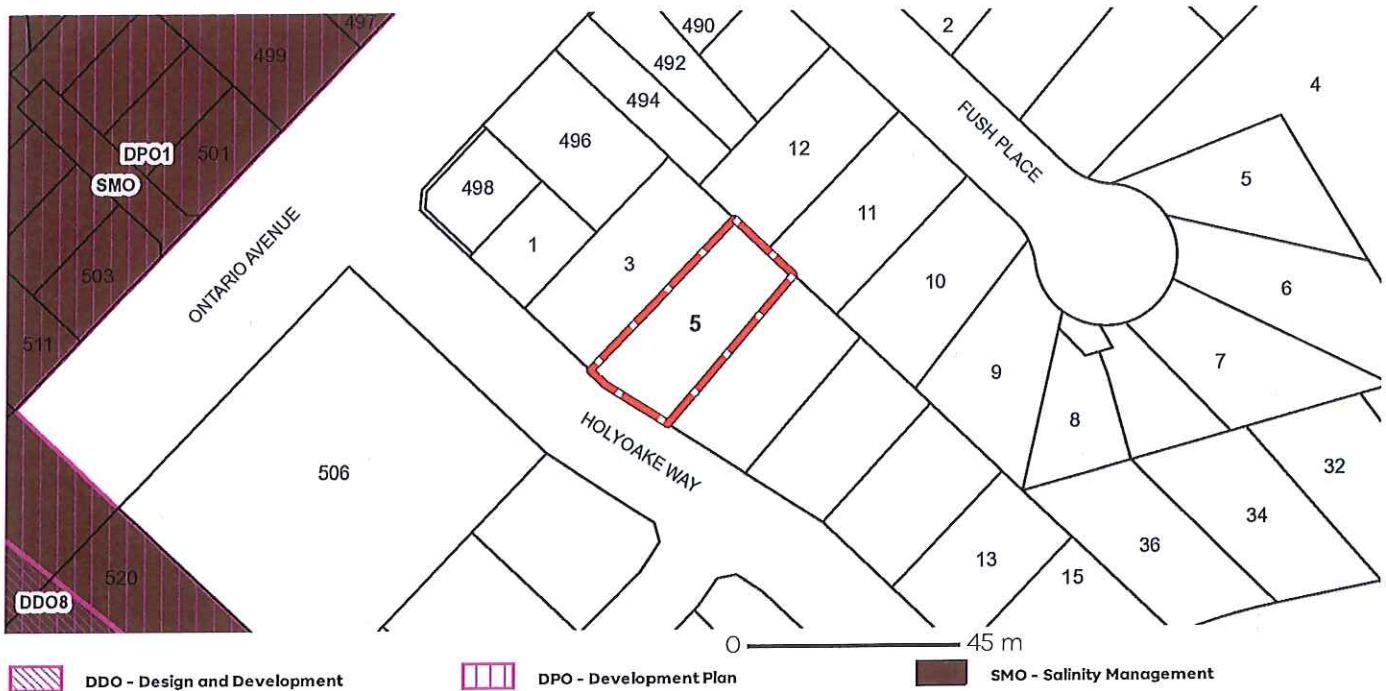
### OTHER OVERLAYS

Other overlays in the vicinity not directly affecting this land

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

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

[SALINITY MANAGEMENT OVERLAY \(SMO\)](#)



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 1 July 2020.

A **planning scheme** sets out policies and requirements for the use, development and protection of land. This report provides information about the zone and overlay provisions that apply to the selected land. Information about the State and local policy, particular, general and operational provisions of the local planning scheme that may affect the use of this land can be obtained by contacting the local council or by visiting <https://www.planning.vic.gov.au>

This report is NOT a **Planning Certificate** issued pursuant to Section 199 of the **Planning and Environment Act 1987**. It does not include information about exhibited planning scheme amendments, or zonings that may affect the land. To obtain a Planning Certificate go to Titles and Property Certificates at Landata - <https://www.landata.vic.gov.au>

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

To view planning zones, overlay and heritage information in an interactive format visit <https://mapshare.maps.vic.gov.au/vicplan>

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



## Designated Bushfire Prone Areas

**This property is not in a designated bushfire prone area.**

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



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

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

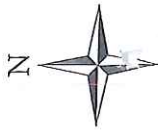
Designated bushfire prone areas maps can be viewed on VicPlan at <https://mapshare.maps.vic.gov.au/vicplan> or at the relevant local council.

