

# 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.

<b>Land</b>	2 Manhattan Court, Mildura 3500	
<b>Vendor's name</b>	Tyson Hugh Matheson	<b>Date</b> / /
<b>Vendor's signature</b>		
<b>Purchaser's name</b>		<b>Date</b> / /
<b>Purchaser's signature</b>		
<b>Purchaser's name</b>		<b>Date</b> / /
<b>Purchaser's signature</b>		

## 1. FINANCIAL MATTERS

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

See attached.

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

	To	
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Other particulars (including dates and times of payments):

### 1.3 Terms Contract

This section 1.3 only applies if this vendor statement is in respect of a terms contract where the purchaser is obliged to make 2 or more payments (other than a deposit or final payment) to the vendor after the execution of the contract and before the purchaser is entitled to a conveyance or transfer of the land.

Not Applicable.

### 1.4 Sale Subject to Mortgage

This section 1.4 only applies if this vendor statement is in respect of a contract which provides that any mortgage (whether registered or unregistered), is NOT to be discharged before the purchaser becomes entitled to possession or receipts of rents and profits.

Not Applicable.

## 2. INSURANCE

### 2.1 Damage and Destruction

This section 2.1 only applies if this vendor statement is in respect of a contract which does NOT provide for the land to remain at the risk of the vendor until the purchaser becomes entitled to possession or receipt of rents and profits.

Not Applicable.

### 2.2 Owner Builder

This section 2.2 only applies where there is a residence on the land that was constructed by an owner-builder within the preceding 6 years and section 137B of the *Building Act* 1993 applies to the residence.

Not Applicable.

## 3. LAND USE

### 3.1 Easements, Covenants or Other Similar Restrictions

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

Is in the attached copies of title documents.

- (b) Particulars of any existing failure to comply with that easement, covenant or other similar restriction are:

To the best of the vendors knowledge there is no existing failure to comply with the terms of any easement, covenant or other similar restriction.

### 3.2 Road Access

There is NO access to the property by road if the square box is marked with an 'X'

☐

### 3.3 Designated Bushfire Prone Area

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

☐

### 3.4 Planning Scheme

Attached is a certificate with the required specified information.

## 4. NOTICES

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

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

Not Applicable.

### 4.2 Agricultural Chemicals

There are NO notices, property management plans, reports or orders in respect of the land issued by a government department or public authority in relation to livestock disease or contamination by agricultural chemicals affecting the ongoing use of the land for agricultural purposes. However, if this is not the case, the details of any such notices, property management plans, reports or orders, are as follows:

Nil.

### 4.3 Compulsory Acquisition

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

Nil.

## 5. BUILDING PERMITS

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

Are contained in the attached certificate.

## 6. OWNERS CORPORATION

This section 6 only applies if the land is affected by an owners corporation within the meaning of the *Owners Corporations Act 2006*.

Not Applicable.

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

Not applicable.

## 8. SERVICES

The services which are marked with an 'X' in the accompanying square box are NOT connected to the land:

Electricity supply <input type="checkbox"/>	Gas supply <input type="checkbox"/>	Water supply <input type="checkbox"/>	Sewerage <input type="checkbox"/>	Telephone services <input checked="" type="checkbox"/>
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## 9. TITLE

Attached are copies of the following documents:

### 9.1 (a) Registered Title

A Register Search Statement and the document, or part of a document, referred to as the 'diagram location' in that statement which identifies the land and its location.

## 10. SUBDIVISION

### 10.1 Unregistered Subdivision

This section 10.1 only applies if the land is subject to a subdivision which is not registered.

Not Applicable.

#### 10.2 Staged Subdivision

This section 10.2 only applies if the land is part of a staged subdivision within the meaning of section 37 of the *Subdivision Act 1988*.

Not Applicable.

#### 10.3 Further Plan of Subdivision

This section 10.3 only applies if the land is subject to a subdivision in respect of which a further plan within the meaning of the *Subdivision Act 1988* is proposed.

Not Applicable.

### 11. DISCLOSURE OF ENERGY INFORMATION

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

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

Not Applicable.

### 12. DUE DILIGENCE CHECKLIST

- ☒ Vacant Residential Land or Land with a Residence
- ☒ Attach Due Diligence Checklist (this will be attached if ticked)

### 13. ATTACHMENTS – Copies of the following:

1. Search of Certificate of Title Volume 11824 Folio 944.
2. Plan of Subdivision No. 724025W.
3. Covenant AQ927307T.
4. Section 173 Agreement AG914487X.
5. Building Permit No. BS-U 29378-20180196/0 dated 4/6/2018.
6. Occupancy Permit dated 8/10/2018.
7. Certificate of Builder's Warranty Insurance Policy No. C363442,
8. Planning Property Report.
9. Mildura Rural City Council rate notice to 30/6/2021.
10. Lower Murray Water quarterly rate notice.
11. Due Diligence Checklist.



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

Page 1 of 1

VOLUME 11824 FOLIO 944

Security no : 124086254562U  
Produced 27/10/2020 10:48 AM

**LAND DESCRIPTION**

Lot 16 on Plan of Subdivision 724025W.  
PARENT TITLE Volume 11824 Folio 876  
Created by instrument PS724025W 10/10/2016

**REGISTERED PROPRIETOR**

Estate Fee Simple  
Sole Proprietor  
TYSON HUGH MATHESON of 231 SEVENTH STREET MILDURA VIC 3500  
AQ927307T 17/04/2018

**ENCUMBRANCES, CAVEATS AND NOTICES**

MORTGAGE AR418753Y 04/09/2018  
NATIONAL AUSTRALIA BANK LTD

COVENANT AQ927307T 17/04/2018

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

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

**DIAGRAM LOCATION**

SEE PS724025W FOR FURTHER DETAILS AND BOUNDARIES

**ACTIVITY IN THE LAST 125 DAYS**

NIL

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

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

Street Address: 2 MANHATTAN COURT MILDURA VIC 3500

**ADMINISTRATIVE NOTICES**

NIL

eCT Control 16089P NATIONAL AUSTRALIA BANK LIMITED  
Effective from 04/09/2018

DOCUMENT END



# PLAN OF SUBDIVISION

PS724025W

## Easement Information

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

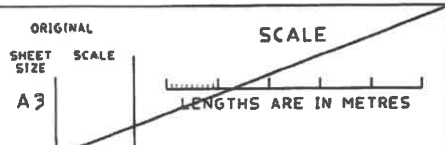
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
E-1	PIPELINE OR ANCILLARY PURPOSES DRAINAGE	4	PS724024Y & SEC.136 WATER ACT 1989 PS724024Y	LOWER MURRAY URBAN & RURAL WATER CORPORATION MILDURA RURAL CITY COUNCIL
E-2	PIPELINE OR ANCILLARY PURPOSES	2	PS724024Y & SEC.136 WATER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

