

SPECIAL CONDITIONS included in Contract of Sale

BETWEEN

Christopher Wade Lee and Chloe Catherine Lee as Vendors

And

As Purchaser

SPECIAL CONDITIONS:

1. GST Withholding

- 1A 1.** Words and expression defined or used in Subdivision 14-E of Schedule 1 to the *Taxation Administration Act 1953 (Cth)* or in *A New Tax System (Goods and Services Tax) Act 1999 (Cth)* have the same meaning in the Special Condition unless the context requires otherwise. Words and expression first used in the Special Condition and shown in italics and marked with an asterisk are defined or described in at least one of those Acts.
- 1A 2.** This Special Condition 1A applies if the purchaser is required to pay the Commissioner an *amount in accordance with section 14-250 of Schedule 1 to the *Taxation Administration Act 1953 (Cth)* because the property is *new residential premises or *potential residential land in either case falling within the parameters of that section, and also if the sale attracts the operation of section 14-255 of the legislation. Nothing in this Special Condition 1A is to be taken as relieving the Vendor from compliance with Section 14-255.
- 1A 3.** The amount is to be deducted from the Vendor's entitlement to the contract*consideration and is then taken to be paid to the Vendor, whether or not the Vendor provides the Purchaser with a GST Withholding notice in accordance with section 14-255 of Schedule 1 to the *Taxation Administration Act 1953 (Cth)*. The Vendor must pay to the purchaser at settlement such part of the amount as is represented by nonmonetary consideration.
- 1A 4.** The Purchaser must:
- (a) Engage a legal practitioner or conveyancer ("representative") to conduct all the legal aspects of settlement, including the performance of the Purchaser's obligations under the legislation and this Special Condition; and
 - (b) Ensure that the representative does so.
- 1A 5.** The terms of the representative's engagement are taken to include instructions to have regard to the Vendor's interests relating to the payment of the amount to the Commissioner and instructions that the representative must:
- (a) Pay, or ensure payment of, the amount to the Commissioner in the manner required by the Commissioner and as soon as reasonably and practicably possible, from monies under the control or direction of the representative in accordance with this Special Condition on settlement of the sale of the property;
 - (b) Promptly provide the Vendor with evidence of payment, including any notification or other document provided by the Purchaser to the Commissioner relating to payment; and
 - (c) Otherwise comply, or ensure compliance, with this Special Condition.
- Despite:

- (d) any contrary instructions, other than from both the purchaser and the vendor;
And
 - (e) any other provision in this contract to the contrary.
- 1A 6.** The representative is taken to have complied with the requirements of special condition 1A.5 if:
- (a) Settlement is conducted through the electronic conveyancing system operated by Property Exchange Australia Ltd or any other electronic conveyancing system agreed by the parties; and
 - (b) The amount is included in the settlement statement requiring payment to the Commissioner in respect of this transaction.
- 1A 7.** The Purchaser may at settlement give the vendor a bank cheque for the amount in accordance with section 16-30 (3) of Schedule 1 to the Taxation Administration Act 1953 (Cth), but only if:
- (a) So agreed by the vendor in writing; and
 - (b) The settlement is not conducted through an electronic settlement system described in special condition 1A.6.
However, if the purchaser gives the bank cheque in accordance with this special condition 1A.7, the vendor must:
 - (c) Immediately after settlement provide the bank cheque to the Commissioner to pay the amount in relation to the supply; and
 - (d) Give the purchaser a receipt for the bank cheque which identifies the transaction and includes particulars of the bank cheque, at the same time the purchaser gives the vendor the bank cheque.
- 1A 8.** The Vendor must provide the purchaser with a GST withholding notice in accordance with section 14-255 of Schedule 1 to the Taxation Administration Act 1953 (Cth) at least 14 days before the due date for settlement.
- 1A 9.** A party must provide the other party with such information as the other party requires to:
- (a) Decide if an amount is required to be paid or the quantum of it, or
 - (b) Comply with the purchaser's obligation to pay the amount,
- In accordance with section 14-250 of Schedule 1 to the Taxation Administration Act 1953 (Cth). The party providing the information warrants that it is true and correct.
- 1A 10.** The Vendor warrants that:
- (a) At settlement, the property is not new residential premises or potential residential land in either case falling within the parameters of section 14-250 of Schedule 1 to the Taxation Administration Act 1953 (Cth) if the vendor gives the purchaser a written notice under section 14-255 to the effect that the purchaser will not be required to make a payment under section 14-250 in respect of the supply, or fails to give a written notice as required by and within the time specified in section 14-255; and
 - (b) The amount described in a written notice given by the vendor to the purchaser under section 14-255 of Schedule 1 to the Taxation Administration Act 1953 (Cth) is the correct amount required to be paid under section 14-250 of the legislation.

1A 11. The purchaser is responsible for any penalties or interest payable to the Commissioner on account of non-payment or late payment of the amount, except to the extent that:

- (a) The penalties or interest arise from the vendor's failure, including breach of a warranty in special condition 1A 10; or
- (b) The purchaser's reasonable belief that the property is neither new residential premises nor potential residential land requiring the purchaser to pay an amount to the Commissioner in accordance with section 14-250 (1) of Schedule 1 to the Taxation Administration Act 1953 (Cth).

The Vendor is responsible for any penalties or interest payable to the Commissioner on account of non-payment or late payment of the amount if either exception applies.

1A 12. This special condition will not merge on settlement.

2. Director's Guarantee and Warranty:

In the event that the Purchaser is a corporate entity then the Director/s signing on behalf of the Corporate Purchaser shall execute the Contract and shall warrant that same is done lawfully in accordance with the Articles of Association of the Purchaser Company and further shall cause either the Sole Director or at least two Directors of the Purchaser Company to execute the form of Guarantee and Indemnity annexed hereto.

The following Guarantee shall be executed by each person who executed this Contract for and on behalf of the Purchaser (if not the same person) and by each Director of the Purchaser (if the Purchaser is a Corporation):

GUARANTEE and INDEMNITY

I/We, of

and of

being the **Sole Director / Directors** of ACN.....
(hereinafter called the "Guarantors") IN CONSIDERATION of the within-named Vendor selling to the within-named Purchaser at our request the Land described in the within Contract of Sale for the price and upon the terms and conditions contained therein DO HEREBY for ourselves and our respective executors and administrators JOINTLY AND SEVERALLY COVENANT with the said Vendor and their assigns that if at any time default shall be made in payment of the Deposit Money or residue of Purchase Money or interest or any other moneys payable by the Purchaser to the Vendor under the within Contract or in the performance or observance of any term or condition of the within Contract to be performed or observed by the Purchaser I/we will forthwith on demand by the Vendor pay to the Vendor the whole of the Deposit Money, residue of Purchase Money, interest or other moneys which shall then be due and payable to the Vendor and hereby indemnify and agree to keep the Vendor indemnified against all loss of Deposit Money, residue of Purchase Money, Interest and other moneys payable under the within Contract and all losses, costs, charges and expenses whatsoever which the Vendor may incur by reason of any default on the part of the Purchaser. This Guarantee shall be a continuing Guarantee and Indemnity and shall not be released by: -

- (a) any neglect or forbearance on the part of the Vendor in enforcing payment of any of the moneys payable under the within Contract;
- (b) the performance or observance of any of the agreements, obligations or conditions under the within Contract;
- (c) by time given to the Purchaser for any such payment performance or observance;
- (d) by reason of the Vendor assigning his, her or their rights under the said Contract; and
- (e) by any other thing which under the law relating to sureties would but for this provision have the effect of releasing me/us, my/our executors or administrators.

IN WITNESS whereof the parties hereto have set their hands and seals

this day of 20.....

SIGNED SEALED AND DELIVERED by the said

Print Name.....

in the presence of:

Witness.....

Director (Sign)

SIGNED SEALED AND DELIVERED by the said

Print Name.....

in the presence of:

Witness.....

Director (Sign)



**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: 17 Ontario Park Drive, Mildura

VENDOR'S NAME: Christopher Wade Lee and Chloe Catherine Lee

VENDOR'S SIGNATURE:

DATE: 20/10/2020.

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: Christopher Wade Lee and Chloe Catherine Lee

Property: 17 Ontario Park Drive, Mildura
Lot 65 on PS 725024T being the whole of the land in
Certificate of Title Volume 11566 Folio 728

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	\$3,020.51 per annum 2020/2021	
2. Lower Murray Water- Urban	\$ 175.05 per quarter 2020/2021 (tariff only)	

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

- (a) ~~Their total does not exceed \$~~

- (b) The particulars of any Charge (whether registered or not) over the property imposed by or under any Act to secure an amount due under that Act are as follows:

2. Insurance details in respect of the land

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

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

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

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

3. Matters relating to land use

- (a) Information concerning any easement, covenant or similar restriction affecting the property, registered or unregistered, are as follows:
 - (i) Description:
 - (ii) Particulars of any existing failure to comply with the terms of that easement, covenant and/or restriction are as follows:
- (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 certificates.
~~Is as follows:~~

6. Information relating to any Owners Corporation

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

7. Growth areas infrastructure contribution

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

Particulars of work-in-kind agreement:
Is contained in the attached certificate/s and / or notice/s:

8. Disclosure of non-connected services

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

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

9. Evidence of title

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

- (a) in the case of land under the *Transfer of Land Act 1958*, a copy of the Register Search Statement and the document, or part of the document, referred to as the diagram location in the Register Search Statement that identifies the land and its location;
- (b) in any other case, a copy of—
 - (i) the last conveyance in the chain of title to the land; or
 - (ii) any other document which gives evidence of the vendor's title to the land;
- (c) if the vendor is not the registered proprietor of the land or the owner of the estate in fee simple in the land, evidence of the vendor's right or power to 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 11566 FOLIO 728

Security no : 124085693877K
Produced 24/09/2020 11:21 AM

LAND DESCRIPTION

Lot 65 on Plan of Subdivision 725024T.
PARENT TITLE Volume 11459 Folio 017
Created by instrument PS725024T 28/04/2015

REGISTERED PROPRIETOR

Estate Fee Simple
Joint Proprietors

CHRISTOPHER WADE LEE
CHLOE CATHERINE LEE both of 17 ONTARIO PARK DRIVE MILDURA VIC 3500
AQ662965B 24/01/2018

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AT445403H 21/07/2020
COMMONWEALTH BANK OF AUSTRALIA

COVENANT AL913102K 27/05/2015

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
AD430448G 10/02/2005

DIAGRAM LOCATION

SEE PS725024T FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NUMBER	DISCHARGE OF MORTGAGE	STATUS	DATE
AT445400P (E)		Registered	21/07/2020
AT445403H (E)	MORTGAGE	Registered	21/07/2020

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 17 ONTARIO PARK DRIVE MILDURA VIC 3500

ADMINISTRATIVE NOTICES

NIL

eCT Control 15940N CBA - COMMONWEALTH BANK OF AUSTRALIA
Effective from 21/07/2020

