

FALCONE & ADAMS

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.

Land **18B Margaret Road, Avonsleigh 3782**

Vendor's name **Deborah Jane Mitchell**

Vendor's signature Deborah J Mitchell Date **6/10/2023**
Deborah.J.Mitchell (Oct 6, 2023 13:24 GMT+11)


Vendor's name **Bruce Woodzell Rush**

Vendor's signature Bruce Rush Date **6/10/2023**
Bruce.Rush (Oct 6, 2023 17:09 GMT+11)

Vendor's name **Acland Rodney Rush**

Vendor's signature ~~Acland Rodney Rush~~ Date **7/10/2023**
Acland.Rush (Oct 7, 2023 19:15 GMT+11)

Vendor's name **Peter Geoffrey Rush**

Vendor's signature  Date **9/10/2023**

Purchaser's name.....

Purchaser's signature..... Date **1/2023**

Purchaser's name.....

Purchaser's signature..... Date **1/2023**

**DEBORAH JANE MITCHELL, BRUCE WOODZELL
RUSH, ACLAND RODNEY RUSH and PETER
GEOFFREY RUSH
("THE VENDOR")**

VENDOR STATEMENT

18B MARGARET ROAD, AVONSLEIGH 3782

**FALCONE & ADAMS
Lawyers
Level 1 / 329-331 Belgrave-Gembrook Road,
Emerald VIC 3782
Tel: 5968 3666
Email: office@falconeadams.com.au
JSF:DK:131387E**

1. FINANCIAL MATTERS

1.1 Particulars of any Rates, Taxes, Charges or Other Similar Outgoings including any Owners Corporation Charges or Levies (and any interest on them)

The land is not yet separately rated.

Their total is estimated to not exceed \$5,000.00. Supplementary assessments may be issued by the relevant authorities after settlement.

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:

Nil.

1.3 Terms Contract

Not applicable.

1.4 Sale Subject to Mortgage

Not applicable.

1.5 Goods and Services Tax

The sale price in any contract for the property is exclusive of any Goods and Services Tax ("GST") unless the contract provides otherwise. Should GST be or become payable on the sale of the property the price will be increased by the amount of GST so payable.

2. INSURANCE

2.1 Damage and Destruction

Not applicable.

2.2 Owner-Builder

Not applicable.

3. LAND USE

3.1 Easements, Covenants or Other Similar Restrictions

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

- As set out in the attached copies of title documents;
- Easements that are implied under section 12 (2) of the Subdivision Act 1988 (Vic);
- Restrictions imposed by the Owners Corporation Act 2006 (Vic) and the Owners Corporations Regulations 2007 (Vic) – not applicable;
- Any public rights of way and any private easement arising by use of the property other than the vendor. These may be evident from an inspection of or observation from the property; and
- Any conditions, restrictions or encumbrances set out in the attached certificates.

(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 restriction except as may be apparent from an inspection of the land.

Note: Drains, sewers, water pipes, gas pipes, electricity and telephone cables (whether underground and/or overhead) may be laid outside registered easements and/or under buildings and/or building lines.

3.2 Road Access

There is access to the property by road.

3.3 Designated Bushfire Prone Area

The land is in a designated bushfire prone area within the meaning of regulations made under the *Building Act* 1993.

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 approval 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 are as follows:

None to the Vendors knowledge, however the Vendor has no means of knowing of all decisions of Public Authorities and Government Departments affecting the property unless communicated to the Vendor.

4.2 Agricultural Chemicals

Not applicable.

4.3 Compulsory Acquisition

Not applicable.

5. BUILDING PERMITS

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

Nil.

6. OWNERS CORPORATION

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 Gas Water Sewerage Telephone

Where any of the above services are disclosed as not being connected the Purchaser should make his own enquiry of the appropriate Authorities as to their availability and cost of connection to the property.

9. TITLE

Attached are copies of the following documents:

- Register Search Statement for Certificate of Title Volume 12493 Folio 374
- Plan of Subdivision PS843760Y

10. SUBDIVISION

Not applicable.

11. DUE DILIGENCE CHECKLIST

Attached.