## FREEMAN & FREEMAN

LAND SURVEYORS

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

SHEET 2 OF 3 SHEETS



LICENSED SURVEYOR: ROBERT BRUCE FREEMAN

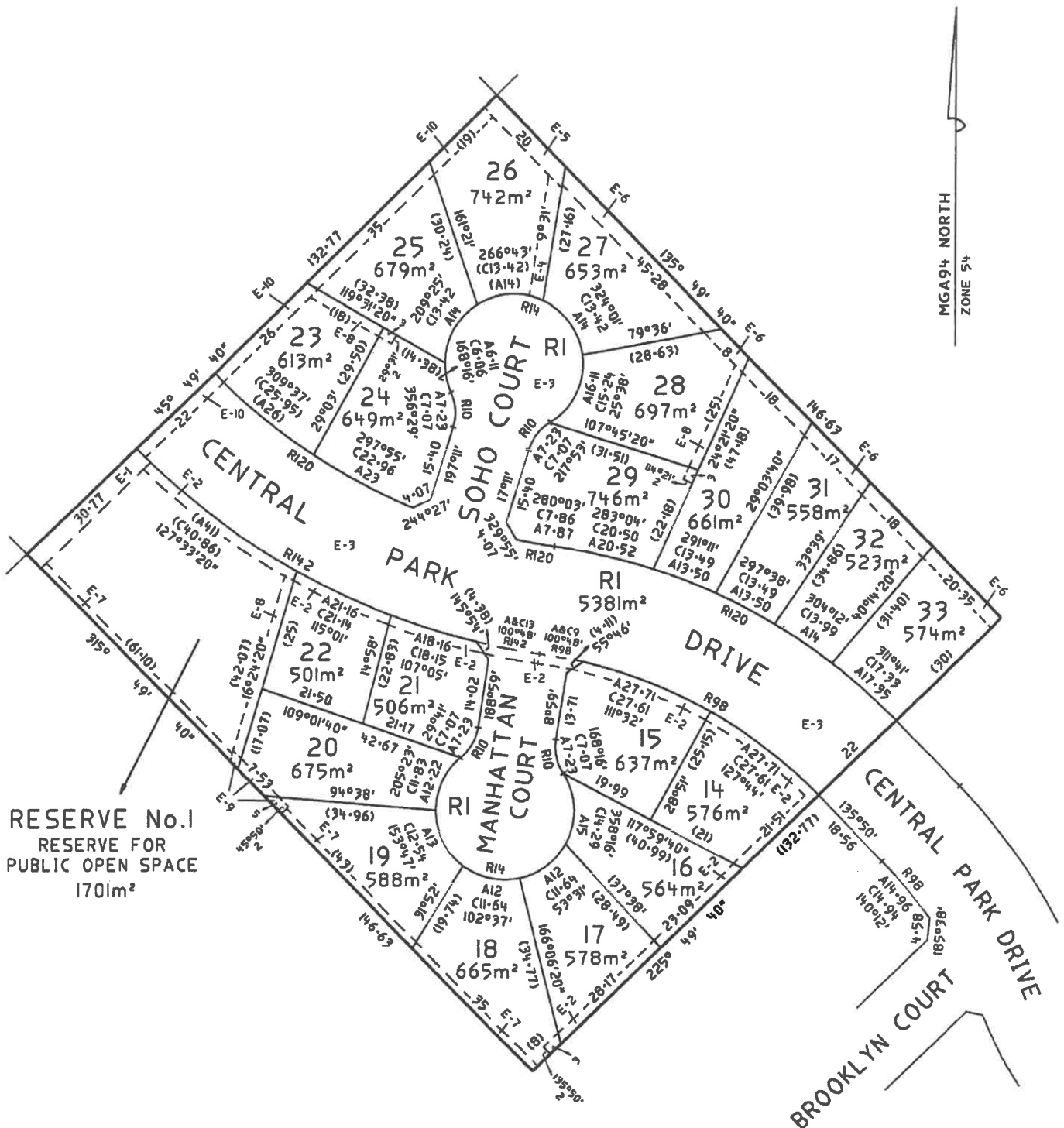
*DIGITALLY SIGNED*

REF 9053/B

VERSION 3

# PLAN OF SUBDIVISION

PS724025W



MG494 NORTH  
ZONE 54

RESERVE No.1  
RESERVE FOR  
PUBLIC OPEN SPACE  
1701m²

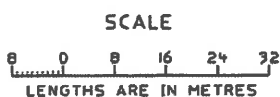
## FREEMAN & FREEMAN

LAND SURVEYORS

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

SHEET 3 OF 3 SHEETS

ORIGINAL SHEET SIZE	SCALE
A3	1:800



LICENSED SURVEYOR: ROBERT BRUCE FREEMAN

DIGITALLY SIGNED

REF 9053/B

VERSION 3



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



SUBDIVISION (PROCEDURES) REGULATIONS 2011

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

**Certification**

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

**Public Open Space**

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

☐ Has not been made at Certification

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

**AQ927307T**

**Transfer of land - creating an easement and/or restrictive covenant**

**Section 45 Transfer of Land Act 1958**

**Privacy Collection Statement**

The information in this form is collected under statutory authority and used for the purpose of maintaining publicly searchable registers and indexes.

Lodged by

Name: *Am Property Transfers*

Phone: *0352314226*

Address: *47 Bromfield St., Colac 3250*

Reference: *Am.*

Customer code: *12050Q*

The transferor 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 11824 FOLIO 944

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

ALL THE VENDOR'S ESTATE IN FEE SIMPLE

Consideration:

\$

Transferor: (full name)

JUBILEE PROPERTY GROUP PTY LTD LTD ACN 166070104

Transferee: (full name and address, including postcode)

TYSON HUGH MATHESON OF 231 SEVENTH STREET, MILDURA VICTORIA, 3500

Creation and/or reservation of easement and/or restrictive covenant

AND THE SAID TYSON HUGH MATHESON FOR HIMSELF AND HIS 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 JUBILEE PROPERTY GROUP PTY LTD ACN 166 070 104 AND THE OTHER REGISTERED PROPRIETOR OR PROPRIETORS FOR THE TIME BEING OF THE LAND COMPRISED IN PLAN OF SUBDIVISION NO 724025W AND EVERY PART THEREOF (OTHER THAN THE LAND HEREBY TRANSFERRED) AS FOLLOWS:

35271702A

45-2TLA

Page 1 of 5

**THE BACK OF THIS FORM MUST NOT BE USED**

Land Use Victoria contact details: [www.delwp.vic.gov.au/property](http://www.delwp.vic.gov.au/property)>Contact us

**Transfer of land - creating an easement and/or  
restrictive covenant  
Section 45 Transfer of Land Act 1958**

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A) SAVE FOR LOT 29 THEY WILL NOT ERECT OR CAUSE OR SUFFER TO BE ERECTED OR ALLOW TO REMAIN UPON THE SAID LAND MORE THAN ONE MAIN RESIDENTIAL BUILDING AND THAT SUCH BUILDING AND LOT OR ANY PART THEREOF SHALL NOT BE FURTHER SUBDIVIDED UNDER THE PROVISIONS OF THE SUBDIVISION ACT 1988 OR ANY AMENDMENT, MODIFICATION OR RE-ENACTMENT OF OR SUBSTITUTION OF THAT ACT.

(B) THEY WILL NOT ERECT OR CAUSE OR SUFFER TO BE ERECTED OR ALLOW TO REMAIN UPON THE SAID LAND ANY DWELLING HOUSE (EXCEPT FOR THE USUAL OUTBUILDINGS) WITH MORE THAN FIFTY PER CENTUM OF THE EXTERNAL WALLS OF ANY MATERIAL OTHER THAN BRICK (WHICH DEFINITION SHALL NOT BE EXTENDED TO MEAN MUD-BRICK), BRICK VENEER STONE OR RENDERED FINISH AND SHALL NOT ROOF SUCH DWELLING WITH MATERIAL OTHER THAN TILES, COLOURBOND STEEL OR ZINC STEEL OR ALUMINIUM AND THAT ANY ROOF SHALL NOT BE PITCHED AT AN ANGLE LESS THAN TWENTY DEGREES AND SHALL NOT ERECT OR CAUSE OR SUFFER TO BE ERECTED OR ALLOW TO REMAIN UPON THE SAID LAND ANY CARPORT.

(C) THEY WILL NOT ERECT OR CAUSE OR SUFFER TO BE ERECTED OR ALLOW TO REMAIN UPON THE SAID LAND ANY TRANSPORTABLE, PREFABRICATED OR MOVEABLE DWELLING HOUSE OR ANY EXISTING DWELLING HOUSE MOVED IN WHOLE OR IN PART FROM ANOTHER SITE OR PLACE OF CONSTRUCTION.

(D) THEY WILL NOT ERECT OR CAUSE OR SUFFER TO BE ERECTED OR ALLOW TO REMAIN UPON THE REAR BOUNDARY OR ANY SIDE BOUNDARY WITHIN THE BUILDING ALIGNMENT OF THE SAID LAND ANY FENCE OTHER THAN A FENCE OF A MINIMUM HEIGHT OF 1.80 METRES CONSTRUCTED FROM DOUBLE SIDED COLOURBOND AND TERRACE IN COLOUR AND ANY POST AND RAIL FOR SUCH FENCE TERRACE IN COLOUR.

(E) THEY WILL NOT ERECT OR CAUSE OR SUFFER TO BE ERECTED OR ALLOW TO REMAIN UPON ANY FRONT BOUNDARY OF THE SAID LAND ADJACENT A ROAD OR WITHIN 4 METRES OF THE SAID BOUNDARY ANY FENCE OF ANY TYPE.

(F) THEY SHALL NOT USE OR PERMIT OR SUFFER TO BE USED OR ALLOW TO BE USED THE SAID LAND OR ANY PART THEREOF FOR ANY PURPOSE OTHER THAN RESIDENTIAL PURPOSES AND THEY SHALL NOT BE PERMITTED TO STORE ANY MATERIALS VEHICLES INCLUDING BUT NOT LIMITED TO TRUCKS, SEMI TRAILERS OR TRUCK TRAILERS OF ANY TYPE OTHER THAN GOODS OR MATERIALS OR MOTOR VEHICLES COMMONLY STORED AT OR ON RESIDENTIAL PREMISES.

(G) THEY SHALL NOT LANDSCAPE AND MAINTAIN ALL GARDENS, LAWNS AND GARDEN BEDS ON THE SAID LAND OTHER THAN TO A GOOD STANDARD HAVING REGARD TO THE AMENITY OF THE AREA BEING ALL LOTS ON THE SAID PLAN OF SUBDIVISION.  
AND IT IS HEREBY AGREED AS FOLLOWS:

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45-2TLA

Page 2 of 5

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Land Use Victoria contact details: [www.delwp.vic.gov.au/property](http://www.delwp.vic.gov.au/property)>Contact us

**Transfer of land - creating an easement and/or  
restrictive covenant****Section 45 Transfer of Land Act 1958****Privacy Collection Statement**

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and used for the purpose of  
maintaining publicly searchable  
registers and indexes.

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.

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**Signing:**

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**Section 45 Transfer of Land Act 1958**

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**Certifications**

1. The Certifier has taken reasonable steps to verify the identity of the applicant.
2. The Certifier holds a properly completed Client Authorisation for the Conveyancing Transaction including this Registry Instrument or Document.
3. The Certifier has retained the evidence supporting this Registry Instrument or Document.
4. The Certifier has taken reasonable steps to ensure that this Registry Instrument or Document is correct and compliant with relevant legislation and any Prescribed Requirement.

Executed on behalf of **JUBILEE PROPERTY GROUP PTY LTD**

Signer Name **LINDSAY ANDERSON**

Signer Organisation **MALONEY ANDERSON LEGAL**

Signer Role **AUSTRALIAN LEGAL PRACTITIONER**

Signature

Execution Date

**29.3.18**

**Signing:**

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4. The Certifier has taken reasonable steps to ensure that this Registry Instrument or Document is correct and compliant with relevant legislation and any Prescribed Requirement.

Executed on behalf of TYSON HUGH MATHESON  
Signer Name AMANDA DIANE MAHONEY  
Signer Organisation AM PROPERTY TRANSFERS  
Signer Role LICENSED CONVEYANCER

Signature



Execution Date

29-3-18

35271702A

45-2TLA

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**AG914487X**

09/12/2009 \$102.90 173



**FORM 18**

Section 181

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

**Planning and Environment Act 1987**

**Lodged by:**

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

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

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

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


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

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

Signature of Authority .....

Name of Officer .....