DOCUMENT END

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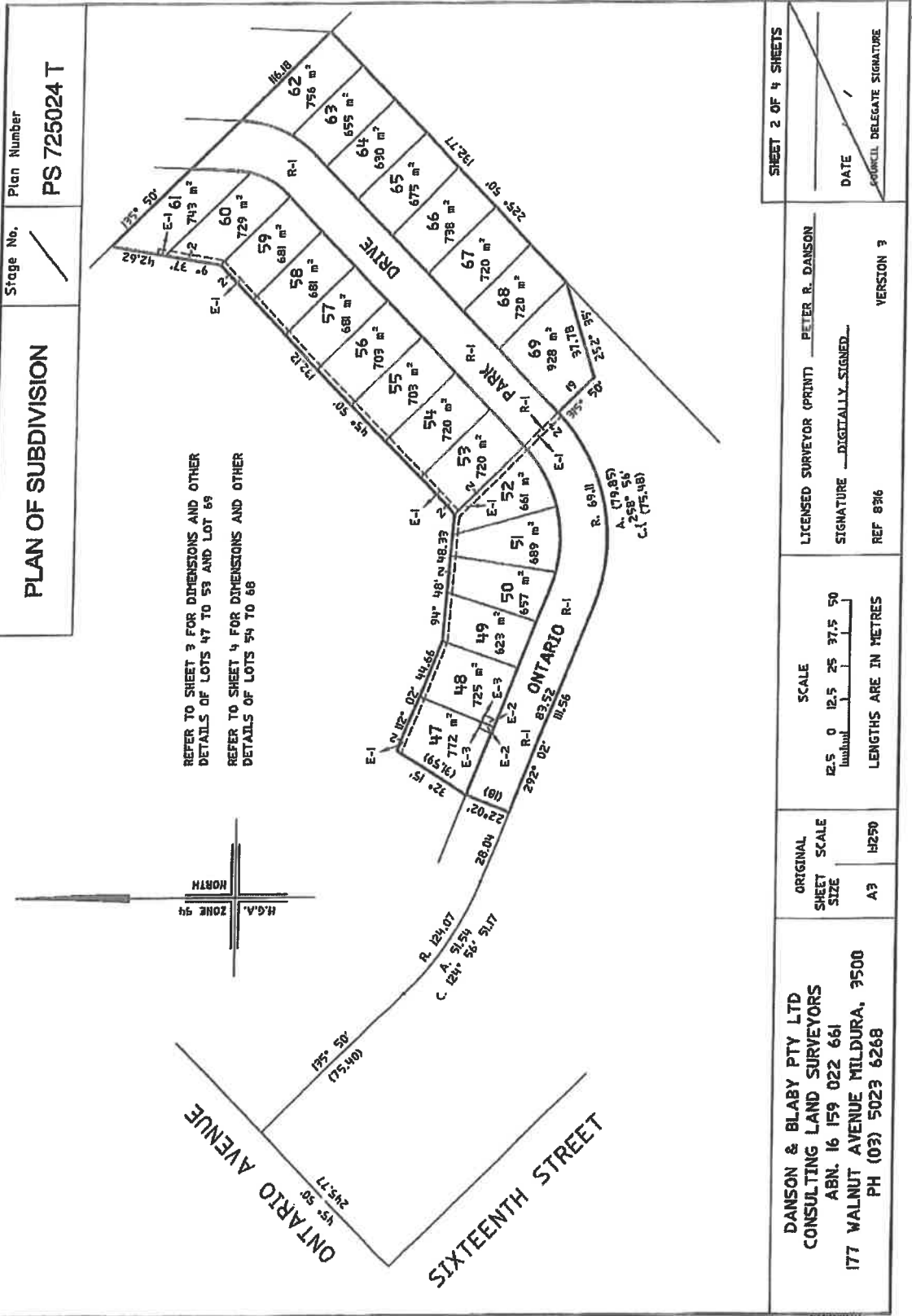
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Signed by Council: Mildura Rural City Council, PP Ref: 005.2012.00000331.003, Carl Ref: 007.2012.00000331.002, Original Certification: 12/11/2014, Recertification: 13/02/2016, S.O.C.: 10/04/2016

PLAN OF SUBDIVISION		Stage No. /	LTO use only EDITION 1	Plan Number PS 725024 T	
Location of Land Parish: MILDURA Township: _____ Section: _____ Crown Allotment: _____ Crown Portion: 2 (PART) LTO base record: VICMAP DIGITAL PROPERTY Title References: VOL. 11459 FOL. 017 Last Plan Reference: PS 702331 N (LOT 2) 606-600 ONTARIO AVENUE Postal Address: MILDURA 3500 MGA Co-ordinates: E 603 300 (of upper, center of plot) N 6 214 420 Zone 54		Council Certification and Endorsement Council Name: MILDURA RURAL CITY COUNCIL Ref: 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 10 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 / / 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 R1	MILDURA RURAL CITY COUNCIL				
Notations					
Depth Limitation DOES NOT APPLY		Staging This is / is not a staged subdivision Planning Permit No. 005.2012.00000331.003			
Other Notations LOT 1 TO 46 (BOTH INCLUSIVE) HAVE BEEN OMITTED FROM THIS PLAN THE RESERVATIONS AND CONDITIONS CONTAINED IN TRANSFER No. 254019 AFFECTS LOTS 47 - 53, 69 AND PART OF LOT 54 IN THIS PLAN. THE RESERVATIONS AND CONDITIONS CONTAINED IN TRANSFER No. 343713 AFFECTS LOTS 55 - 68 AND PART OF LOT 54 IN THIS PLAN.		Other Purpose of the Plan TO REMOVE EASEMENT E-1 ON PS 702331 BY DIRECTION OF POWERCOR AUSTRALIA LTD BY AGREEMENT. Survey This plan is / is not based on survey. To be completed where applicable. This survey has been connected to permanent marks no(s). 933, 1044, 1192 & 155 In Proclaimed Survey Area no. -----			
Easement Information				LTO use only	
Legend: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)				Statement of Compliance / Exemption Statement Received <input checked="" type="checkbox"/> Date 12/04/2016	
Easement Reference	Purpose	Width (Metres)	Origin		Land Benefited/In Favour of
E-1	SEWERAGE	2	PS 541860L	LOWER MURRAY URBAN AND RURAL WATER AUTHORITY	
E-2	DISTRIBUTION OF ELECTRICITY	SEE DIAG	PS 702331 N	POWERCOR AUSTRALIA LTD	
E-3	DISTRIBUTION OF ELECTRICITY	0.30	THIS PLAN	POWERCOR AUSTRALIA LTD	
DANSON & BLABY PTY LTD CONSULTING LAND SURVEYORS ABN. 16 159 022 661 177 WALNUT AVENUE MILDURA, 3500 PH (03) 5023 6268				LICENSED SURVEYOR (PRINT) <u>PETER R. DANSON</u> SIGNATURE <u>DIGITALLY SIGNED...</u> REF B316 VERSION 3	
				DATE / / COUNCIL DELEGATE SIGNATURE Original sheet size A3	

Signed by: PETER ROBERT DANSON (Danson and Blaby Pty Ltd) Surveyor's Plan Version (3) SPEAR Ref: S0518015 14/01/2015, Amended: 28/04/2016.

Signed by: PETER ROBERT DANSON (Danson and Blaby Pty Ltd) Surveyors Plan Version (3) SPEAR Ref: S0510015 14/01/2015, Amended: 20/04/2015.

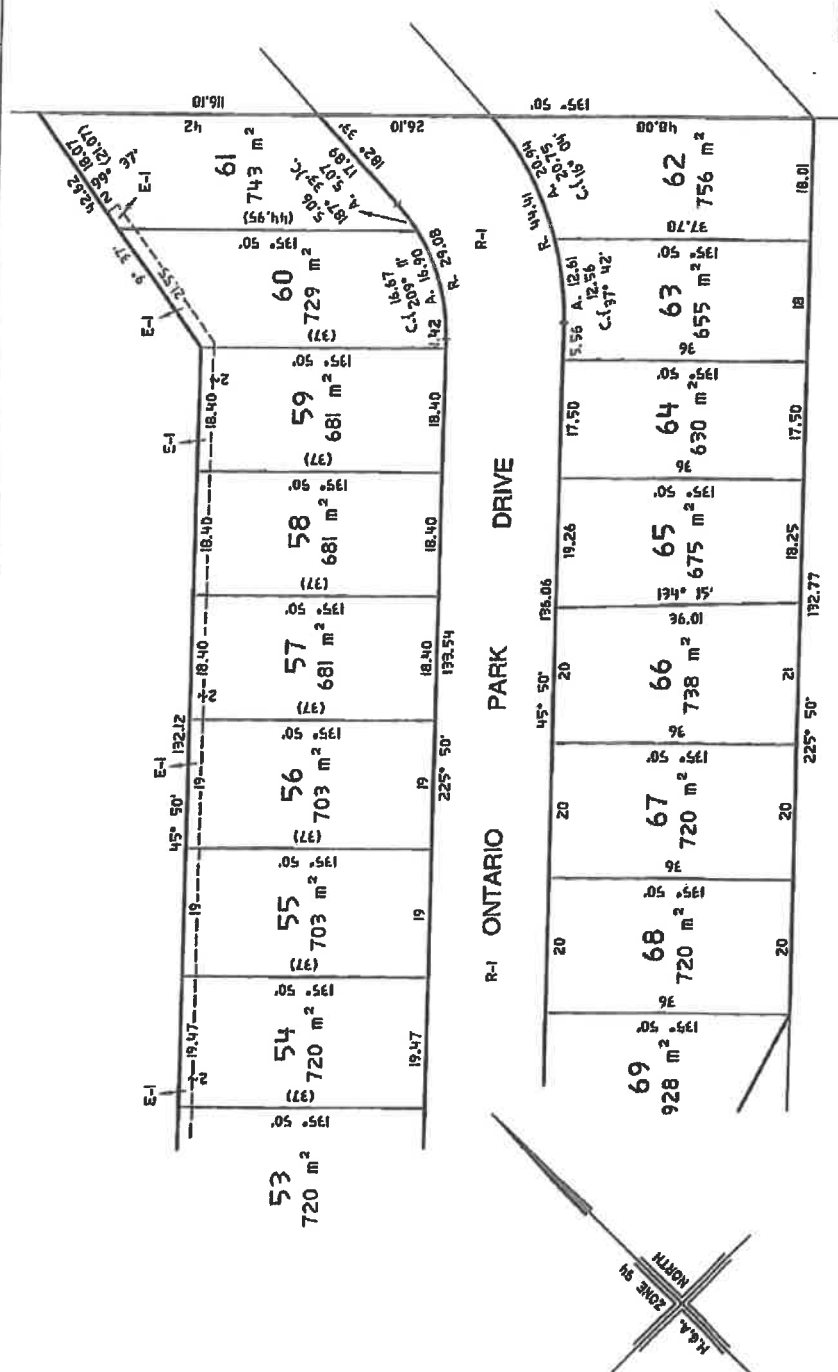


Plan Number

Stage No.

PLAN OF SUBDIVISION

REFER TO SHEET 3 FOR DIMENSIONS AND OTHER
DETAILS OF LOTS 47 TO 53 AND LOT 69



SLEETS h FO h LEEHS

LICENSED SURVEYOR (PRINT)PETER R. DANSON.....

SIGNATURE ...DIGITALLY SIGNED...