12. ATTACHMENTS

Section 173 Agreement AW724710S
Yarra Valley Water Information Statement
State Revenue Office Land Tax Clearance Certificate
GST Withholding Notice to Purchaser



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The Victorian Government acknowledges the Traditional Owners of Victoria and pays respects to their ongoing connection to their Country, History and Culture. The Victorian Government extends this respect to their Elders, past, present and emerging.

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

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VOLUME 12493 FOLIO 374

Security no : 124109190708C
Produced 19/09/2023 01:55 PM

LAND DESCRIPTION

Lot 2 on Plan of Subdivision 843760Y.
PARENT TITLE Volume 11882 Folio 501
Created by instrument PS843760Y 03/08/2023

REGISTERED PROPRIETOR

Estate Fee Simple
TENANTS IN COMMON
As to 1 of a total of 4 equal undivided shares
Sole Proprietor
DEBORAH JANE MITCHELL of 119 STILLWELLS DEVIATION DEVIATION AVONSLEIGH VIC
3782
As to 1 of a total of 4 equal undivided shares
Sole Proprietor
BRUCE WOODZELL RUSH of 16 AVON ROAD AVONSLEIGH VIC 3782
As to 1 of a total of 4 equal undivided shares
Sole Proprietor
ACLAND RODNEY RUSH of 1291 GRAND RIDGE ROAD BLACKWARRY VIC 3844
As to 1 of a total of 4 equal undivided shares
Sole Proprietor
PETER GEOFFREY RUSH of 8 BRUCE STREET MALLACOOTA VIC 3892
PS843760Y 03/08/2023

ENCUMBRANCES, CAVEATS AND NOTICES

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
AW724710S 13/04/2023

DIAGRAM LOCATION

SEE PS843760Y FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NUMBER	PLAN OF SUBDIVISION	STATUS	DATE
PS843760Y (B)	PLAN OF SUBDIVISION	Registered	03/08/2023

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

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

Street Address: 18 MARGARET ROAD AVONSLEIGH VIC 3782

ADMINISTRATIVE NOTICES

NIL



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

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eCT Control 18217W FALCONE & ADAMS LAWYERS
Effective from 03/08/2023

DOCUMENT END



Imaged Document Cover Sheet


The document following this cover sheet is an imaged document supplied by LANDATA®, Secure Electronic Registries Victoria.

Document Type	Plan
Document Identification	PS843760Y
Number of Pages (excluding this cover sheet)	2
Document Assembled	19/09/2023 13:57

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The document is invalid if this cover sheet is removed or altered.

PLAN OF SUBDIVISION		EDITION 1	PS 843760Y	
<p>LOCATION OF LAND</p> <p>PARISH: GEMBROOK</p> <p>TOWNSHIP: ---</p> <p>SECTION: ---</p> <p>CROWN ALLOTMENT: ---</p> <p>CROWN PORTION: 56 (PART)</p> <p>TITLE REFERENCE: VOL 11882 FOI 501</p> <p>LAST PLAN REFERENCE: PC 376550C</p> <p>POSTAL ADDRESS (AT TIME OF SUBDIVISION): 18 MARGARET ROAD AVONSLAIGH 3782</p> <p>MGA2020 COORDINATES (OF APPROX CENTRE OF PLAN): E: 365 970 ZONE: 55 N: 5 802 070 GDA 2020</p>		<p>Council Name: Gardinia Shire Council</p> <p>Council Reference Number: S20-122 Planning Permit Reference: T190308 SPEAR Reference Number: S165154H</p> <p>Certification</p> <p>This plan is certified under section 6 of the Subdivision Act 1988</p> <p>Public Open Space</p> <p>A requirement for public open space under section 18 of the Subdivision Act 1988 has not been made</p> <p>Digitally signed by: Sonia Higgins for Gardinia Shire Council on 27/04/2022</p> <p>Statement of Compliance issued: 03/07/2023</p>		
VESTING OF ROADS AND/OR RESERVES		NOTATIONS		
IDENTIFIER	COUNCIL/BODY/PERSON		<p>DEPTH DIMINATION - DOES NOT APPLY</p> <p>THIS IS NOT A STAGED SUBDIVISION</p> <p>THIS PLAN IS BASED ON A PARTIAL SURVEY</p> <p>UNDERLINED DIMENSIONS SHOWN THUS <u>66.25</u> ARE THE RESULT OF THIS SURVEY</p> <p>THE AREA OF LOT 2 IS DERIVED FROM TITLE</p>	
NIL	NIL			
EASEMENT INFORMATION				
LEGEND: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)				
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited or in favour of
E-1	DRAINAGE	3.66	TRANS No. 777376	LOTS 3-25 ON LP 5939
E-2	DRAINAGE	SEE PLAN	LP 5939	LOTS ON LP 5939
E-3	DRAINAGE	3.66	PC 376550C	LOTS ON LP 5939
 <p>Speedie Development Consultants Pty. Ltd. SURVEYORS, ENGINEERS, PLANNERS AND DEVELOPMENT CONSULTANTS 55 Marine Parade, Hastings, Vic 3915 (03) 5975 5000 Email: reception@speedie.com.au</p>		<p>SURVEYORS REF: 12552s_v3</p> <p>Digitally signed by: andrew michael lovelock, Licensed Surveyor, Surveyor's Plan Version (3), 11/04/2022, SPEAR Ref: S165154H</p>	<p>CHKD - AML</p>	<p>ORIGINAL SHEET SIZE: A3</p> <p>SHEET 1 OF 2 SHEETS</p>
		PLAN REGISTERED		TIME: 12.59PM DATE: 3 / 8 / 2023
				HEATH RICHARDS Assistant Registrar of Titles