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

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

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

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



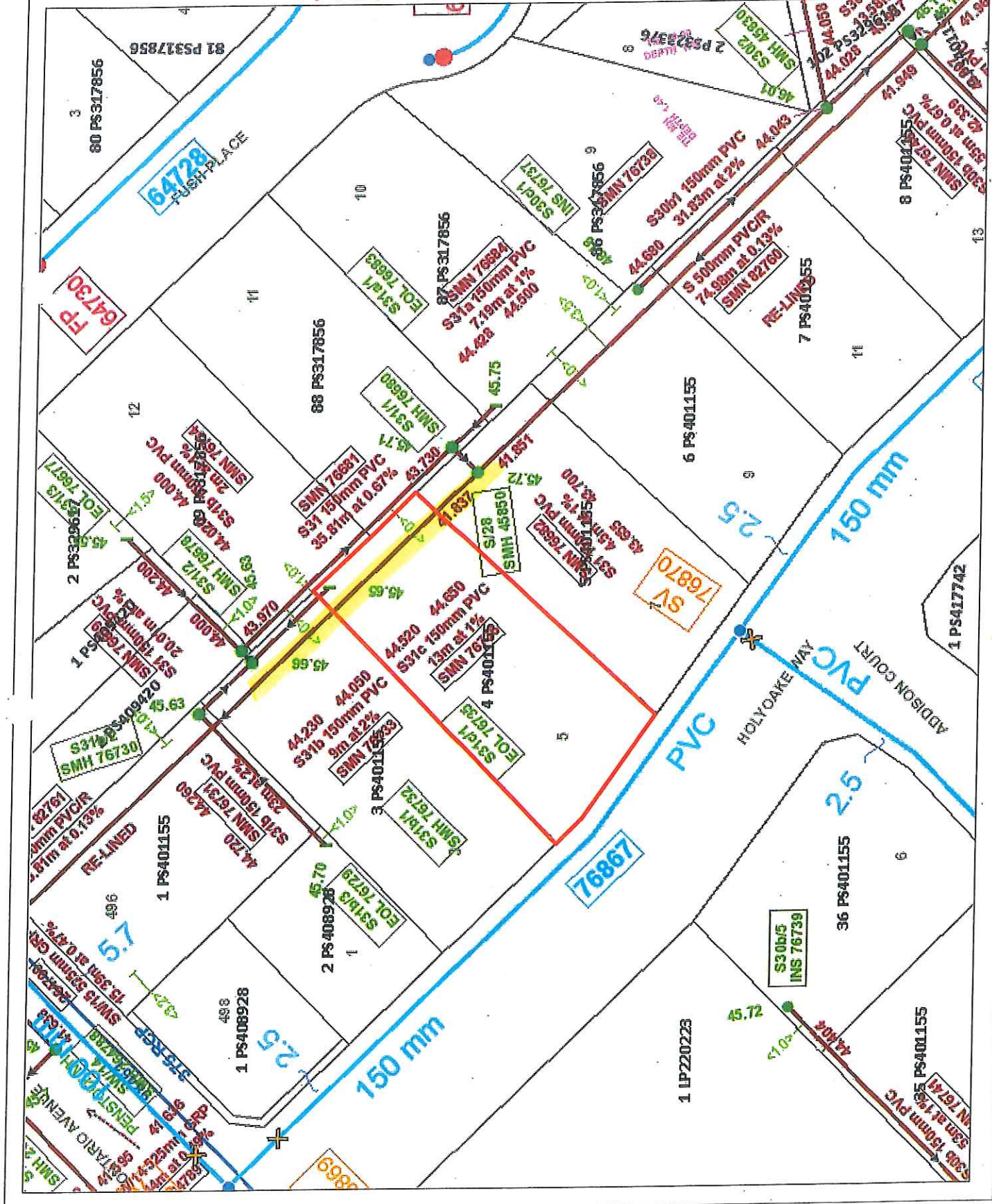
### LEGEND

- LMW Urban Sewer
  - Gravity Pipeline
  - Rising Main Pipeline
  - Pressure Main Pipeline
- LMW Rural Irrigation
  - Pipeline
  - Channel
- LMW Rural Drainage
  - Pipeline
  - Channel

**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 prove locations and depths in the field. This information shall not be passed on to a third party.  
Note:  
For further assistance please contact LMW.



Printed : 21/04/2015





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

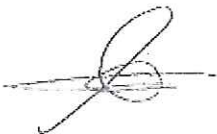
Some land within the municipality of the Mildura Rural City Council contains high levels of salt resulting in a condition commonly referred to as 'salinity'. Salinity can result in 'salt damp' or 'rising damp and salt attack' which can cause damage to certain building materials such as concrete and masonry.

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 black ink, appearing to be 'Mark Yantses', written over a horizontal line.

**Mark Yantses**

**MUNICIPAL BUILDING SURVEYOR**

MY/jb



# Due diligence checklist for home buyers

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

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

Sellers or estate agents must:

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

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

## Urban living

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

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

## Buying into an Owners Corporation

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

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

## Growth areas

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

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

## Flood and fire risk

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

More information:

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

## Rural properties

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

- » Is the surrounding land use compatible with your lifestyle expectations? Farming can create noise or odour that may be at odds with your expectations of a rural lifestyle. For information about what impacts you should expect and how to manage them, visit the [new landholders section on the Department of Environment and Primary Industries website](#).
- » Are you considering removing native vegetation? There are regulations which affect your ability to remove native vegetation on private property. The limitations on clearing and processes for legal clearing are set out on the [Native Vegetation page on the Department of Environment and Primary industries website](#).
- » Do you understand your obligations to manage weeds and pest animals? Visit the [New landholders section on the Department of Environment and Primary Industries website](#).
- Can you build new dwellings? Contact the local council for more information.