SIGNATURE

VERSION 3

DANSON & BLABY PTY LTD
CONSULTING LAND SURVEYORS
ABN. 16 159 022 661
177 WALNUT AVENUE MILDURA, 3500
PH (03) 5023 6268

ORIGINAL
SHEET SCALE

SCALE

LENGTHS ARE IN METRES

Signed by C



Plan of Subdivision PS725024T
Certifying a New Version of an Existing Plan (Form 11)

SUBDIVISION (PROCEDURES) REGULATIONS 2011

SPEAR Reference Number: S051801S
Plan Number: PS725024T
Responsible Authority Name: Mildura Rural City Council
Responsible Authority Permit Ref. No.: 005.2012.00000331.003
Responsible Authority Certification Ref. No.: 007.2012.00000331.002
Surveyor's Plan Version: 3

Certification

☒ This plan is certified under section 11 (7) of the Subdivision Act 1988
Date of original certification under section 6: 12/11/2014

Public Open Space

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

☐ Has not been made at Certification

Digitally signed by Council Delegate: Natalie Dean
Organisation: Mildura Rural City Council
Date: 13/02/2015

AL913102K

Transfer of Land

Creating an Easement and/or Restrictive Covenant

Section 45 Transfer of Land Act 1958

Privacy Collection Statement
The information from this form is collected by the Registrar of Titles under statutory authority and is used for the purpose of maintaining publicly accessible registers and indexes.

Lodged by

Name: **HOLCROFT LAWYERS**

Phone: **(03) 5022 2622**

Address: **143 Langtree Avenue**

MILDURA

Reference: **MBH:KE:15-0186**

Customer Code: **3483K (2)(2078)**

This 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)

Volume 11566 Folio 728

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

All our estate in fee simple

Consideration:

Transferor: (full name)

PETRUCCI INVESTMENTS PTY LTD ACN 060 116 743 AND PP SPIRIT PTY LTD ACN 122 757 902

Transferee: (full name and address including postcode)

ONORATO-DEVELOPMENTS PTY LTD ACN 065 008 555 the Registered Office of which is 133 Langtree Avenue Mildura VIC 3500

Directing Party: (full name)

Creation and/or Reservation of Easement and/or Restrictive Covenant:

MENTS PTY LTD for itself and its transferees the registered proprietors for the time being of the land transferred and every part thereof DO HEREBY as a separate covenant COVENANT with the said PETRUCCI INVESTMENTS PTY LTD ACN 060 116 743 and PP SPIRIT PTY LTD ACN 122 757 902 and the other registered proprietor or proprietors for the time being of the land comprised in Plan of Subdivision No. 725024T and every part thereof (other than the land hereby transferred) as follows:

1. It 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 forty five square metres (145m²) in floor area and that such building and lot or any part hereof shall not be further subdivided under the provisions of the Subdivision Act 1988 or any amendment, modification or re-enactment of that Act.

20/11/2016

Offer to Register

Duty Use Only

Please register and issue Certificate of Title to

Page 1 of 3

Signed

Customer Code:

THE BACK OF THIS FORM MUST NOT BE USED

Land Victoria, 670 Bourke Street, Melbourne, 3000, Phone 6636-2010

AL913102K

2. It 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 external wall of any material other than brick (which definition shall not be extended to mean mud-brick), brick veneer, stone, hebel panel or texture coated compressed shed and shall not roof such dwelling with material other than tiles, colourbond steel or zinc aluminium and that any roof including any garage or carport shall not be pitched at an angle less than 22.5 degrees for traditional pitched roofs and at an angle not less than 15 degrees for skillion roofs.

3. It 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. They will not erect or cause or suffer to be erected on the rear boundary or any side boundary within the building alignment of the said lot any fence other than a fence of a minimum height of 1.80 metres of zincalume steel 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: 15-05-2015

Execution and attestation:

Executed by PETRUCCI INVESTMENTS PTY
LTD ACN 060 116 743 in accordance with Section
127 of the Corporations Act 2001 by being signed
by the persons who are authorised to sign for the
company:


BRYAN BYRNES
18 Upland Drive, Mildura VIC 3500
Director


ROSEMARY BYRNES
18 Upland Drive, Mildura VIC 3500
Director

20011209A

Order to Register

Duty Use Only

T2

Please register and issue Certificate of Title to

Page 2 of 3

Signed

Customer Code:

THE BACK OF THIS FORM MUST NOT BE USED

Land Victoria, 670 Bourke Street, Melbourne, 3000, Phone 8838-2010

AL913102K

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Annexure Page

Transfer of Land Act 1958

This is page 3 of Approved Form T2 dated 15-05-2015
between Petrucci Investments Pty Ltd ACN 060 116 743 and PP Spirit Pty Ltd ACN 122 757 902
Onorato Developments Pty Ltd ACN 006 008 555

Signatures of the Parties

Panel Heading

Executed by PP SPIRIT PTY LTD ACN 122 757)
902 in accordance with Section 127 of the)
Corporations Act 2001 by being signed by the)
persons who are authorised to sign for the company:)

DAVID JOHN MCPHEE
2 Chandon Court, Irymple VIC 3498
Director

PAUL ANTHONY LOCK
3 Waterside Way, Mildura VIC 3500
Director

Executed by ONORATO DEVELOPMENTS PTY)
LTD ACN 006 008 555 in accordance with Section)
127 of the Corporations Act 2001 by being signed)
by the person who is authorised to sign for the)
company:)

COSIMO ONORATO
39 Stockmans Drive, IRYMPLE VIC 3498
Sole Director and Sole Company Secretary

20011209A

A1

Page 3 of 3

1. If there is insufficient space to accommodate the required information in a panel of the attached Form insert the words "See Annexure Page 2" (or as the case may be) and enter all the information on the Annexure Page under the appropriate panel heading.
2. The approved Annexure Pages must be properly identified and signed by the parties to the attached Form to which it is annexed.
3. All pages must be attached together by being stapled in the top left corner.

THE BACK OF THIS FORM MUST NOT BE USED

Land Victoria, 570 Bourke Street, Melbourne, 3000, Phone 8636-2010



AD430448G



FORM 13

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

Lodged at the Titles Office by:

Name: Merlin 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 1 on Title Plan 758323J (formerly known as Lot 7 Block E Section 33 on Plan of Subdivision 002380) and described in Certificate of Title Volume 08753 Folio 298; Lot 1 on Title Plan 675280F (formerly known as Lot 8 Block E Section 33 on Plan of Subdivision 002380) and described in Certificate of Title Volume 08753 Folio 300; Lot 1 on Title Plan 675132C (formerly known as Lot 9 Block E Section 33 on Plan of Subdivision 002380) and described in Certificate of Title Volume 08723 Folio 080.

ADDRESS OF LAND: Ontario Avenue Mildura South in the State of Victoria

RESPONSIBLE

AUTHORITY: Mildura Rural City Council of 108-116 Madden Avenue Mildura in the State of Victoria ("the Council")

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

AGREEMENT DATE:

AGREEMENT WITH: FRANK MARZIANO of Ontario Avenue Mildura South 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

Position of Officer

Date

RICHARD SEXTON
MANAGER (C.C.A.)
8/2/05

10/2/05



MILDURA RURAL CITY COUNCIL

and

FRANK MARZIANO

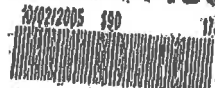
SECTION 173 AGREEMENT ONTARIO AVENUE MILDURA SOUTH

**Martin Irwin & Richards
Lawyers
61 - 63 Deakin Avenue
MILDURA VIC 3500
DX 50022 MILDURA**

**Phone: 03 5023 7900
Fax: 03 5021 2700
Ref: KEM:RK**



AD430448G



Section 173 Agreement -- Ontario Avenue, Mildura South



THIS AGREEMENT is made on the 3 day of 2 2006.

PARTIES

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

And

FRANK MARZIANO of Ontario Avenue, Mildura South in the
State of Victoria ("the owner")

RECITALS

- A. The Owner is the registered or entitled to be registered as the proprietor of the land situate at Ontario Avenue Mildura South in the State of Victoria being the land known as Lot 1 on Title Plan 759323J (formerly known as Lot 7 Block E Section 33 on Plan of Subdivision 002380) and described in Certificate of Title Volume 08753 Folio 298 and Lot 1 on Title Plan 676280F (formerly known as Lot 8 Block E Section 33 on Plan of Subdivision 002380) and described in Certificate of Title Volume 08753 Folio 300 and Lot 1 on Title Plan 675132C (formerly known as Lot 9 Block E Section 33 on Plan of Subdivision 002380) and described in Certificate of Title Volume 08723 Folio 088 ("the land").
- B. The Council is the responsible authority under the Planning and Environment Act 1987 ("the Act") for the Mildura Planning Scheme ("the Planning Scheme").
- C. The Owner has made an application for the Council for a planning permit under the Planning Scheme for a ninety one (91) lot staged subdivision of the subject land ("the Development").
- D. On the 16th November 2004 Council issued Permit numbered P04/160 ("the Permit") for the proposed development subject to the conditions contained therein.

AD430448G



AD430448G



Section 173 Agreement – Ontario Avenue, Mildura South

E. Condition 6 of the Permit provides:

- 6. Prior to issue of the Statement of compliance for lot 1 of the first stage 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 Ontario Avenue frontage of Lot 1 is to be constructed at a time requested by the Responsible Authority. This will include:

- road design documentation (including plan checking and supervision fees);
- road widening, footpath, naturestrip (treatment, kerb and channel, concrete driveway, drainage to the satisfaction of the Responsible Authority.

These works are to be paid by the owners of Lot 1 on a pro rata basis.

The agreement is to be registered on the title to Lot 1 and any costs 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:

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

"Owner" shall mean the person or persons entitled from time to time to be registered by the Registrar of Titles as the proprietor or proprietors of an estate in



Section 173 Agreement – Ontario Avenue, Mildura South



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 1 on Title Plan 756323J (formerly known as Lot 7 Block E Section 33 on Plan of Subdivision 002380) and described in Certificate of Title Volume 08753 Folio 288 and Lot 1 on Title Plan 676280F (formerly known as Lot 8 Block E Section 33 on Plan of Subdivision 002380) and described in Certificate of Title Volume 08753 Folio 300 and Lot 1 on Title Plan 676132C (formerly known as Lot 8 Block E Section 33 on Plan of Subdivision 002380) and described in Certificate of Title Volume 08723 Folio 088 being the land referred to in Recital A hereof and any allotment or piece of land which shall be created by any subdivision of the same.