Date .....

  
Mark Henderson  
24.11.09

**AG914487X**

09/12/2009 \$102.90 173



✓  
**MILDURA RURAL CITY COUNCIL**

**and**

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

**and**

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

**SECTION 173 AGREEMENT  
425 ONTARIO AVENUE MILDURA**



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

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



AG914487X



Section 173 Agreement – 425 Ontario Avenue, Mildura

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

**PARTIES**

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

**And**

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

**And**

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

**RECITALS**

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



**F. Condition 3 of the permit provides:**

**MRCC**

3. Prior to the issue of a Statement of Compliance of Stage 1 the owner must enter into an agreement with the Responsible Authority in accordance with Section 173 of the Planning and Environment Act, 1987.

The agreement must be prepared by Council to provide the following:

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

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

**G. Condition 38 of the Permit provides:**

**DEPARTMENT OF SUSTAINABILITY AND ENVIRONMENT**

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

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

**H. Condition 39 of the Permit provides:**

**LOWER MURRAY WATER**

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



Section 173 Agreement – 425 Ontario Avenue, Mildura

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

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

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

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

**NOW THIS AGREEMENT WITNESSETH as follows:**

**1. INTERPRETATION:**

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

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

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

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

**2. OWNER'S COVENANTS:**

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



- (a) will comply with and carry out the conditions of the Permit;
- (b) will do all things necessary to enable the Council to enter a Memorandum of this Agreement on the Certificates of Title to the subject land in accordance with Section 181 of the Act including signing any further agreement acknowledgment or document to enable the said Memorandum to be registered under that Section;
- (c) will do all things necessary including the signing of such further agreements, undertakings, covenants, consents, approvals or other documents for the purpose of ensuring that they carry out the covenants and agreements and obligations hereunder and to enable the Council to enforce the performance by the Owners of such covenants, agreements and undertakings;
- (d) will pay the Council's costs of and incidental to the preparation and execution of this Agreement and the registration of a Memorandum of this Agreement at the Land Titles Office pursuant to Section 181 of the Act and any duties or fees payable in connection with either the Agreement or the registration of the Memorandum at the Land Titles Office;
- (e) will construct the Ontario Avenue frontage to Lot 1 on PS627695P frontage 47.97m which will include the following: road design documentation (including kerb checking and supervision fees) road widening, footpath naturestrip treatment, kerb and channel, street lighting and drainage to the satisfaction of the Council when requested to do so by Council and acknowledge that such works are at full cost to the owner of Lot A on PS627695P;
- (f) commence works within 30 days of receipt of a notice from Council requiring the commencement of the same and complete the same as



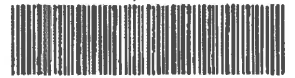
Section 173 Agreement – 425 Ontario Avenue, Mildura

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

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

**3. ADDITIONAL MATTERS:**

- a. If any provision of this Agreement is not valid it shall not affect the validity of the other provisions of this Agreement but shall be read down or severed so as to leave the other provisions of this Agreement in effect;
- b. this Agreement shall come into effect on the date hereof;
- c. the covenants, undertakings and agreements hereunder by the Owners shall be borne by the Owners from time to time of each of the subject land equally and in the event that there is more than one Owner of the said lot;
- d. any time or other indulgence granted by the Council to the Owner or any variation of the terms or conditions of this Agreement or any judgment or order obtained by either party against the other will not in anyway amount



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

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

#### **4. WATER CORPORATION**

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

#### **5. DEFAULT OF OWNERS:**

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

**AG914487X**

09/12/2009 \$102.90 173



Section 173 Agreement -- 425 Ontario Avenue, Mildura

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

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



Section 173 Agreement – 425 Ontario Avenue, Mildura

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



*[Signature]*  
Councillor Glenn Mische

*[Signature]*  
Councillor Sue Nichols

*[Signature]*  
Chief Executive Officer

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



*[Signature]*  
Chairman Director

*[Signature]*  
Director

*[Signature]*  
Chief Executive Officer M.D.

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

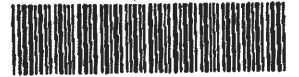
*[Signature]*

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

*[Signature]*

*[Signature]*





**MORTGAGEE'S CONSENT**

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

DATED this

day of

2009.

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

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

# AMENDED PLANNING PERMIT

Form 4

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

## ADDRESS OF THE LAND:

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

## THE PERMIT ALLOWS:

29 lot Subdivision (staged residential subdivision)

## THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

**AG914487X**

09/12/2009 \$102.90 173



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

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

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

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

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

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

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

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

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

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

Date issue 03 December 2008

Signature for the  
Responsible

  
GARRY HEALY  
GENERAL MANAGER  
ASSETS AND DEVELOPMENT

# AMENDED PLANNING PERMIT

Form 4

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

## ADDRESS OF THE LAND:

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

## THE PERMIT ALLOWS:

29 lot Subdivision (staged residential subdivision)

**AG914487X**

09/12/2009 \$102.90 173



## THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

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

Date issue 03 December 2008

Signature for the  
Responsible

  
**GARRY HEALY**  
GENERAL MANAGER  
ASSETS AND DEVELOPMENT

# AMENDED PLANNING PERMIT

Form 4

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

## ADDRESS OF THE LAND:

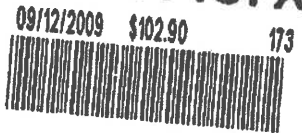
425 Ontario Avenue, MILDURA (Lot 2 PS 201737R Sec 22 Blk E)

## THE PERMIT ALLOWS:

29 lot Subdivision (staged residential subdivision)

## THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

AG914487X



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

Date issue 03 December 2008

Signature for the  
Responsible

GARRY HEALY  
GENERAL MANAGER  
ASSETS AND DEVELOPMENT

# AMENDED PLANNING PERMIT

Form 4

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

## ADDRESS OF THE LAND:

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

**AG914487X**



## THE PERMIT ALLOWS:

29 lot Subdivision (staged residential subdivision)

## THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

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

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

## COUNTRY FIRE AUTHORITY

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

Date issue 03 December 2008

Signature for the  
Responsible

**GARRY HEALY**  
GENERAL MANAGER  
ASSETS AND DEVELOPMENT

# AMENDED PLANNING PERMIT

Form 4

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

## ADDRESS OF THE LAND:

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

## THE PERMIT ALLOWS:

29 lot Subdivision (staged residential subdivision)

## THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

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

## DEPARTMENT OF SUSTAINABILITY AND ENVIRONMENT

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

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

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

**LOWER MURRAY WATER**

**AG914487X**



Date issue

03 December 2008

Signature for the  
Responsible

GARRY HEALY  
GENERAL MANAGER  
ASSETS AND DEVELOPMENT

# AMENDED PLANNING PERMIT

Form 4

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

## ADDRESS OF THE LAND:

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

**AG914487X**

09/12/2009 \$102.90 173



## THE PERMIT ALLOWS:

29 lot Subdivision (staged residential subdivision)

## THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

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

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

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

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

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

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

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

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

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

**POWERCOR**

Date Issue 03 December 2008

Signature for the  
Responsible

GARRY HEALY

GENERAL MANAGER  
ASSETS AND DEVELOPMENT

# AMENDED PLANNING PERMIT

Form 4

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

## ADDRESS OF THE LAND:

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

**AG914487X**

## THE PERMIT ALLOWS:

29 lot Subdivision (staged residential subdivision)

09/12/2009 \$102.90 173  


## THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

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

Date Issue 03 December 2008

Signature for the  
Responsible

  
**GARRY HEALY**  
GENERAL MANAGER  
ASSETS AND DEVELOPMENT



# AMENDED PLANNING PERMIT

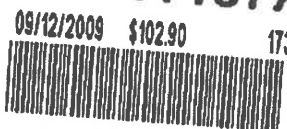
Form 4

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

## ADDRESS OF THE LAND:

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

**AG914487X**



## THE PERMIT ALLOWS:

29 lot Subdivision (staged residential subdivision)

## THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

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

### TELSTRA

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

### PERMIT NOTES

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

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

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

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

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

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

Date Issue 03 December 2008

Signature for the  
Responsible

**GARRY HEALY**  
GENERAL MANAGER  
ASSETS AND DEVELOPMENT

**AMENDED  
PLANNING  
PERMIT**

Form 4

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

**ADDRESS OF THE LAND:**

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

**AG914487X**

**THE PERMIT ALLOWS:**

29 lot Subdivision (staged residential subdivision)

09/12/2009 \$102.90 173



**THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:**

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

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

**DEPARTMENT OF SUSTAINABILITY AND ENVIRONMENT**

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

**TELSTRA**

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

*For co-ordinated Telstra plant reticulation in this development, please refer to [www.telstrasmartcommunity.com](http://www.telstrasmartcommunity.com) to Register your Development and Apply for Reticulation.*

**THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:**

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

Date issue 03 December 2008

Signature for the  
Responsible

**GARRY HEALY**  
GENERAL MANAGER  
ASSETS AND DEVELOPMENT

# PLAN OF SUBDIVISION

Stage No. LR use only

PLAN NUMBER

EDITION

PS 627695P

## Location of Land

Parish: MILDURA

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

Section: 22

Crown Allotment: 18 & 18A

Crown Portion: \_\_\_\_\_

Title References: Vol 9657 Fol 868

Last Plan Reference: LP 201737R (LOT 2)

Postal Address: 425 ONTARIO AVENUE,  
MILDURA, 3500.