- » Does the property adjoin crown land, have a water frontage, contain a disused government road, or are there any crown licences associated with the land? For more information, visit the [Department of Environment and Primary Industries website](#).

## Earth resource activity, such as mining

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

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



## **Soil and groundwater contamination**

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

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

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

## **Land boundaries**

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

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

## **Planning controls affecting how the property is used, or the buildings on it**

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

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

## **Proposed or granted planning permits**

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

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

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



## **Safety**

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

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

## **Building permits**

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

For more information about building regulation, visit our [Building and renovating section](#).

## **Aboriginal cultural heritage and building plans**

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

## **Insurance cover for recent building or renovation works**

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

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

## **Connections for water, sewerage, electricity, gas, telephone and internet**

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

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

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

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

## Buyers' rights

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

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

## Professional associations and bodies that may be helpful:

\* [Archicentre website](#)

[Association of Consulting Surveyors Victoria website](#)

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

[Institute of Surveyors Victoria website](#)

[Law institute of Victoria website](#)

[Real Estate Institute of Victoria website](#)

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

Government of Victoria (Consumer Affairs Victoria) 2014

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

**Vendor: Mark Travis Bulger and  
Jennifer Colleen Bulger (formerly Elliott)**

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**Vendor's Section 32 Statement**

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**Property: 5 Holyoake Way, Mildura**

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

**Phone: 03 50 235355**  
**Facsimile: 03 50 235653**  
**Ref: 20725 Bulger (Sally)**