2. OWNER COVENANTS:

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

- (a) will comply with and carry out the conditions of the Permit;
- (b) will do all things necessary to enable the Council to enter a Memorandum of this Agreement on the Certificates of Title to the subject land in accordance with Section 181 of the Act including signing any further agreement acknowledgment or document to enable the said Memorandum to be registered under that Section;
- (c) will do all things necessary including the signing of such further agreements, undertakings, covenants, consents, approvals or other documents for the purpose of ensuring that they carry out the covenants and agreements and obligations hereunder and to enable the Council to

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Section 173 Agreement – Ontario Avenue, Mildura South

enforce the performance by the Owners of such covenants, agreements and undertakings;

- (d) will pay the Council's costs of and incidental to the preparation and execution of this Agreement and the registration of a Memorandum of this Agreement at the Land Titles Office pursuant to Section 181 of the Act and any duties or fees payable in connection with either the Agreement or the registration of the Memorandum at the Land Titles Office;
- (e) will construct the Ontario Avenue frontage of Lot 1 which will include the following: road design documentation (including kerb checking and supervision fees) road widening, footpath naturestrip treatment, kerb and channel and drainage to the satisfaction of the Council when requested to do so by Council;
- (f) commence works within 30 days of receipt of a notice from Council requiring the commencement of the same and complete the same as soon as practicable thereafter. In default of compliance with this requirement, Council may undertake and or complete the works at the cost of the Owner in accordance with the provisions of clause 4 hereof;
- (g) follow the reasonable directions of the Council in respect of the nature of the works to be undertake pursuant to clause 2(e);
- (h) pay the full costs of the works to be undertake pursuant to clause 2(e) including the Council's fees for construction supervision and plan checking
- (i) will notify any future purchaser of the land of the existence of this agreement;

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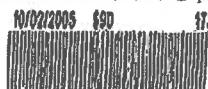
Section 173 Agreement - Ontario Avenue, Mildura South



3. ADDITIONAL MATTERS:

- a. If any provision of this Agreement is not valid it shall not affect the validity of the other provisions of this Agreement but shall be read down or severed so as to leave the other provisions of this Agreement in effect;
- b. this Agreement shall come into effect on the date hereof;
- c. the covenants, undertakings and agreements hereunder by the Owners shall be borne by the Owners from time to time of each of the subject land equally and in the event that there is more than one Owner of the said lot;
- d. any time or other indulgence granted by the Council to the Owner or any variation of the terms or conditions of this Agreement or any judgment or order obtained by either party against the other will not in anyway amount to a waiver of any of the rights or remedies of the Council in relation to the terms of this Agreement;
- e. upon the carrying out and completion by the Owners of the covenants and obligations under this Agreement the Council will at the request of the Owners and at the cost of the Owners certify that the provisions of this Agreement have been carried out and acknowledge that the Agreement has ended in accordance with Section 177 of the Act.
- f. Notwithstanding anything to the contrary contained in this agreement the obligation of the Owners for the works and cost of works required pursuant to clause 2(e), (f), (g), (h) & (i) hereof shall be borne by the Owners of Lot 1 on proposed subdivision PS57564BS and any lot created by the subdivision of the same and on a pro-rata basis having regard to the length of frontage of the said lot or any lot created from the same and the length of the entire construction. In the event that any lot has more than one owner the obligation of those owners shall be joint and several.

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Section 173 Agreement – Ontario Avenue, Mildura South

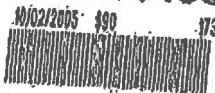
4. DEFAULT OF OWNER:

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 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.



AD430448G-8-8

AD430448G




Section 173 Agreement – Ontario Avenue, Mildura South

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 BROWN


Councillor DAMIEN KEINTZE


Chief Executive Officer



SIGNED SEALED & DELIVERED)
by the said FRANK MARZIANO in)
the presence of:)

AD430448G



AMENDED PLANNING PERMIT

Form 4

Permit Amended:
30 November 2004

Permit No: P04/160
Planning Scheme: Mildura Planning Scheme
Responsible Authority: Mildura Rural City Council

ADDRESS OF THE LAND:

Ontario Avenue, Mildura (Lots 7 & 9 PS 2380 Sec 33 Blk E)

THE PERMIT ALLOWS:

91 Lot Staged Subdivision and the use of each lot created for a dwelling

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

- 1 Prior to certification, three copies of amended plans, drawn to scale and with dimensions, must be submitted to and approved by the Responsible Authority. All equipment shall be located clear of any easements stormwater and sewer mains. When approved, the plans will be endorsed and will then form part of the permit. The plans must be in accordance with the plans submitted with the application but modified to show:
 - Design Standard to identify safety measures that will be incorporated to achieve the design speed along Ontario Park Drive in accordance with Clause 56.03-1 and 56.03-4
 - Footpaths for Philippa Crescent must be provided and designed in accordance with table C7 of Clause 56.07-4
- 2 The subdivision as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.



AD430448G-10-3

AD430448G



Date Issued: 16 November 2004

Signature for the
Responsible Authority

Page 1 of 12

GARRY HEALY
GENERAL MANAGER
ASSETS AND ENVIRONMENT

AMENDED PLANNING PERMIT

Permit Amended:
30 November 2004



AD430448G-11-7

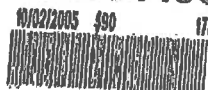
Form 4

Permit No: P04/160
Planning Scheme: Mildura Planning Scheme
Responsible Authority: Mildura Rural City Council

ADDRESS OF THE LAND:

Ontario Avenue, Mildura (Lots 7 & 9 PS 2380 Sec 33 B11, E)

AD430448G



THE PERMIT ALLOWS:

91 Lot Staged Subdivision and the use of each lot created for a dwelling

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

- 3 The permit holder must provide a statement (as required by the REM Site Salinity Management Plan which is available from the Planning Unit of Council) detailing how each of the required actions listed below will be addressed prior to certification.
 - Hydrogeological investigation including the installation of nested groundwater monitoring wells(s), with at least one well located at topographically low point(s) of the proposed development site to identify and monitor the levels of perched and regional groundwater, and to assess their potential impacts on urban development. In addition, the potential offsite impacts of proposed management options must be determined and addressed.
 - Decommissioning of existing tile drains (where present) in a way that will not exacerbate the development of perched groundwater.
 - Design and installation of a suitable subsurface drainage system to manage perched groundwater that may develop and ensure that off-site impacts will not occur. The subsurface drainage system will be required prior to Statement of Compliance.
 - Reduction and maintenance of regional groundwater below a level that would impact on urban development. This level is commonly at around 2 m bgl, but varies depending on soil type. Council's Site Salinity Management Plan - Final Report provides an overview of selected options by which this may be achieved.
 - Implementation of efficient water use practices designed specifically to minimise the amount of water infiltrating below the plant root zone. This may be achieved by the choice of landscaping designs that require less water, the use of soil moisture monitoring technology to match watering regimes with plant water requirements, and the management of household grey water and stormwater to avoid recharge to groundwater. These measures will assist in ensuring that the level of urban salinity risk does not increase in the future.

Date issued: 16 November 2004

Signature for the
Responsible Authority

Page 2 of 12

GARRY HEALY
GENERAL MANAGER
ASSETS AND ENVIRONMENT

AMENDED PLANNING PERMIT



Form 4

Permit Amended:
30 November 2004

Permit No: P04/160
Planning Scheme: Mildura Planning Scheme
Responsible Authority: Mildura Rural City Council

ADDRESS OF THE LAND:

Ontario Avenue, Mildura (Lots 7 8 9 PS 238) Sec 33 Dk E)

AD4304486



THE PERMIT ALLOWS:

91 Lot Staged Subdivision and the use of each lot created for a dwelling

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

- 4 Prior to Statement of Compliance a landscaping plan must be submitted and endorsed by the Responsible Authority. Nature strips must be planted in accordance with the approved landscaping plan at the cost of the developer.
- 5 Prior to the issue of a Statement of Compliance of the first stage 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:

a) The registered owner of the land, must contribute a development contribution charge (including drainage, open space, bike path and road components) for the development approved under this permit. The charge must be in accordance with the Development Contributions Plan 2004 prepared by Spiller Gibbons Swan Planning and Economics. The total contribution must be made within seven days of request after Gazettal of amendment C28 to the Mildura Planning Scheme (which includes the Development Contributions Plan) or upon the issue of the Statement of Compliance for each stage, whichever is later.

The cost associated with the preparation of this agreement must be borne by the owner.

- 6 Prior to the issue of a Statement of Compliance for lot 1 of the first stage 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 Ontario Avenue frontage of Lot 1 is to be constructed at a time requested by the Responsible Authority. This will include road widening, footpath and naturestrip treatment, and the construction of kerb & channel, concrete driveway, and drainage. Road design documentation (including plan checking and supervision fees) is to be submitted. Those works are to be paid by the owners of Lot 1 on a pro rata basis.

This agreement is to be registered on the title to Lot 1 and any cost associated with its preparation must be borne by the owner.

Date issued: 16 November 2004

Signature for the
Responsible Authority

GARRY HUSLY
GENERAL MANAGER
ASSETS AND ENVIRONMENT

AMENDED PLANNING PERMIT

Permit Amended:
30 November 2004



AD430448G-13-4

Form 4

Permit No: P04/160
Planning Scheme: Mildura Planning Scheme
Responsible Authority: Mildura Rural City Council

ADDRESS OF THE LAND:

Ontario Avenue, Mildura (Lots 7 8 9 PS 2380 Sec 33 Bk E)

AD430448G



THE PERMIT ALLOWS:

91 Lot Staged Subdivision and the use of each lot created for a dwelling

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

- 7 Developer to supply Plan showing contours / levels so that easement locations can be determined for stormwater drainage.
- 8 Road Design / Drainage Design for whole site including Ontario Avenue frontage to be submitted with all relevant documentation for approval to the Council requirements (including a digital Autocad copy of design and co-ordination plan).
- 9 Developer to design / demonstrate how stormwater detention is achieved including construction with a sealed surface on Body Corporate (common property area) to the satisfaction of the Responsible Authority.
- 10 Developer to prepare full services layout with offsets approved by relevant authorities prior to certification (Co-ordination plan).
- 11 Developer to supply (at completion of works) "as constructed" plans for Council records, in both digital and hard copy form. This is to include finished level checking by a licensed surveyor and shown on plan prior to Statement of Compliance for the final stage.
- 12 Priced schedule of quantities, program of construction works and list of principle representatives to be submitted to Council prior to works commencing.
- 13 Payments of "Construction Supervision" and "Plan Checking" fees to be paid prior to Statement of Compliance for the final stage.
- 14 Kaitlyn Court to provide a 10 metre radius out-do sac to allow service vehicles of the single unit truck type to be able to turn to the satisfaction of the Responsible Authority.
- 15 Developer to nominate a person (with technical experience acceptable to Council) to be the point of contact for all construction works prior to any start on the development.
- 16 Footpath to be stamped with "year of construction" at the start and end for future assessment.
- 17 On-site works are not to be started prior to having a design and certified plan approved by Council.

Date Issued: 16 November 2004

Signature for the
Responsible Authority

Page 4 of 12

GARRY HEALY
GENERAL MANAGER
ASSETS AND ENVIRONMENT

AMENDED PLANNING PERMIT



Form 4

Permit Amended:
30 November 2004

Permit No: P04/160
Planning Scheme: Mildura Planning Scheme
Responsible Authority: Mildura Rural City Council

ADDRESS OF THE LAND:

Ontario Avenue, Mildura (Lots 7 & 9 PS 2380 Sec 33 Bk E)

AD430448G



THE PERMIT ALLOWS:

91 Lot Staged Subdivision and the use of each lot created for a dwelling

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

- 18 A maintenance period of three months shall apply from issue of the Statement of Compliance for each stage. The three month period provides time for the developer to maintain the development. A bank guarantee of 5% of the estimated cost of construction must be lodged prior to the issue of the statement of compliance.