MGA94 Co-ordinates: E 603920

(Of approx. centre of plan) N 6215630 Zone 54

## Vesting of Roads or Reserves

Identifier

Council/Body/Person

NIL

NIL

## Council Certification and Endorsement

Council Name: MILDURA RURAL CITY COUNCIL Ref: S01328

1. This plan is certified under section 6 of the Subdivision Act 1988.
2. This plan is certified under section 11(7) of the Subdivision Act 1988.  
Date of original certification under section 6 / /
3. This is a statement of compliance issued under section 21 of the Subdivision Act 1988.

## Open Space

(I) A requirement for public open space under section 18 Subdivision Act 1988 has / has not been made.

(II) The requirement has been satisfied.

(III) The requirement is to be satisfied in Stage

Council Delegate

Council seal

Date / /

Re-certified under section 11(7) of the Subdivision Act 1988

Council Delegate

Council seal

Date / /

**AG914487X**

09/12/2009 \$102.90 173



## Notations

Depth Limitation: 15.24 Metres below the surface.  
Applies to Crown Allotment 18.  
15 Metres below the surface.  
Applies to Crown Allotment 18A.

Staging This is/ is not a staged subdivision  
Planning Permit No. P07/128

Survey:- This plan is / is not based on survey.

LOT 1 IS THE RESULT OF SURVEY.

LOT A IS THE BALANCE OF TITLE.

To be completed where applicable.

This survey has been connected to permanent marks no(s).332,333&1102.  
In Proclaimed Survey Area no. \_\_\_\_\_

## Easement Information

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

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
E-1	DRAINAGE	4	THIS PLAN	LOWER MURRAY URBAN & RURAL WATER CORPORATION.

LR use only

Statement of Compliance / Exemption Statement

Received



Date / /

LR use only

PLAN REGISTERED

TIME

DATE / /

Assistant Registrar of Titles

Sheet 1 of 2 Sheets

DATE / /

COUNCIL DELEGATE SIGNATURE

Original sheet size A3

LICENSED SURVEYOR: ROBERT BRUCE FREEMAN

REF 8103/A VERSION 3 DATE 29/06/2009 SIGNATURE

SCANNED

**FREEMAN & FREEMAN**

LAND SURVEYORS

PO BOX 2135 MILDURA VIC 3502

TELEPHONE: (09) 50236239

# PLAN OF SUBDIVISION

Stage No.

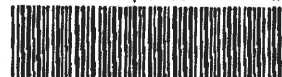
Plan Number

PS 627695P

**AG914487X**

09/12/2009 \$102.90

173



MGA94 NORTH  
ZONE 54

**A**  
3.416ha

(235.97)  
31549'40"

(236.28)  
13549'40"

225°49'40"  
43.80

45°49'40"

47.97

68.80

13549'40"

64.49

41

47.97

3300m<sup>2</sup>

265.54

225°49'40"

AVENUE

ONTARIO

FIFTEENTH  
STREET

**FREEMAN & FREEMAN**

LAND SURVEYORS

PO BOX 2135 MILDURA VIC 3502

TELEPHONE: (03) 50236239

SHEET 2 OF 2 SHEETS

ORIGINAL

SHEET  
SIZE  
A3

SCALE  
1:2000

SCALE

20 0 20 40 60 80

LENGTHS ARE IN METRES

LICENSED SURVEYOR: ROBERT BRUCE FREEMAN

SIGNATURE

DATE 29/06/2009

REF 8103/A

VERSION 3

DATE / /  
COUNCIL DELEGATE SIGNATURE

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

Build with confidence!



FORM 2  
Building Act 1993  
Building Regulations 2018  
Regulation 37 (1)

## BUILDING PERMIT WITH CONDITIONS

PERMIT NO: BS-U 29378-20180196/0

### ISSUED TO:-

Agent:	GJ Gardner Homes Mildura	87 Lime Avenue	MILDURA VIC 3500
ARBN:	56 133 428 633		
Email:	mildura.admin@gjgardner.com.au		
Address for service or giving documents:		87 Lime Avenue	MILDURA VIC 3500
Contact Person:	Kimberley Laity	Telephone:	03 5023 1199

### OWNERSHIP DETAILS:-

Owners:	Tyson Matheson	231 Seventh Street	MILDURA VIC 3500
Email:	tymatfitness@hotmail.com		
Contact Person:	Tyson Matheson	Telephone:	0410 275 029

### PROPERTY DETAILS:-

Lot: 16	No: 2	Manhattan Court	MILDURA VIC 3500
Municipality:	Mildura Rural City Council		
Title Details:	PS: 724025W	Volume: 11824	Folio: 944
Site Area:	564m <sup>2</sup>		

### BUILDER:-

Builder:	Estilo Pty Ltd	87 Lime Avenue	MILDURA VIC 3500
Phone:	03 5023 1199		

### DETAILS OF DOMESTIC BUILDING WORK INSURANCE:-

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

Insurance Provider Name:	VMIA Victorian Managed Insurance Authority
Policy No:	C363442
	Date Issued: 16/05/2018

### DETAILS OF RELEVANT PLANNING PERMIT:-

Not Applicable

### NATURE OF BUILDING WORK:-

Construction of Dwelling, Garage & Alfresco Area  
Version of BCA applicable to permit: 2016 Vol 2  
Stage of building work permitted: All parts  
Cost of building work: \$  
Total floor area of new building work: 206m<sup>2</sup>

### BUILDING CLASSIFICATION:-

Dwelling:	1ai
Garage:	10a

### PROTECTION WORK

Protection work is not required in relation to the building work proposed in this permit.

### 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:

#### Reporting

Mildura Rural City Council	Stormwater Discharge Point	Regulation 133
----------------------------	----------------------------	----------------

Build with confidence!

**INSPECTION REQUIREMENTS:-**

**The mandatory notification stages are:**

Prior to placing strip/pier footings  
Prior to placing footing prelab slab on ground  
Prior to pouring in situ concrete reinforcement  
Completion of framework  
Final upon completion of all building work

**OCCUPATION OR USE OF BUILDING:-**

An Occupancy Permit is required prior to the occupation or use of this building.

If an occupancy permit is required, the permit is required for the whole of the building in relation to which the building work is carried out.

**COMMENCEMENT AND COMPLETION:-**

Building work is to be commenced by: 04/06/2019

If the building work to which this building permit applies is not commenced by this date, this building permit will lapse unless an extension is applied for and granted by the relevant building surveyor before this date under regulation 59 of the Building Regulations 2018

This building work must be completed by: 04/06/2020

If the building work to which this building permit applies is not completed by this date this building permit will lapse, unless an extension is applied for and granted by the relevant building surveyor before this date under regulation 59 of the Building Regulations 2018

**Details of building practitioners and architects**

a) to be engaged in the building work

Type	Name	Registration Number
Builder	Brad Stanbrook	DB-U 14529

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

Type	Name	Registration Number
Drafting	Craig Wight	DP-AD 36750
Civil Engineer	Malcolm Gallasch	EC 1015

**PRIVATE BUILDING SURVEYOR:-**

Name: TIM ANDERSON  
Registration No.: BS-U 29378  
Address: 133B Lime Avenue Mildura VIC 3500  
Email: tim@andersongroupmildura.com.au

Permit No.: 20180196 Issue Date: 04/06/2018

Signature: 



## **BUILDING PERMIT CONDITIONS**

**PERMIT NO: BS-U 29378-20180196/0**

This permit is subject to the following conditions:

- 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. INSURANCE**  
Home Warranty Insurance applies in relation to building work approved by this permit.
- 3. SANITARY FACILITIES**  
Sanitary facilities for workmen shall be provided on the construction site for the duration of the project.
- 4. BOUNDARY LOCATION**  
The owner and/or builder shall be responsible to define, the boundaries of the allotment.
- 5. SITE PREPARATION**  
All site cuts to be graded to an angle that self supports the existing ground to the satisfaction of the Building Surveyor or otherwise approved retaining walls to be erected.
- 6. SMOKE DETECTORS**  
Self-contained Smoke Detectors must be installed in a Class 1 Building, on or near the ceiling in any storey containing bedrooms:-
  - Between each part of the dwelling containing bedrooms and the remainder of the dwelling; and
  - Any other storey (Ref Section 3.7.2 of the BCA).
  - Interconnected where more than one Smoke Detector.
- 7. STORMWATER DRAINAGE**  
Down pipes must be installed in accordance with Clause 3.5.2.5 of the BCA and overflow provisions made for the spouting if the down pipes are located further than 1.2m from a valley. Such down pipes shall be direct to an underground drainage system discharging to a legal point to the satisfaction of the Building Surveyor.
- 8. PLUMBING CERTIFICATION**  
Upon completion of the building works you are required to submit the following documentation:
  - A Final clearance from the Environmental Health, Section 2, B.1 as applicable of the Building Code of Australia.
  - A Certificate of Completion to be provided upon completion and prior to occupancy or use, under Section 221ZH of the Building Act 1993, for plumbing work on the project.
- 9. CONSTRUCTION REQUIREMENTS**  
All construction shall meet the performance requirements of Section 2, B.1 as applicable of the Building Code of Australia.
- 10. WATERPROOFING**  
Waterproofing of wet areas shall comply with the requirements of AS 3740-2010 "Waterproofing of wet areas within residential buildings"
- 11. TIMBER FRAMING**  
All timber framing to comply with Australian Standard 1664.2 – National Timber Manual 2010
- 12. TERMITE CONTROL**  
The building is an area designated by the municipality as likely to be subject to infestation by termites and shall be protected in accordance with Building Code of Australia B1.4(i).
- 13. SECTION 173 AGREEMENTS, COVENANTS & OTHER RESTRICTION**  
It is not the responsibility of the Relevant Building Surveyor to confirm compliance with any Section 173 Agreement, covenant or other restriction which may be shown on title and by issuing this permit, the Relevant Building Surveyor does not warrant that the works authorised by this permit will comply with any Section 173 Agreement, covenant or other restrictions which may be shown on title.
- 14. ENERGY EFFICIENCY REQUIREMENTS**  
The Builder must ensure that all energy efficiency requirements listed in the energy efficiency report have been complied with and a signed copy of the Compliance Certificate is to be submitted to this office.
- 15. DRAINS & SEWERS**  
The owner and builder must consult with the relevant sewerage authority and local council to ensure that the proposed works do not affect any drains or sewers and that the works comply with the requirements of those authorities.
- 16. SOLAR HOT WATER**  
Solar Hot Water Service to comply with 6 Star Energy provisions of the Building Regulations 2006.  
**NOTE:** The type of Solar Hot Water Service to be installed must comply with the Plumbing Regulations applicable at the time of installation.
- 17. GLAZING**  
All windows and doors are to comply with Australian Standards AS 1288 - 2006 and AS 2047-14.