(It should be noted that Council will only provide routine street sweeping approximately every six weeks during this period. Street sweeping works do not include the removal of excessive red loam from the street gutters).
- 19 Developer to provide Council with a "Traffic Management Plan" - including pedestrian safety for Ontario Avenue for approval prior to the commencement of any site works.
- 20 All street signs (names, hazard markers and regulatory signs) are to be installed to Council's and the relevant Statutory Authority's requirements.
- 21 Street lighting including Ontario Avenue frontage to be provided by the developer to Powercor and MRCC requirements prior to Statement of Compliance of each stage.
- 22 All road works and associated works including Ontario Avenue frontage are to be constructed as per approved design plan to Council's requirements prior to Statement of Compliance.
- 23 The developer shall fence, at their own cost, the boundary of allotments 69 & 91 abutting the area 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.
- 24 Developer to provide a Road Safety Audit Report by a qualified Road Safety Auditor on the proposed design and to incorporate any changes recommended by the audit prior to Council approval for construction.

Date Issued: 16 November 2004

Signature for the
Responsible Authority

Page 5 of 12

GARRY HEALY
GENERAL MANAGER
ASSETS AND ENVIRONMENT

AMENDED PLANNING PERMIT



Form 4

Permit Amended:
30 November 2004

Permit No: P04/160
Planning Scheme: Mildura Planning Scheme
Responsible Authority: Mildura Rural City Council

ADDRESS OF THE LAND:

Ontario Avenue, Mildura (Lots 7 8 9 PS 2380 Sec 33 Blk E)

AD430448G



THE PERMIT ALLOWS:

91 Lot Staged Subdivision and the use of each lot created for a dwelling

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

25 This permit will expire if one of the following circumstances applies:

(a) The first stage of the subdivision is not certified within two years of the date of this permit.

(b) The final stage of the subdivision is not completed within five years of the date of certification.

Council may extend the periods referred to if a request is made in writing before the permit expires or within three months after the expiry date.

COUNTRY FIRE AUTHORITY

26 Before the development commences, amended plans to the satisfaction of the CFA must be submitted for approval by CFA and the Responsible Authority. When approved, the plans will be endorsed and then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application but modified to show:

- Operable hydrants, above or below ground. Hydrants must be shown with a maximum distance between a hydrant and the rear of the building envelope (or in the absence of the building envelope, the rear of a lot) of 120m and hydrants must be no more than 200m apart.
- Constructed roads with a minimum trafficable width of 7.3m if parking unrestricted, or 5.4 m if parking prohibited on one side of the road or 3.5m if parking is prohibited on both sides of road.
- Constructed roads more than 60m in length from the nearest intersection must have a turning circle with a minimum radius of 8m (including roll-over kerbs if they are provided) T or Y heads of dimensions specified by the CFA may be used as alternatives.

27 Operable hydrants, above or below ground must be provided to the satisfaction of the CFA.

Date Issued: 16 November 2004

Signature for the
Responsible Authority

Page 6 of 12

GARRY HEALY
GENERAL MANAGER
ASSETS AND ENVIRONMENT

AMENDED PLANNING PERMIT

Permit Amended:
30 November 2004



Permit No: PO4/160
Planning Scheme: Mildura Planning Scheme
Responsible Authority: Mildura Rural City Council

Form 4

ADDRESS OF THE LAND:

Ontario Avenue, Mildura (Lots 7 & 9 PS 2380 Sec 33 Dist E)

AD430448G

10/02/2005 \$90 173

THE PERMIT ALLOWS:

91 Lot Staged Subdivision and the use of each lot created for a dwelling

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

- 28 The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of the building envelopes, the rear of all lots) must be 120m and hydrants must be no more than 200m apart.
- 29 Hydrants must be identified as specified in 'Identification of Street Hydrants for Firefighting purposes' available under publications on the Country Fire Authority web site (www.cfa.vic.gov.au)
- 30 Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.

FIRST MILDURA IRRIGATION TRUST

- 31 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 1988.
- 32 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.

Date issued: 16 November 2004

Signature for the
Responsible Authority

Page 7 of 12

GARRY HEALY
GENERAL MANAGER
ASSETS AND ENVIRONMENT

AMENDED PLANNING PERMIT

Permit Amended:
30 November 2004

ADDRESS OF THE LAND:

Ontario Avenue, Mildura (Lots 7 8 9 PS 2380 Sec 33 Bk E)

THE PERMIT ALLOWS:

91 Lot Staged Subdivision and the use of each lot created for a dwelling

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

- 33 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.
- 34 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.
- 35 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.
- 36 Trust assets must be located on the ground prior to the issue of a conditions letter at the cost of the Applicant/Owner.
- 37 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.
- 38 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

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.

Date Issued: 16 November 2004

Signature for the
Responsible Authority

Page 8 of 12

GARRY URATY
GENERAL MANAGER
ASSETS AND ENVIRONMENT

Form 4



Permit No: P04/160
Planning Scheme: Mildura Planning Scheme
Responsible Authority: Mildura Rural City Council

AD430448G



AMENDED PLANNING PERMIT

Permit Amended:
30 November 2004



AD430448G-18-2

Form 4

Permit No: P04/160
Planning Scheme: Mildura Planning Scheme
Responsible Authority: Mildura Rural City Council

ADDRESS OF THE LAND:

Ontario Avenue, Mildura (Lots 7 & 9 PS 2380 Sec 33 Bk E)

AD430448G



THE PERMIT ALLOWS:

91 Lot Staged Subdivision and the use of each lot created for a dwelling

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

- 39 All private irrigation and drainage pipelines crossing any boundary must be terminated to the satisfaction of the Trust.
- 40 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.
- 41 A minimum cover of 900 mm shall be retained or put in place in respect of all FMIT assets.
- 42 A minimum separation from the outside extremity of any other servicing entity of 2000 mm or as specified in writing by the Trust, to any FMIT asset shall be maintained. Separation in section shall be a minimum of 300 mm or as specified in writing. 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.
- 43 The Subdivider/Developer shall meet all of the costs of fencing on the joint boundary between FMIT owned land and the adjoining land proposed to be subdivided or developed where applicable.
- 44 If the Applicant/Developer proposes to direct the stormwater from the land to an MRCC stormwater system which is directly or indirectly connected to the FMIT, the Applicant/Developer shall seek written permission from the FMIT before direct/indirect connection takes place.
- 45 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.

Date Issued: 16 November 2004

Signature for the
Responsible Authority

Page 9 of 12

GARRY HEALY
GENERAL MANAGER
ASSETS AND ENVIRONMENT

AMENDED PLANNING PERMIT

Permit Amended:
30 November 2004



DND430448G-10-6

Form 4

Permit No: P04/160
Planning Scheme: Mildura Planning Scheme
Responsible Authority: Mildura Rural City Council

ADDRESS OF THE LAND:

Ontario Avenue, Mildura (Lots 7 & 9 PS 2380 Sec 33 Blk E)

AD430448G



THE PERMIT ALLOWS:

91 Lot Staged Subdivision and the use of each lot created for a dwelling

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

- 46 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

- 47 The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the Lower Murray Region Water Authority pursuant to Section 8 of that Act.
- 48 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.
- 49 The holder of this permit or authorised agent must meet the Lower Murray Region Water Authority's requirements regarding easements in favour of Lower Murray Water prior to the submission of any plan of subdivision for Certification.
- 50 The owner or operator under the Permit must meet any requirements or cost of Lower Murray Region Water Authority in respect of the acquisition by Lower Murray Region Water Authority of additional water entitlements to meet the demand for water created by the use or development as a result of this subdivision. 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 must be transferred to the Bulk Entitlement of Lower Murray Region Water Authority in accordance with the Water Act 1989 or any successor legislation prior to the Authority consenting to the issue of a Statement of Compliance.

Date issued: 16 November 2004

Signature for the
Responsible Authority

Page 10 of 12

GARRY HEALY
GENERAL MANAGER
ASSETS AND ENVIRONMENT

AMENDED PLANNING PERMIT

Permit Amended:
30 November 2004



Permit No: P04/160
Planning Scheme: Mildura Planning Scheme
Responsible Authority: Mildura Rural City Council

Form 4

ADDRESS OF THE LAND:

Ontario Avenue, Mildura (Lots 7 & 9 PS 2380 Sec 33 Rik 14)

AD430448G



THE PERMIT ALLOWS:

91 Lot Staged Subdivision and the use of each lot created for a dwelling

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

POWERCOR

- 51 The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Powercor Australia Ltd in accordance with Section 8 of that Act.
- 52 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.
- 53 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.
- 54 The applicant shall set aside on the plan of subdivision for the use of Powercor Australia Ltd a reserve(s) satisfactory to the Authority, where any electric substation (other than a pole mounted type) is required to service the subdivision.
- 55 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.
- 56 The applicant shall obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.
- 57 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.
- 58 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.
- 59 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.

Date Issued: 16 November 2004

Signature for the
Responsible Authority

GARRY HEALY
GENERAL MANAGER
ASSETS AND ENVIRONMENT

AMENDED PLANNING PERMIT



AD430448G-21-3

Form 4

Permit Amended:
30 November 2004

Permit No:
Planning Scheme:
Responsible Authority:

P04/160
Mildura Planning Scheme
Mildura Rural City Council

ADDRESS OF THE LAND:

Ontario Avenue, Mildura (Lots 7 & 9 PS 2380 Sec 33 Blk E)

THE PERMIT ALLOWS:

91 Lot Staged Subdivision and the use of each lot created for a dwelling

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

TELSTRA

- 60 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.
- 61 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.
- 62 The applicant shall set aside on the plan of subdivision, reserve/s satisfactory to Telstra, for Telecommunications substation/s if required.

Permit Notes

30 November 2004
Permit amended pursuant to Section 71 of the Planning and Environment Act 1987, to include the landscaping conditions and Lower Murray Region Water Authority's conditions that was omitted. Conditions 4, 49 and 50 have been included.

AD430448G



Date issued:

16 November 2004

Signature for the
Responsible Authority

Page 12 of 12

GARRY HEALY
GENERAL MANAGER
ASSETS AND ENVIRONMENT

FORM 2
Building Act 1993
Building Interim Regulations 2017
Regulation 313

BUILDING PERMIT WITH CONDITIONS

PERMIT NO: BS-U 29378-20180099/0

ISSUED TO:-

Agent:	Christopher & Chloe Lee	17 Ontario Park Drive	MILDURA VIC 3500
Phone:		Mobile: 0439 005 395	

OWNERSHIP DETAILS:-

Owners:	Christopher & Chloe Lee	17 Ontario Park Drive	MILDURA VIC 3500
Phone:		Mobile: 0439 005 395	

PROPERTY DETAILS:-

Lot: 65	No. 17	Ontario Park Drive	MILDURA VIC 3500
Municipality:	Mildura Rural City Council		
Title Details:	PS/LP: 725024T	Volume: 11566	Folio: 728
Site Area:	675		

BUILDER:-

Builder: (Owner Builder)	Christopher & Chloe Lee	17 Ontario Park Drive	MILDURA VIC 3500
Phone:		Mobile: 0439 005 395 Chloe	
Owner Builder Permit No: Not Applicable			

DETAILS OF DOMESTIC BUILDING WORK INSURANCE:- Not Applicable

DETAILS OF RELEVANT PLANNING PERMIT:- Not Applicable

NATURE OF BUILDING WORK:-

Construction of Storage Shed	
Building Classification	10a
Part of Building:	As Per Plans
Project Use:	Occupation & Storage
Total New Floor Area:	37m ²
Project Estimated Value:	\$11,000
No of Storeys:	1
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:-

Prior to placing footing preslab slab on ground
Prior to pouring any in-situ reinforced concrete building element.
Completion of steel framework
Final upon completion of all building work

OCCUPATION OR USE OF BUILDING:-

An Certificate of Final Inspection is required at completion of works

COMMENCEMENT AND COMPLETION:-

Building work is to be commenced by: 23/03/2019 and is to be completed by 23/03/2020

Build with confidence!



Details of building practitioners and architects

a) to be engaged in the building work³

Type	Name	Registration Number
Owner Builder	Christopher & Chloe Lee	OB

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

Type	Name	Registration Number
Drafting	Nick Kiapekis	DP-AD 1200
Engineer	Camilo Moreno	EC 41817

PRIVATE BUILDING SURVEYOR:-
TIM ANDERSON

REGISTRATION NO:

BS-U 29378

SIGNATURE:

ISSUE DATE:

23/03/2018

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**.

Build with confidence!



BUILDING PERMIT CONDITIONS

PERMIT NO: BS-U 29378-20180099/0

1. GENERAL

All works authorised by this Building Permit shall comply with the provisions of the Building Act 1993, Building Interim Regulations 2017, Building Code of Australia (BCA) current edition, other relevant codes and any local laws of the municipality. No variation from the approved documents shall be permitted without the consent of the Relevant Building Surveyor. The owner and/or builder is responsible to obtain any other relevant permits or consents prior to commencing work.

2. CONSTRUCTION REQUIREMENTS

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

3. STORMWATER DISCHARGE

Stormwater to discharge into existing system or into pop ups, a minimum of 5m from any building or boundary.

4. INTERNAL INFRASTRUCTURE

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

~END OF CONDITIONS~

SIGNATURE:

REGISTRATION NO: BS-U 29378

ISSUE DATE: 23/03/2018

Build with confidence!



FORM 17
Regulation 200
Building Act 1993
Building Regulations 2018

CERTIFICATE OF FINAL INSPECTION

Property Details

Site Address:

17 Ontario Park Drive Mildura VIC 3500

Title Details:

Lot 65 PS: 725024T Volume: 11566 Folio: 728

Municipal District:

Mildura Rural City Council

Building Permit Details:

Building Permit Number:

20180099

Version of BCA applicable to building permit:

NCC BCA 2016 Volume 2

Description of Building Work:

Project Description:

Construction of Storage Shed

Part of Building:

As per plans

Permitted Use:

Storage

BCA Class of Building:

10a

Maintenance Determination:

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

Relevant Building Surveyor:

Name:

TIM ANDERSON

Address:

133B Lime Avenue
Mildura VIC 3500

Email:

tim@andersongroupmildura.com.au

Building Practitioner Registration Number:

BS-U 29378

Certificate No:

201800124/0

Date of Issue:

02 October 2019

Signature:

Build with confidence!



REPORT ON DOMESTIC BUILDING WORK

Section 137b of the Victorian Building Act 1993

REPORT PARTICULARS:-

Date of Report: 06/10/2020
Date of Inspection: 06/10/2020
Reference No: 201800124

OWNER'S DETAILS:-

Surname: Lee
Given Name/s: Christopher & Chloe
Phone No: 0439 005 395

PROPERTY LOCATION:-

Lot: 65
PS: 725024T
Street No: 17
Street: Ontario Park Drive
Town/City/Suburb: Mildura
Relevant Council: Mildura Rural City Council

BUILDING DETAILS:-

☒ Shed ☐ Alteration/Addition ☐ Verandah (attached)
☐ Unit/Duplex ☐ Relocation ☐ Swimming Pool

PARTICULARS OF BUILDING WORK:-

Description of building/alteration/additions or improvement work: Storage Shed
Cost of Works: \$11,000.00
Replacement Cost of Works: \$12,000.00
Permit Date: 23/03/2018
Project Completion Date: 02/10/2019
Building Surveyor: Timothy Anderson BS-U 29378
Weather conditions at time of inspection: ☐ Fine ☒ Cloudy ☐ Wet ☐ Windy ☐ Other

INSPECTOR'S DETAILS:-

Tim Anderson
PO Box 3148
MILDURA VIC 3502
Phone 03 5022 8196
Victorian Practitioner No. BS-U 29378

PURPOSE OF REPORT:-

This report contains matters required by the Minister under Section 9 or Section 10 of the House Contracts Guarantee Act 1987 and identifies defects for the purpose of those Sections and is provided on the basis of notes overleaf.

DESCRIPTION/SUMMARY OF STORAGE SHED

CONSTRUCTION:-Shed

Footings:	Concrete	Floor:	Concrete
Roof Pitch:	10 °	Roof Frame:	Steel
Roof Cladding:	Iron	Window Frames:	N/A
Stumps:	N/A	Wall Structure:	Iron
Wall Lining (internal):	Concrete	Wall Cladding (external):	Iron
Ceiling Lining:	N/A	No. of Storeys:	1

STRUCTURES:-

Storage Shed

TERMITE PROTECTION:-

Is the building located in a designated termite zone?	Yes
Has termite protection been installed?	No
Type of protection provided:	Not Required

OTHER COMMENTS:-

This report relates to a Steel Chief Shed only.

This report is based on a Storage Shed only, as per the Building Permit issued by Tim Anderson, Relevant Building Surveyor BS-U 29378.

Signed:



Tim Anderson
Victorian Practitioner Number BS-U 29378

Date of Inspection: 06/10/2020

Page 2 of 5

This inspection report is undertaken to comply with the requirements of the Building Act 1993 Victoria and the Home Building Act New South Wales 1989.

LEGEND: [✓] No visible defects [X] Significant defect [M] Maintenance item
 [N] Not applicable [O] Non completion [S] Slight defect
 [R] Non compliance with Regulations

PROPERTY:-

THE SITE

Fences	✓		Paths	✓		Driveways	✓	
Steps	N		Surface Drainage	✓		Retaining Walls (non structural)	N	

BUILDING PARTICULARS:-

SHED

Structural/Steel	✓		Floor (concrete)	S	2	Walls	M	4
Ceiling	N		Posts/Steel columns	✓		Roller Door	M	3
PA Door	N		Bracing	N				

ROOF

Condition	✓		Skylights	N		Vents	N	
Valleys	N		Guttering	S	1	Downpipes	✓	

Signed:



Tim Anderson
 Victorian Practitioner Number BS-U 29378

Date of Inspection: 06/10/2020
 5

Page 3 of 5

SUMMARY OF DEFECTS/MAINTENANCE ITEMS:-

The items listed below are a summary of the defects/maintenance items based on the checklist:-

DEFECTS:- Storage Shed

1. Guttering appears to be falling away from downpipes (Rear Boundary end)
2. Concrete floor finish is uneven and has not been screeded properly.
3. Roller Door requires maintenance ie. Not opening/closing Properly
4. Top of wall sheet appears to not be fully screwed.

SECOND HAND MATERIALS:-

Not Applicable

INCOMPLETE WORKS:-

Not Applicable.

INACCESSIBLE AREAS:-

Not Applicable

Signed:



Tim Anderson
Victorian Practitioner Number BS-U 29378

Date of Inspection: 06/10/2020

Page 4 of 5

Dwelling Condition Report

This report is provided pursuant to the Section 137b of the Building Act 1993 by the owner builder of the dwelling identified in this report.

Selling an Owner Built House

Prior to entering into a Contract of Sale for a home built by an Owner Builder i.e. not being a Registered Builder, which is less than 6 ½ years old from the date of completion, the Owner Builder must, for the benefit of the Purchaser:-

1. Obtain an inspection report from a Prescribed Practitioner that contains the matters required by the Minister i.e. lists the details, conditions, defects, incomplete works etc. This report must not be more than six months old at the time the Contract of Sale is signed.

Note: To sell your owner built property without the required insurance can attract a fine of up to \$10,000. The above information does not apply to a dwelling other than a home i.e. detached garage etc. as some legislation requirements do vary. Check with your Conveyancer/Solicitor for specific details.

Contract of Sale Conditions

A Contract of Sale must contain the following special conditions:-


1. The Purchaser acknowledges that prior to signing the Contract; the Purchaser has received a copy of the inspection report as prescribed in Section 137b of the Building Act 1993 and a copy of a certificate evidencing the existence of the required insurance;
2. The Vendor/s warrant that they have effected a policy of insurance in the name of the Purchaser (or in the case of sale by auction, the policy is subject only to completing the name of the successful Purchaser) in which indemnifies the Purchaser (and any subsequent purchasers) against all losses and damage during the period of insurance which resulted from:-
 - a) Any breach of the implied warranties under Section 137c of the Act; and
 - b) Alternative accommodation, removal and/or storage costs reasonable and necessarily incurred as a result of any event under above.
3. Vendor warrants that all domestic building work be carried out in relation to the construction by or on behalf of the Vendor of the home was carried out in a proper and workmanlike manner;
4. The Vendor warrants that all materials used in that domestic building work were good and suitable for the purpose for which they were used and that, unless otherwise stated in the Contract, those materials were new; and
5. The Vendor warrants that domestic building work was carried out in accordance with all laws and legal requirements including, without limiting the generality of this warranty, this Act and the regulations.

Defects identified are those caused by hard workmanship or movement of the foundations. The report does not necessarily refer to routine maintenance items e.g. hairline plaster cracks or jamming doors and windows, which are caused by normal shrinking, provided the workmanship was not defective.

Unless otherwise stated:-

- No soil or other materials have been excavated or removed;
- No plants or trees have been removed;
- No samples have been taken or tested;
- No fixtures, fittings, cladding or lining materials have been removed;
- Building services have not been tested;
- No items of furniture or chattels have been moved;
- The roof has not been water tested;
- No enquiries have of drainage, sewerage or water authorities have been made;
- No plans, specifications or other contract documents have been sighted for the purpose of inspecting the dwelling and providing this report; and
- No special investigation of insect attack e.g. termite, borer etc., has been made and any reference to this has been based on a casual inspection.