**~END OF CONDITIONS~**

**FORM 16**  
Building Act 1993  
Building Regulations 2018  
Regulation 192

## **OCCUPANCY PERMIT**

This occupancy permit must be displayed in the following approved location: n/a

**Property Details:**

Site Address: 2 Manhattan Court MILDURA VIC 3500  
Title Details: Lot 16 PS: 724025W Volume: 11824 Folio: 944  
Municipal District: Mildura Rural City Council

**Building Permit Details:**

Building Permit Number: 20180196 dated 04/06/2018  
Version of BCA Applicable to Building Permit: NCC BCA 2016 Volume 2

**Building Details:**

Building to which permit applies: Dwelling, Garage & Alfresco Area  
Permitted Use: Occupation & Storage  
BCA Classification: 1a1 & 10a  
Maximum permissible floor live load: 1.5Kpa

**Suitability for Occupation:**

At the date this occupancy permit is issued, the building to which this permit applies is suitable for occupation.

**Relevant Building Surveyor:**

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

Building Practitioner Registration No: BS-U 29378  
Occupancy Permit No: 20180196  
Date of Issue: 08 October 2018  
Date of Final Inspection: 04 October 2018

Signature:





# Domestic Building Insurance

## Certificate of Insurance

**Tyson Matheson, Theresa Lienhart**  
**231 Seventh St**  
**MILDURA**  
**VIC 3500**

Policy Number:  
**C363442**

Policy Inception Date:  
**16/05/2018**

Builder Account Number:  
**009779**

A contract of insurance complying with the Ministerial Order for Domestic Building Insurance issued under Section 135 of the Building Act 1993 (Vic) (Domestic Building Insurance) has been issued by the insurer Victorian Managed Insurance Authority a Statutory Corporation established under the Victorian Managed Insurance Authority Act 1996 (Vic), in respect of the domestic building work described below.

### Policy Schedule Details

Domestic Building Work: **C01: New Single Dwelling Construction**  
 At the property: **Lot 16 Manhattan Court MILDURA VIC 3500 Australia**  
 Carried out by the builder: **ESTILO PTY LTD**  
 Builder ACN: **109318686**

**!** If the builder's name and/or its ABN/ACN listed above does not exactly match with the information on the domestic building contract, please contact the VMIA. If these details are incorrect, the domestic building work will not be covered.

For the building owner(s): **Tyson Matheson, Theresa Lienhart**

Pursuant to a domestic building contract dated: **13/04/2018**

For the contract price of: **\$**

Type of Cover: **Cover is only provided if ESTILO PTY LTD has died, becomes insolvent or has disappeared or fails to comply with a Tribunal or Court Order \***

The maximum policy limit for claims made under this policy is: **\$300,000 all inclusive of costs and expenses \***

The maximum policy limit for non-completion claims made under this policy is: **20% of the contract price limited to the maximum policy limit for all claims under the policy\***

### PLEASE CHECK

If the information on this certificate does not match what's on your domestic building contract, please contact the VMIA immediately on 1300 363 424 or email [dbi@vmia.vic.gov.au](mailto:dbi@vmia.vic.gov.au)

### IMPORTANT

This certificate must be read in conjunction with the policy terms and conditions and kept in a safe place. These documents are very important and must be retained by you and any successive owners of the property for the duration of the period of cover.

\* The cover and policy limits described in this certificate are only a summary of the cover and limits and must be read in conjunction with, and are subject to the terms, conditions, limitations and exclusions contained in the policy terms and conditions.

### Period of Cover

- Cover commences on the earlier of the date of the domestic building contract or date of building permit for the domestic building work and concludes:
- Two years from completion of the domestic building work or termination of the domestic building contract for non structural defects\*
  - Six years from completion of the domestic building work or termination of the domestic building contract for structural defects\*

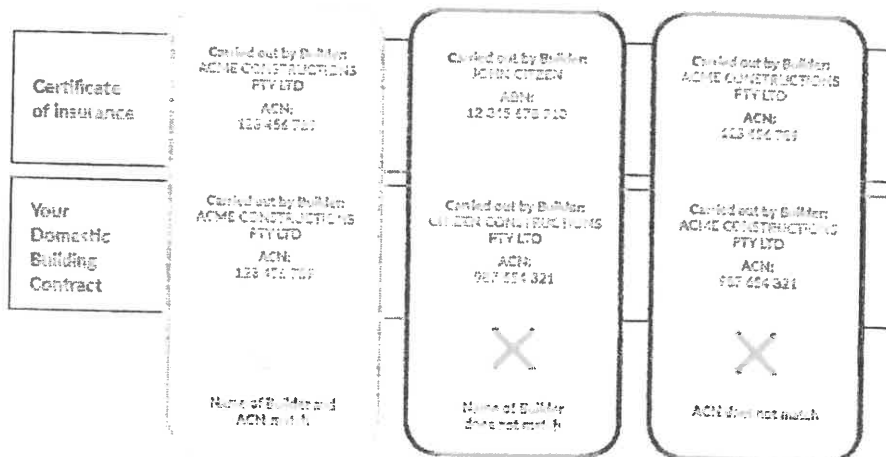
Subject to the Building Act 1993, and the Ministerial Order and the conditions of the insurance contract, cover will be provided to the building owner named in the domestic building contract and to the successors in title to the building owner in relation to the domestic building work undertaken by the Builder.

Issued by Victorian Management Insurance Authority (VMIA)

### Domestic Building Insurance Premium and Statutory Costs

Base DBI Premium:	\$750.00
GST:	\$75.00
Stamp Duty:	\$82.50
<b>Total:</b>	<b>\$907.50</b>

If the information on the certificate does not match exactly what is on your domestic building contract, please contact VMIA on 1300 363 424  
Below are some example of what to look for



# PLANNING PROPERTY REPORT

From [www.planning.vic.gov.au](http://www.planning.vic.gov.au) at 27 October 2007 10:26:45

## PROPERTY DETAILS

Address: **2 MANHATTAN COURT MILDURA 3500**  
Lot and Plan Number: **Lot 16 PS724025**  
Standard Parcel Identifier (SPI): **16\PS724025**  
Local Government Area (Council): **MILDURA**  
Council Property Number: **413384**  
Planning Scheme: **Mildura**  
Directory Reference: **Vicroads 534 J7**

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

[Planning Scheme - Mildura](#)

## UTILITIES

Rural Water Corporation: **Lower Murray Water**  
Urban Water Corporation: **Lower Murray Water**  
Melbourne Water: **Outside drainage boundary**  
Power Distributor: **POWERCOR**  
[View location in VisPlan](#)

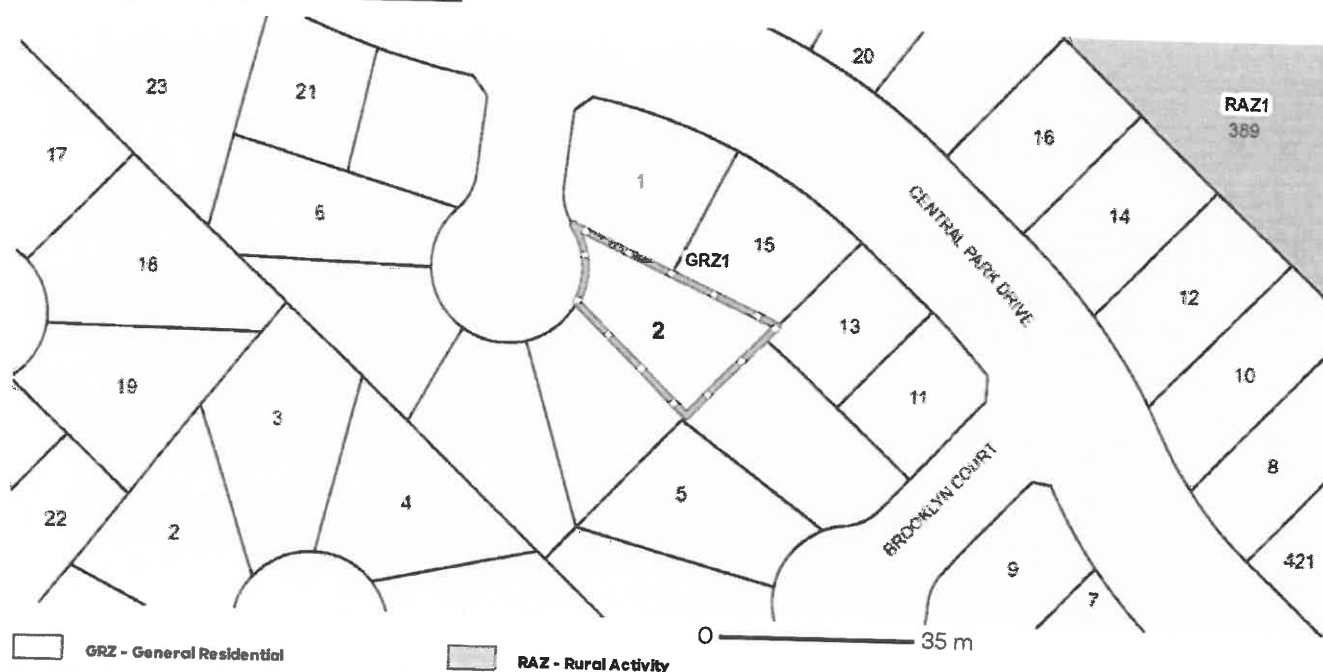
## STATE ELECTORATES

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

## Planning Zones

GENERAL RESIDENTIAL ZONE (GRZ)