Signed:



Tim Anderson
Victorian Practitioner Number BS-U 29378

Date of Inspection: 06/10/2020

Page 5 of 5

Property Report from www.land.vic.gov.au on 24 September 2020 11:22 AM

Address: 17 ONTARIO PARK DRIVE MILDURA 3500

Lot and Plan Number: Lot 65 PS725024

Standard Parcel Identifier (SPI): 65\PS725024

Local Government (Council): MILDURA **Council Property Number:** 412087

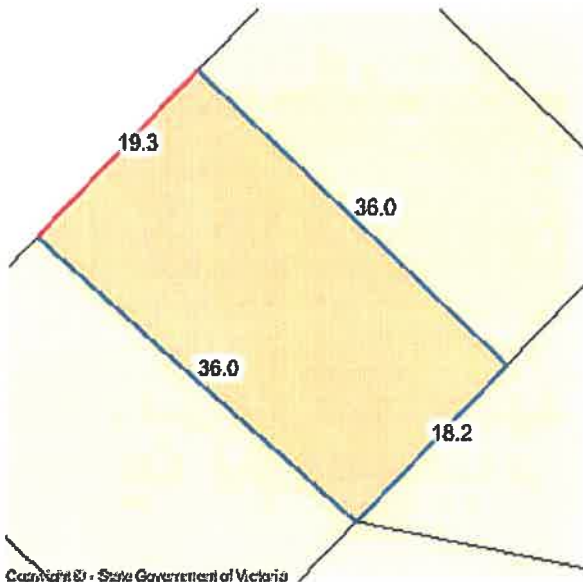
Directory Reference: VicRoads 534 H9

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

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

Site Dimensions

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



Area: 673 sq. m

Perimeter: 109 m

For this property:

— Site boundaries

— Road frontages

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

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

State Electorates

Legislative Council: NORTHERN VICTORIA

Legislative Assembly: MILDURA

Utilities

Rural Water Corporation: Lower Murray Water

Urban Water Corporation: Lower Murray Water

Melbourne Water: outside drainage boundary

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

Planning information continued on next page

Planning Zone Summary

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

Planning Overlays: 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 23 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](#)

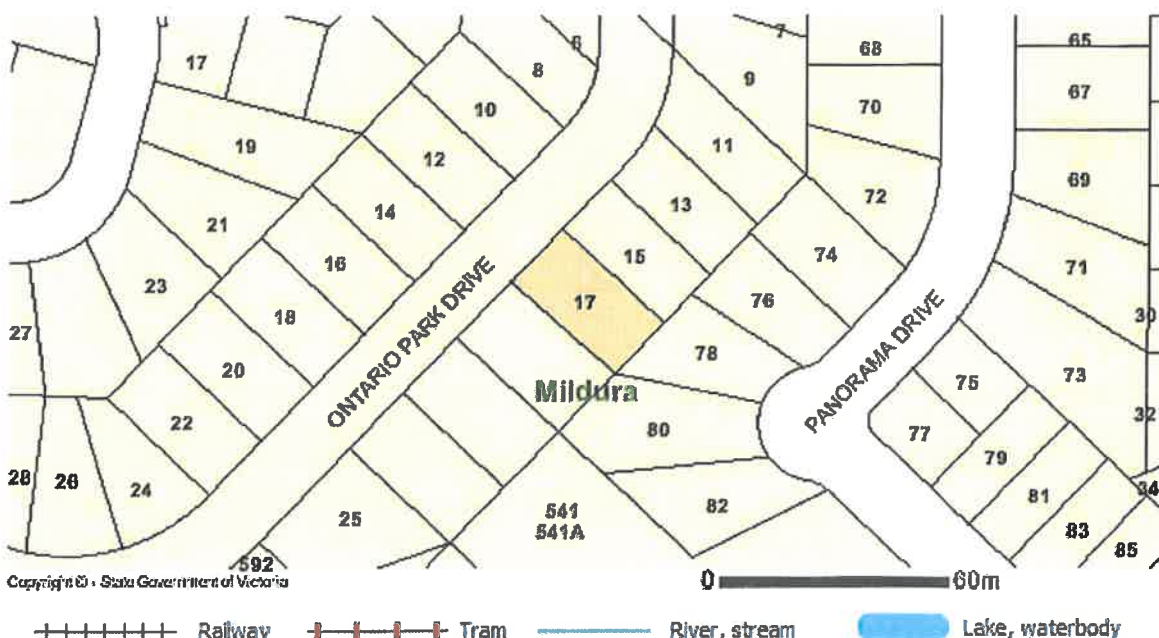
The Planning Property Report includes separate maps of zones and overlays

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

Area Map



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PLANNING PROPERTY REPORT



Environment,
Land, Water
and Planning

From www.planning.vic.gov.au at 24 September 2020 11:23 AM

PROPERTY DETAILS

Address: **17 ONTARIO PARK DRIVE MILDURA 3500**
Lot and Plan Number: **Lot 65 PS725024**
Standard Parcel Identifier (SPI): **65\PS725024**
Local Government Area (Council): **MILDURA**
Council Property Number: **412087**
Planning Scheme: **Mildura**
Directory Reference: **Vicroads 534 H9**

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](#)

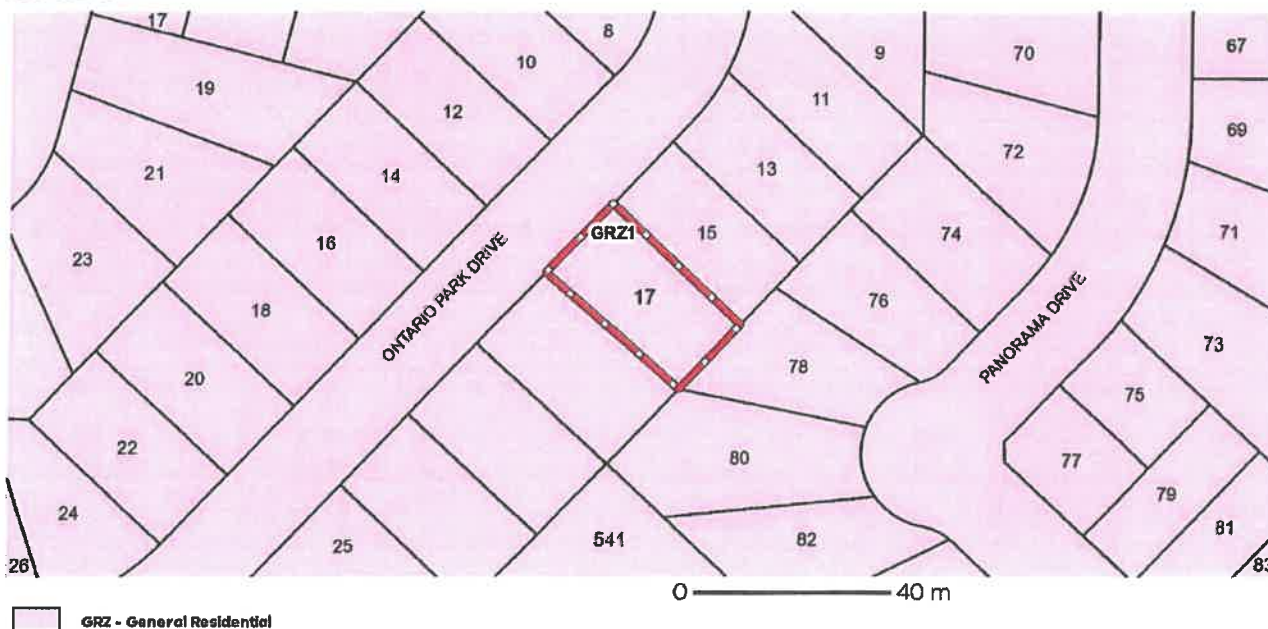
STATE ELECTORATES

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

Planning Zones

GENERAL RESIDENTIAL ZONE (GRZ)

GENERAL RESIDENTIAL ZONE - SCHEDULE 1 (GRZ1)



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

DESIGN AND DEVELOPMENT OVERLAY (DDO)

DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 8 (DDO8)



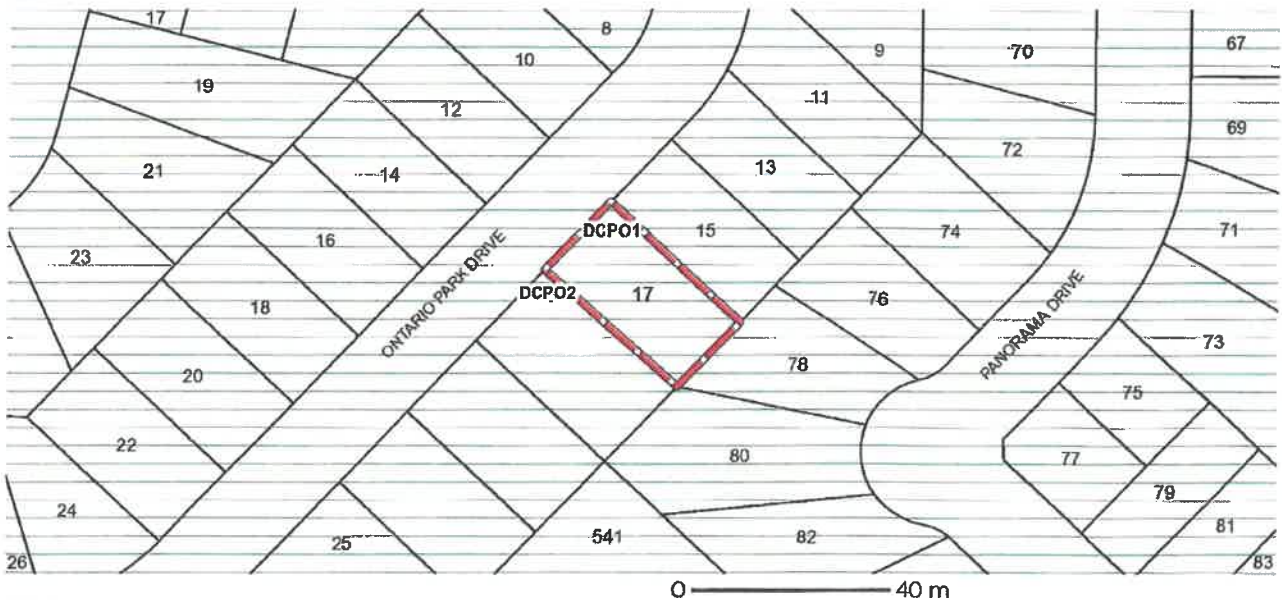
DDO - Design and Development

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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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 PROPERTY REPORT

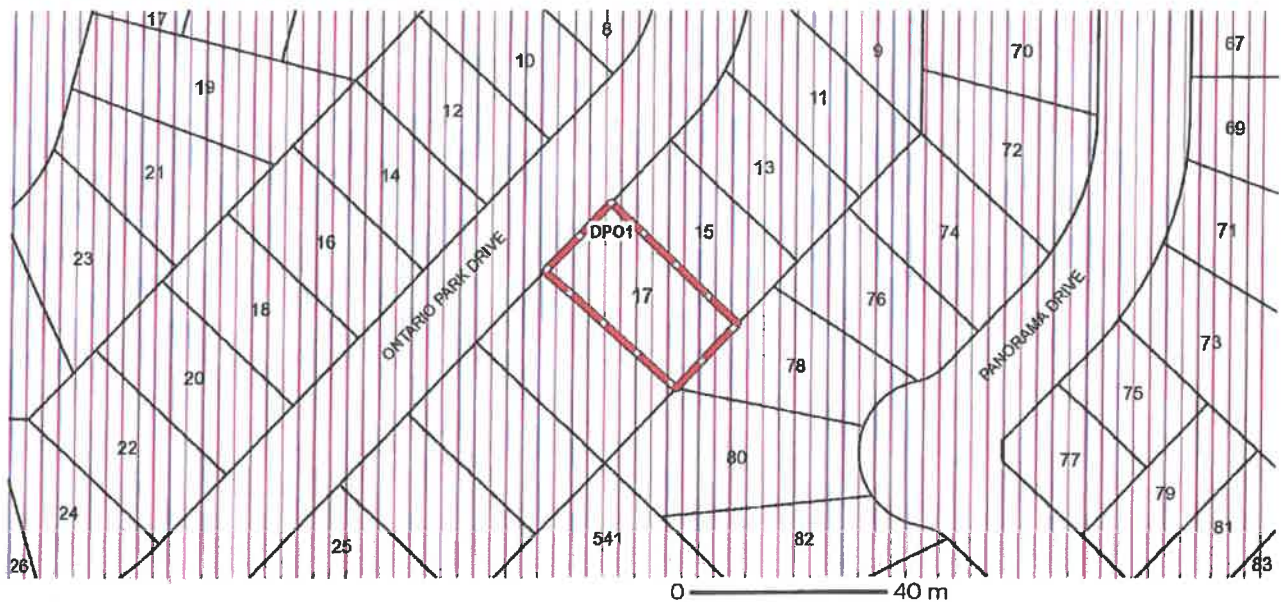


Environment,
Land, Water
and Planning

Planning Overlays

DEVELOPMENT PLAN OVERLAY (DPO)