GENERAL RESIDENTIAL ZONE - SCHEDULE 1 (GRZ1)



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PLANNING PROPERTY REPORT: 2 MANHATTAN COURT MILDURA 3500

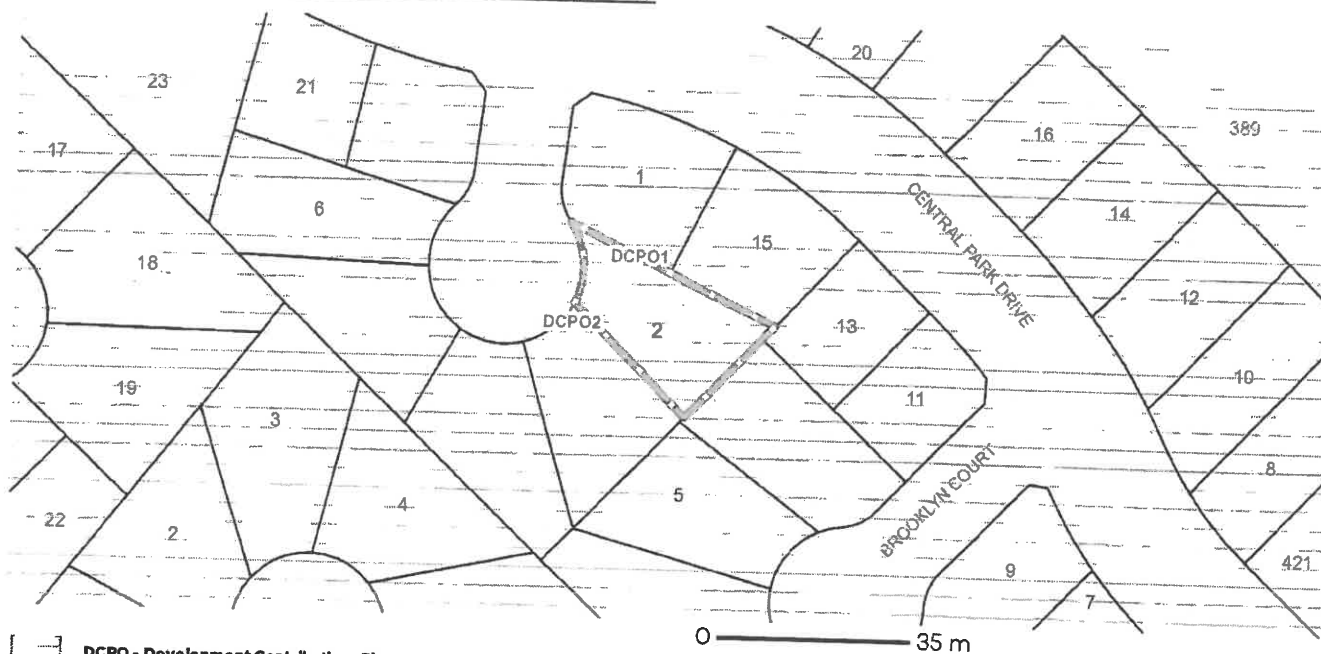
# PLANNING PROPERTY REPORT

## Planning Overlays

DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY (DCPO)

DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY - SCHEDULE 1 (DCPO1)

DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY - SCHEDULE 2 (DCPO2)

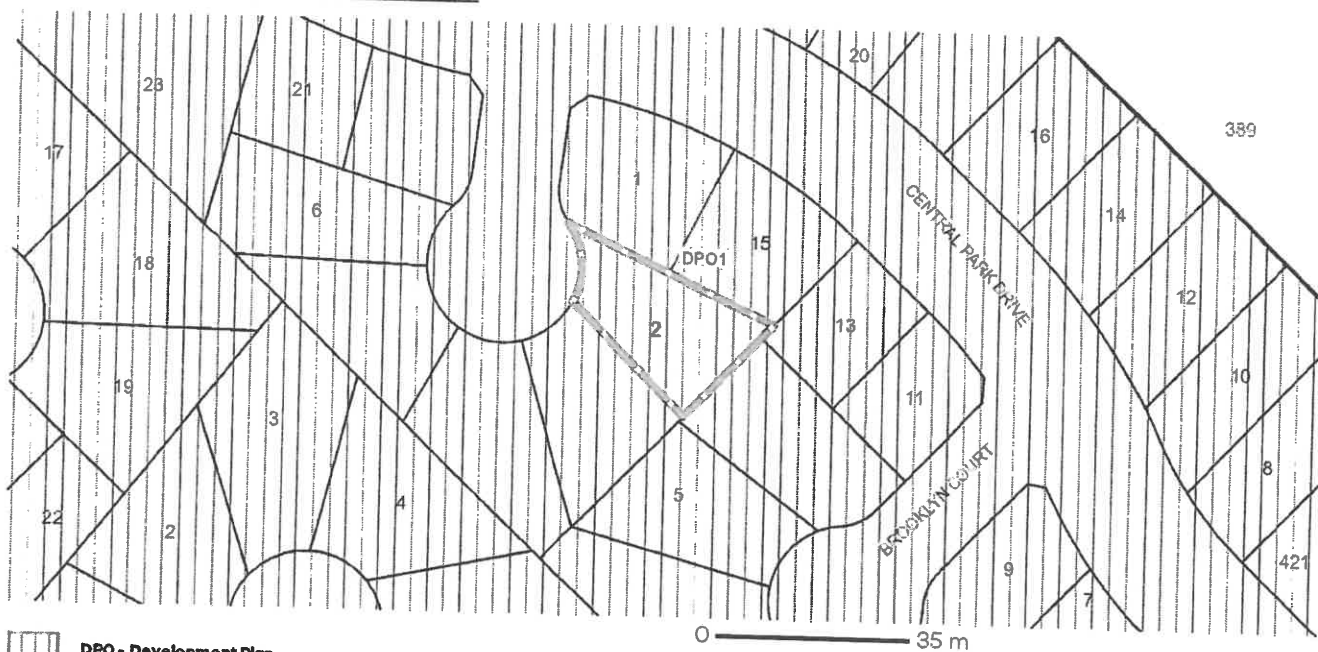


**DCPO - Development Contributions Plan**

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

DEVELOPMENT PLAN OVERLAY (DPO)

DEVELOPMENT PLAN OVERLAY - SCHEDULE 1 (DPO1)



**DPO - Development Plan**

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

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PLANNING PROPERTY REPORT: 2 MANHATTAN COURT MILDURA 3500

# PLANNING PROPERTY REPORT

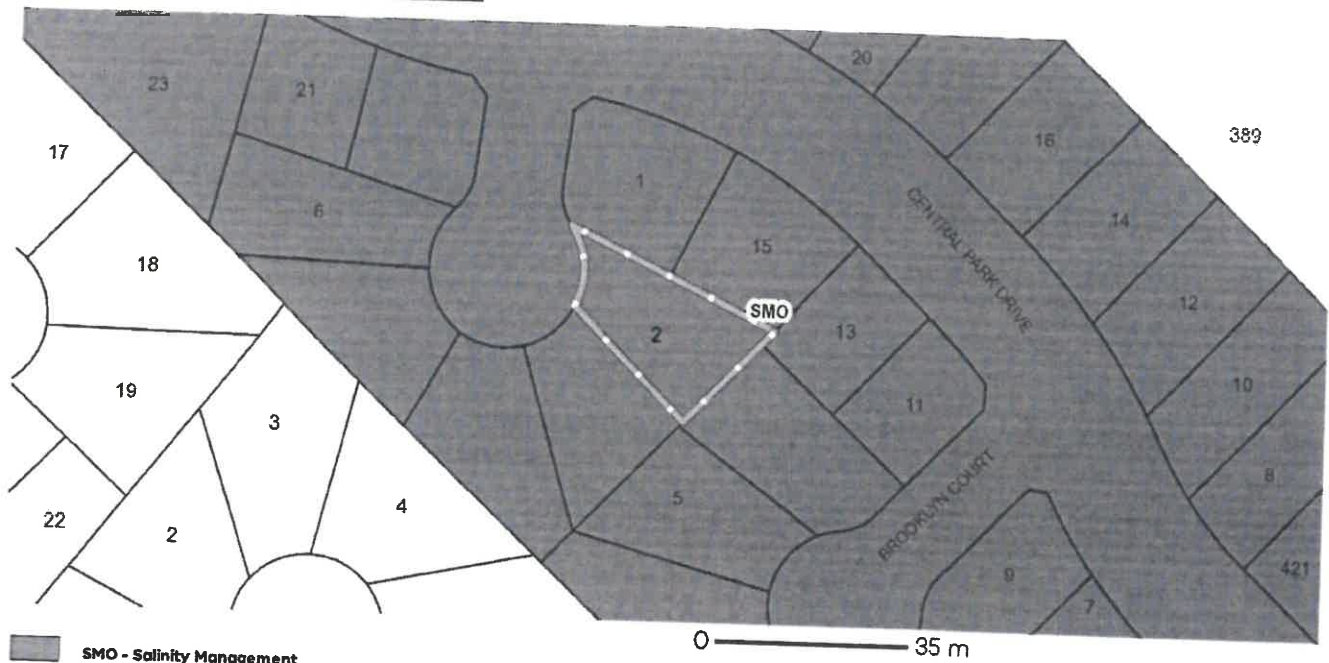


Department of  
Land, Water and  
Planning

## Planning Overlays

### SALINITY MANAGEMENT OVERLAY (SMO)

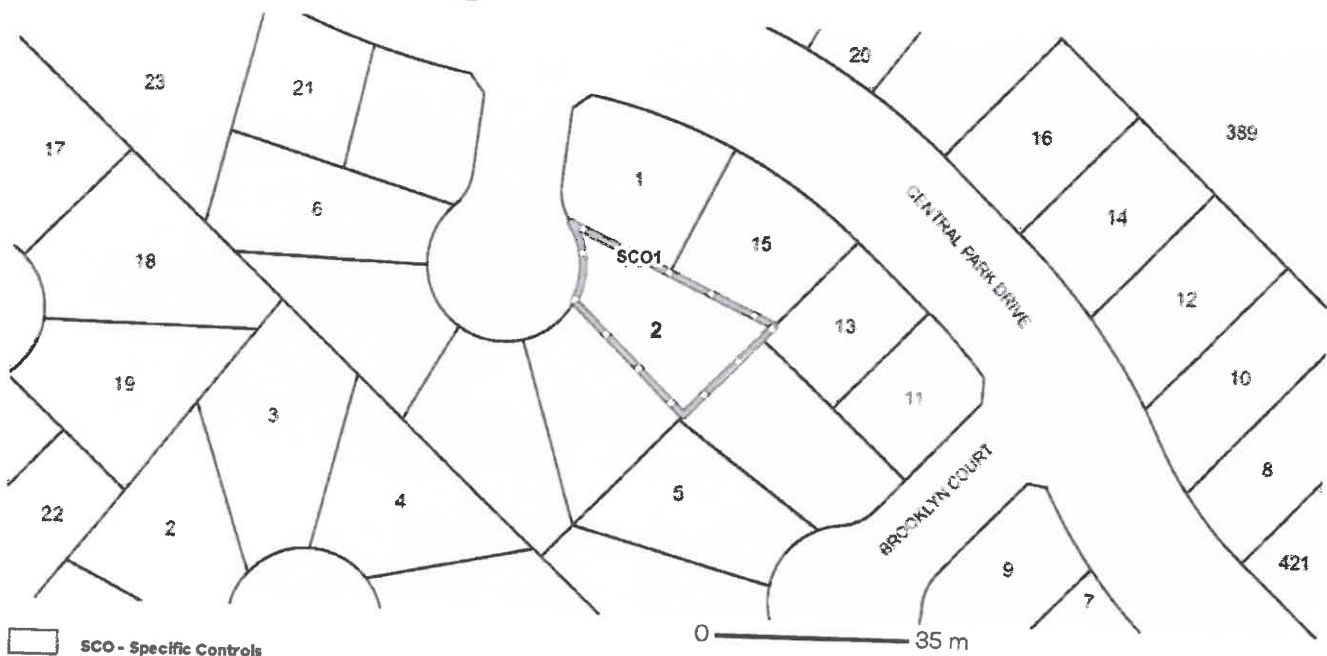
### SALINITY MANAGEMENT OVERLAY SCHEDULE (SMO1)



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

### SPECIFIC CONTROLS OVERLAY (SCO)

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



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

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PLANNING PROPERTY REPORT: 2 MANHATTAN COURT MILDURA 3550

Page 2 of 8

# PLANNING PROPERTY REPORT



Environment,  
Land, Water  
and Planning

## Further Planning Information

Planning scheme data last updated on 14 October 2020.

A **planning scheme** sets out policies and requirements for the use, development and protection of land. This report provides information about the zone and overlay provisions that apply to the selected land.

Information about the State and local policy, particular, general and operational provisions of the local planning scheme that may affect the use of this land can be obtained by contacting the local council or by visiting <https://www.planning.vic.gov.au>

This report is NOT a **Planning Certificate** issued pursuant to Section 199 of the **Planning and Environment Act 1987**. It does not include information about exhibited planning scheme amendments, or zonings that may affect the land.

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

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

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

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

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PLANNING PROPERTY REPORT: 2 MANHATTAN COURT MILDURA 3500

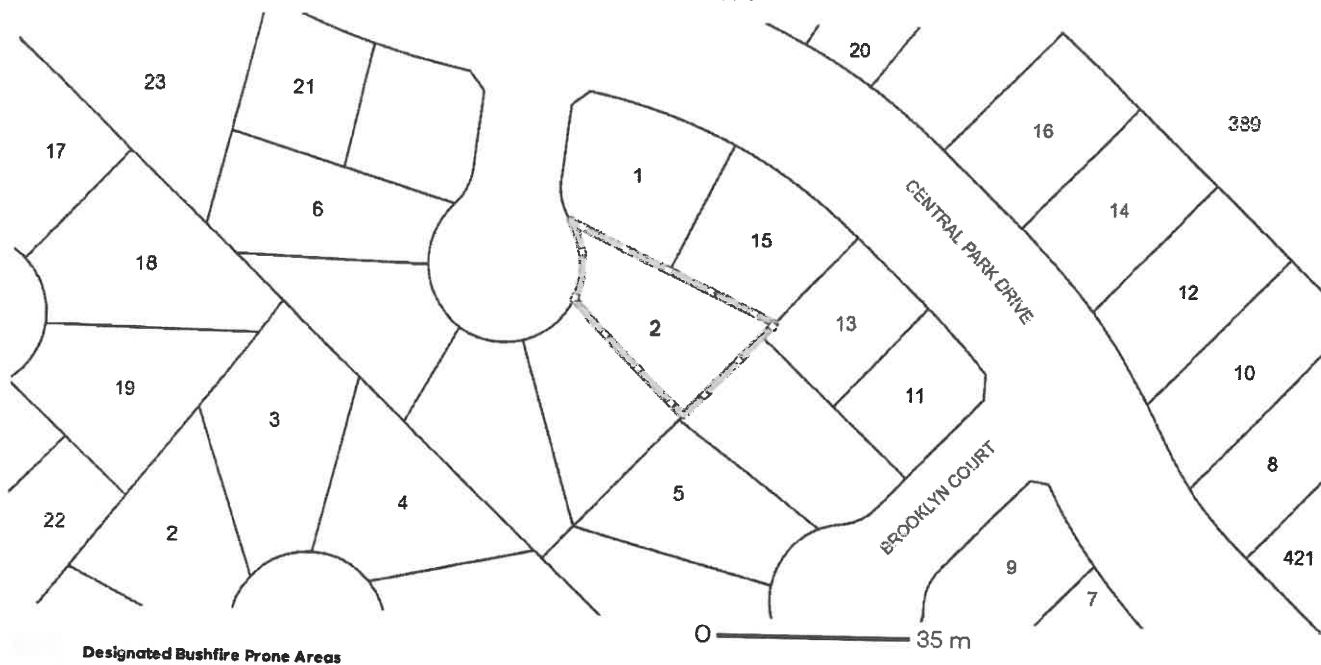
# PLANNING PROPERTY REPORT



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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Mildura Rural City Council

Internal Use Only



TAX INVOICE



Mr T H Matheson  
2 Manhattan Court  
MILDURA VIC 3500



033  
1010145  
R2\_4365

**Total Rates & Charges For this Year**  
**\$2,466.59**

Refer below for payment options

## Rate and Valuation Notice

1 July 2020 to 30 June 2021

Property Location & Description  
2 Manhattan Court MILDURA VIC 3500  
Lot 16 PS 724025W

AVPCC: 110 - Detached Home

### RATING DETAILS

Rebates / Concession

Residential Rate

Waste Management

0.00620605	353000	-\$241.00Cr
434.79	1	\$2,190.74
		\$434.79

### VICTORIAN STATE GOVERNMENT FIRE SERVICES PROPERTY LEVY

Residential Fire Levy (Fixed)

Residential Fire Levy (Variable)

Concession

113.00	1	\$113.00
0.000054	353000	\$19.06
		-\$50.00Cr

### PAYMENT DEADLINES EXTENDED

First instalment due by 14 October 2020.

Second instalment due by 14 December 2020.

### COVID-19 SUPPORT

Relief options are available to assist ratepayers experiencing financial hardship.  
Visit [mildura.vic.gov.au/coronavirus](http://mildura.vic.gov.au/coronavirus) or call us for details.