DEVELOPMENT PLAN OVERLAY - SCHEDULE 1 (DPO1)

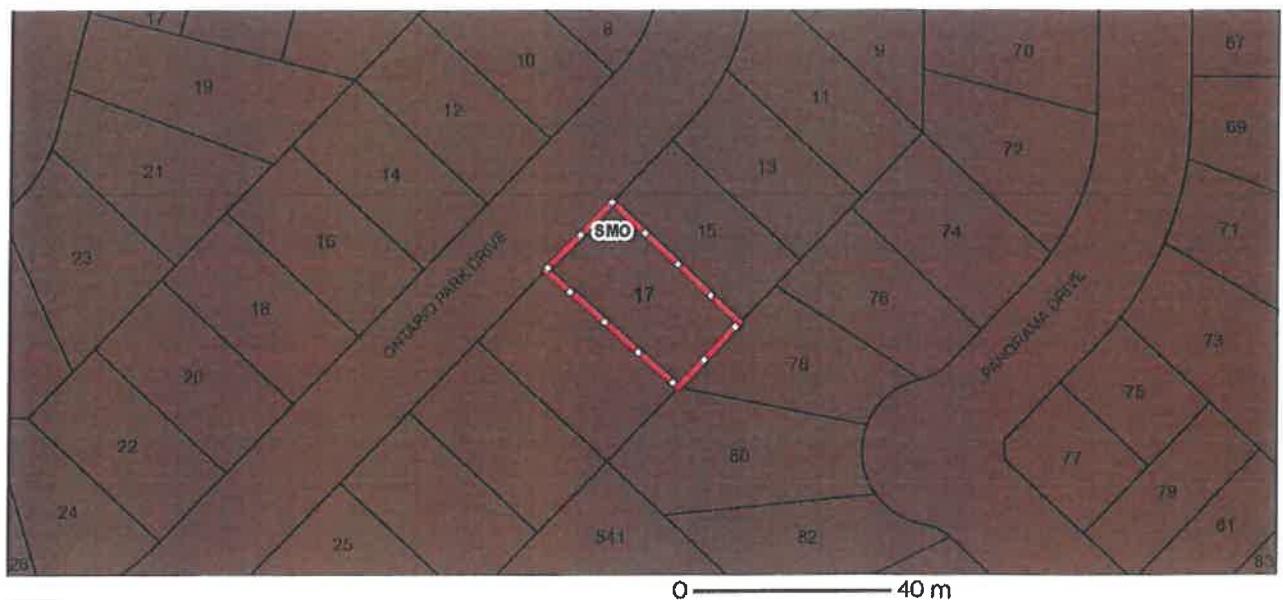


DPO - Development Plan

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 PROPERTY REPORT

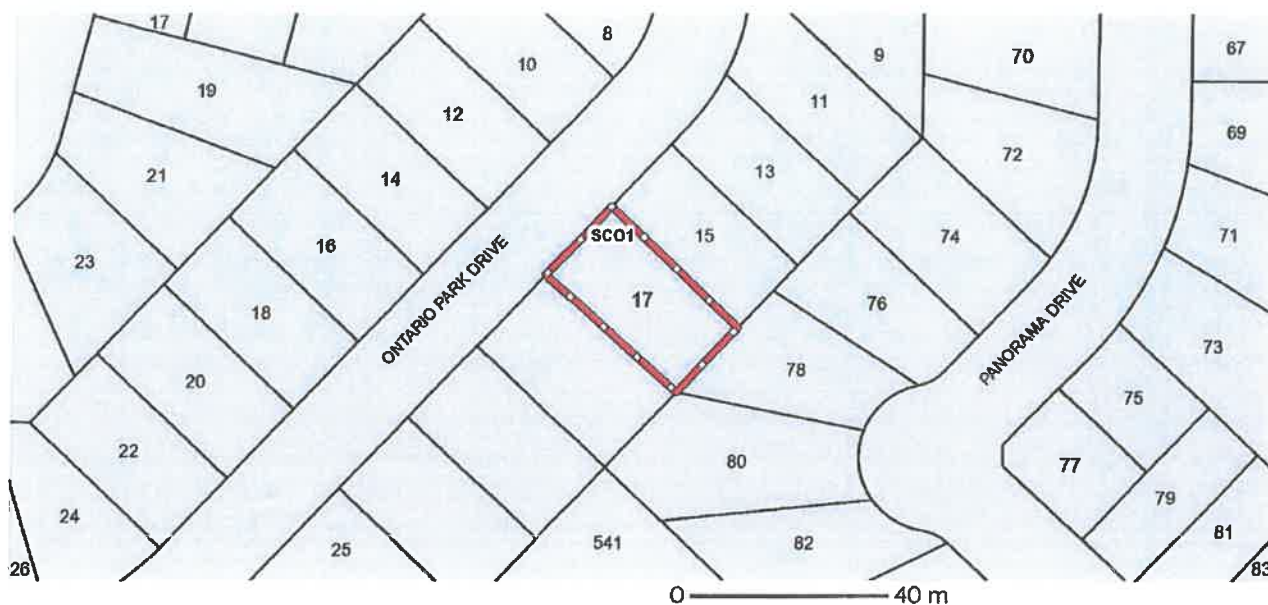


Environment,
Land, Water
and Planning

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 23 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 <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/vicolan>

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

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PLANNING PROPERTY REPORT: 17 ONTARIO PARK DRIVE MILDURA 3500

Page 4 of 5

PLANNING PROPERTY REPORT

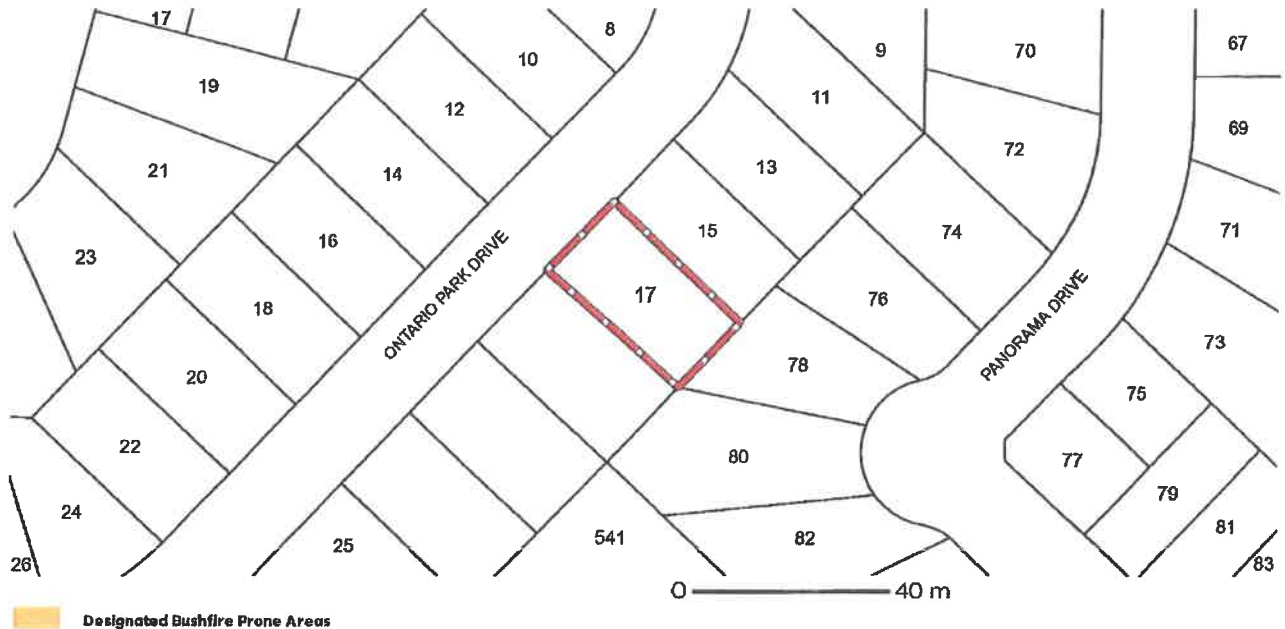


Environment,
Land, Water
and Planning

Designated Bushfire Prone Areas

This property is not in a designated bushfire prone area.

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



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

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

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

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

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

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

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

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LEGEND

- LMW Utility Sewer
- Gravity Pipeline
 - Rising Main Pipeline
 - Pressure Main Pipeline
- LMW Utility Water Pipeline
- Gravity Pipeline
 - Rising Main Pipeline
 - Channel
- LMW Rural Drainage
- Pipeline
 - Channel
- LMW Rural Drainage
- Gravity Pipeline
 - Rising Main Pipeline
 - Channel



1:383

Printed: 29/11/2017

GDA_1994_MGA_Zone_54
© Lower Murray Urban
and Rural Water Corporation

Notes/Comments

LMW DISCLAIMER: The accuracy and completeness shown on this plan is not guaranteed and therefore shall be used as a guide only. The user's responsibility to provide locations and depths in the field. This information is only to be used for the initial project and shall not be passed onto a third party. No further assistance please contact LMW.



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

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

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

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

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

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Mark Yantzes', with a stylized flourish extending from the end.

Mark Yantzes

MUNICIPAL BUILDING SURVEYOR

MY/jb

Due diligence checklist for home buyers

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

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

Sellers or estate agents must:

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

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

Urban living

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

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

Buying into an Owners Corporation

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

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

Growth areas

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

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

Flood and fire risk

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

More information:

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

Rural properties

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

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

Earth resource activity, such as mining

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

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

Soil and groundwater contamination

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

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

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

Land boundaries

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

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

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

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

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

Proposed or granted planning permits

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

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

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

Safety

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

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

Building permits

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

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

Aboriginal cultural heritage and building plans

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

Insurance cover for recent building or renovation works

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

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

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

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

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

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

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

Buyers' rights

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

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

Professional associations and bodies that may be helpful:

* [Archicentre website](#)

[Association of Consulting Surveyors Victoria website](#)

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

[Institute of Surveyors Victoria website](#)

[Law institute of Victoria website](#)

[Real Estate Institute of Victoria website](#)

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

Government of Victoria (Consumer Affairs Victoria) 2014

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

Vendor: Christopher Wade Lee and Chloe Catherine Lee

-

Vendor's Section 32 Statement

-

Property: 17 Ontario Park Drive, Mildura

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

Phone: 03 50 235355
Facsimile: 03 50 235653
Ref: 20690 Lee (Sally)