### TOTAL AMOUNT

**\$2,466.59**

Payment In full Due 15 Feb 2021 \$2,466.59	Or	1st Instalment Due 14 Oct 2020 \$616.64	2nd Instalment Due 14 Dec 2020 \$616.65	3rd Instalment Due 28 Feb 2021 \$616.65	4th Instalment Due 31 May 2021 \$616.65
--	----	---	---	---	---

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

## Payment Slip

Mr T H Matheson  
2 Manhattan Court MILDURA VIC 3500  
Assessment No: 413384

Payment In Full: \$2,466.59  
Or 1st Instalment: \$616.64

*all pmts scheduled 22/9/20*



Bill code: 93922  
Ref: 4133849

BPAY this payment via Internet or phone banking.  
BPAY View - View and pay this bill using Internet banking.  
BPAY View Registration No.: 4133849

POST billpay



Full Payment \*41 4133849



Post Billpay Bill code: 0041  
Ref: 4133849

Pay in person at any post office, phone  
13 18 16 or go to [postbillpay.com.au](http://postbillpay.com.au)

Centrepay Ref:  
555 054 730B

Internal Use Only





**MILDURA**  
 741-743 Flinders Street M. Jura 3500  
 PO Box 1447 M. Jura 3502  
 AU 3500 DX 30164  
 Tel: (03) 5051 3400 Fax: (03) 5051 3400  
 Office Hours 8:00am - 5:00pm Monday - Friday  
**SWAN HILL**  
 73 Beveridge Street Swan Hill 3585  
 PO Box 1447 Swan Hill 3585  
 AU 3500 DX 30164  
 Tel: (03) 5036 2150 Fax: (03) 5036 2150  
 Office Hours 8:00am - 5:00pm Monday - Friday

# LOWER MURRAY WATER

**KERANG**  
 56 Wellington Street Kerang 3579  
 PO Box 547 Kerang 3579  
 AU 3500 DX 57003  
 Tel: (03) 5450 3960 Fax: (03) 5450 3967  
 Office Hours 8:00am - 5:00pm Monday - Friday



**24 Hour Supply Emergency**  
 1800 808 830

ABN 18 475 808 826  
 www.lmw.vic.gov.au

**Reference No.** 068870

**URBAN ACCOUNT**

**Amount Due** \$147.34

**Due Date** 24-AUG-2020

Date Of Issue 21/07/2020

Tariffs and Charges Notice  
 1st Quarter 2020/21  
 01/07/2020 - 30/09/2020

**POST** \*850 700688708

Property Address : 2 MANHATTAN COURT MILDURA VIC 3500 (Prop:68870) - Urban Account.  
 Lot 16 PS 724025W Vol 11824 Fol 944



Water Service Tariff  
 Water by Measure Chg-Info on reverse  
 Sewerage Service Tariff

Charge	Concession	Balance
52.09	-25.08	27.01
56.57		56.57
122.96	-59.20	63.76

**TOTAL OWING** \$147.34

Pension Concessions granted for the current Financial year total \$84.28  
 Payments/Credits since last Notice \$189.96



## Payment Slip - Methods of Payment

Online at [lmw.vic.gov.au](http://lmw.vic.gov.au) - Pay your Account



**Direct Debit**  
 Please contact your local office.



**Centrepay**  
 Use Centrepay to arrange regular deductions from your Centrelink payment, simply call any Lower Murray Water Office.



**Billpay Code: 0850**  
**Ref: 7006 8870 8**

Pay in person at any Post Office.



**Biller Code: 78477**  
**Ref: 7006 8870 8**

Contact your bank or financial institution to make this payment from your cheque, savings, debit, credit card or transaction account. More info. [www.bpay.com.au](http://www.bpay.com.au)

or transaction account. More info. [www.bpay.com.au](http://www.bpay.com.au)

068870

2 MANHATTAN COURT MILDURA VIC 3500 (Prop:68870) - Urban Account



\*850 700688708

\$147.34

<b>B</b> PAY	<b>Biller Code: 78477</b>
	<b>Ref: 7006 8870 8</b>
<b>BPAY</b> - Make this payment via internet or phone banking. <b>BPAY View</b> - Receive, view and pay this bill using internet banking. <b>BPAY View</b> Registration No: 7006 8870 8	

**Amount Due**

**\$147.34**

Payment Ref: 7006 8870 8



**By Phone**  
 Pay by phone (03) 8672 0582.  
 Standard call charges apply.



Standard call charges apply.

*paid*  
 28/7/2020

See reverse for  
 In Person and By Mail options

In Person and By Mail options

066370 - 2 MANHATTAN COURT MILDURA VIC 3500 (Prop:66870) - Urban Account  
Period of Usage: 05/03/2020 to 09/06/2020 (96 Days)

53kl @ \$0.4497 Step1 Rate + 40kl @ \$0.8184 Step2 Rate = \$56.57  
Average Daily Consumption: 0.9688 kl

**METER DETAILS - Meter/s read on 09-Jun-2020**

Meter No.	Size(mm)	Current Read	Previous Read	Consumption	(Charged)
18W024106	20	962	869	93	93

Compare your Water use.

Qtr 4 - 2019/2020	93
Qtr 3 - 2019/2020	166
Qtr 2 - 2019/2020	100
Qtr 1 - 2019/2020	84
Qtr 4 - 2018/2019	136

These services are GST-free. The next Quarterly Notice will be mailed Oct 2020 - due mid Nov

**Account Information**

In accordance with Section 274 (1) (b) of the Water Act 1989, this account has a due date period of 28 Days. The current amount is due and payable by the date shown on the front of this notice. Any arrears must be paid immediately regardless of the due date shown. The issuance of an Urban final notice will incur a fee. Interest charges will accrue against any Rural charges in arrears.

**Payment Assistance**

Lower Murray Water offers a variety of flexible payment options to assist you in managing payment of your accounts. In the event that you are experiencing financial hardship we have developed a 'Code of Practice' that outlines minimum standards of service we will provide to assist you.

These options can be accessed by contacting your local office

If payment is not made or a suitable payment plan agreed to then you may be subject to further recovery action which may include restriction of water supply, application of interest and/or referral to a third party debt collection agency.

**Concession Rebates**

Concession rebates are available for the following customers:

- Urban Residential.
- Domestic and Stock within Irrigation Districts.
- Domestic and Stock Private Diversers.

The above Customers holding a Centrelink PCC/HCC Card or a Department of Veteran Affairs PCC/Gold Repatriation Health Card (TPI & War Widow only) may be eligible for a Pension Concession. Please contact your local office for further details.

Concession re-application is only required if the customers circumstances have altered since last account issued.

By claiming a concession, you will be authorising Lower Murray Water to confirm your eligibility with Centrelink or the Department of Veteran Affairs. This consent will be ongoing and can be revoked by contacting Lower Murray Water.

**Water Quality - Irrigation and Rural Supply Districts**

Water supplied for irrigation, rural supplies or domestic and stock purposes by Lower Murray Water is not fit for any use which may involve human consumption, directly or indirectly, without first being properly treated.

**Water Meters / Meter Failure**

Please ensure there is clear access to your water meter at all times. In the event that we are unable to accurately determine your usage through your meter readings your reading will be assessed in compliance with the relevant customer charter.

**Utility Relief Grant Scheme**

Customers who are unable to pay their bill because of a temporary financial crisis and fit the application criteria may qualify for a once off grant from the Department of Health and Human Services' Utility Relief Grant Scheme.

**Energy and Water Ombudsman (Victoria)**

Lower Murray Water is pleased to help you in any matter regarding our services by simply calling us at any of our offices. If we cannot resolve an issue you may choose to call the Energy and Water Ombudsman (Victoria) on FREECALL 1800 500 509 or at [www.ewov.com.au](http://www.ewov.com.au).

**TTY callers dial 133 677 and quote LMW phone number 03 5051 3400**

**Interpreter Service**

For Interpreter Service please call the number below.

Per avvalervi di un interprete, telefonate al numero indicato in basso.

Tercümanlık servisi için aşağıdaki telefon numarasını arayınız.

Kung nangangailangan ng interpreter, tumawag lamang sa numerong nasa ibaba.

Fetu'utaki ki he filika telefoni 'i lalo ki he potungaue fakatonulea.

Za usluge tumača molimo nazovite donji broj.

Για υπηρεσία διερμηνέων, παρακαλώ τηλεφωνηστε στον κατωτέρω αριθμό.

**13 14 50**

21/07/2020 - Record 20877-LMWPNOTP20200721100713.lmw



**In Person**

Present this notice at any office listed above. EFTPOS facilities are available at all offices.



**By Mail**

Make remittances payable to:  
**Lower Murray Water**  
(cross cheques Not Negotiable)

Send to: PO Box 1438 Mildura VIC 3502

**Do not include cash**

In line with common business practice a receipt will not be forwarded.

Detach payment slip and forward with cheque or money order to your local office.

**Change of Address Details**

Please forward to any Office listed on the front of this notice.

Name

Address

# Due diligence checklist

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

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

## Urban living

### Moving to the inner city?

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

### Is the property subject to an owners corporation?

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

## Growth areas

### Are you moving to a growth area?

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

## Flood and fire risk

### Does this property experience flooding or bushfire?

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

## Rural properties

### Moving to the country?

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

- Is the surrounding land use compatible with your lifestyle expectations? Farming can create noise or odour that may be at odds with your expectations of a rural lifestyle.
- Are you considering removing native vegetation? There are regulations which affect your ability to remove native vegetation on private property.
- Do you understand your obligations to manage weeds and pest animals?

### Can you build new dwellings?

Does the property adjoin crown land, have a water frontage, contain a disused government road, or are there any crown licences associated with the land?

### Is there any earth resource activity such as mining in the area?

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

## Soil and groundwater contamination

### Has previous land use affected the soil or groundwater?

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

## **Land boundaries**

### **Do you know the exact boundary of the property?**

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

## **Planning controls**

### **Can you change how the property is used, or the buildings on it?**

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

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

### **Are there any proposed or granted planning permits?**

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

## **Safety**

### **Is the building safe to live in?**

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

## **Building permits**

### **Have any buildings or retaining walls on the property been altered, or do you plan to alter them?**

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

### **Are any recent building or renovation works covered by insurance?**

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

## **Utilities and essential services**

### **Does the property have working connections for water, sewerage, electricity, gas, telephone and internet?**

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

## **Buyers' rights**

### **Do you know your rights when buying a property?**

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

(04/10/2016)

DATED

2020

**TYSON HUGH MATHESON**

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**VENDOR'S STATEMENT**

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**Property: 2 Manhattan Court, Mildura 3500**

AM Property Transfers  
Licensed Conveyancer  
47 Bromfield Street  
Colac VIC 3250  
Tel: 03 5231 4226  
Email: [amprop@bigpond.net.au](mailto:amprop@bigpond.net.au)  
Ref: AD Mahoney