AW724710S



Department of Environment, Land, Water and Planning

Electronic Instrument Report

Produced 10/03/2023 10:59:24 AM

Status	Withdrawn	Dealing Number	AW370729P
Date and Time Lodged	13/12/2022 06:36:24 PM		

Lodger Details

Lodger Code	18217W
Name	FALCONE & ADAMS LAWYERS
Address	
Lodger Box	
Phone	
Email	
Reference	130221E Rush s173

APPLICATION TO RECORD AN INSTRUMENT

Jurisdiction	VICTORIA
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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.

Estate and/or Interest

FEE SIMPLE

Land Title Reference

11882/501

Instrument and/or legislation

RECORD - AGREEMENT - SECTION 173
Planning & Environment Act - section 173

Applicant(s)

Name	CARDINIA SHIRE COUNCIL
Address	
Property Name	CARDINIA SHIRE OFFICE
Street Number	20
Street Name	SIDING
Street Type	AVENUE
Locality	OFFICER
State	VIC
Postcode	3808

Additional Details

Refer Image Instrument

The applicant requests the recording of this Instrument in the Register.

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Department of Environment, Land, Water and Planning

Electronic Instrument Report

Execution

1. The Certifier has taken reasonable steps to verify the identity of the applicant or his, her or its administrator or attorney.
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 law and any Prescribed Requirement.

Executed on behalf of CARDINIA SHIRE COUNCIL
Signer Name JOSEPH STEPHEN FALCONE
Signer Organisation PARTNERS OF FALCONE & ADAMS
Signer Role AUSTRALIAN LEGAL PRACTITIONER
Execution Date ~~13 DECEMBER 2022~~ 14 March 2023.

File Notes:
NIL

This is a representation of the digitally signed Electronic Instrument or Document certified by Land Use Victoria.

Statement End.

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Agreement under Section 173 of the Planning and Environment Act 1987

Dated 24/11/2022

Parties

Name Cardinia Shire Council
Address Siding Avenue, Officer
Short name Council

Name DEBORAH JANE MITCHELL
Address 119 Stillwells Deviation, Avonsleigh
Short name Owner

Name BRUCE WOODZELL RUSH
Address 16 Avon Road, Avonsleigh
Short name Owner

Name ACLAND RODNEY RUSH
Address 18 Margaret Road, Avonsleigh
Short name Owner

Name PETER GEOFFREY RUSH
Address 8 Bruce Street, Mallacoota
Short name Owner

RECITALS

- A. Council is the responsible authority for the Planning Scheme, pursuant to the Act.
- B. The Owners are entitled to be the registered proprietors of the Subject Land.
- C. On 21 April 2020, Council issued Planning Permit Number T190308 (Planning Permit) which allowed the Subject Land to be subdivided into two (2) lots generally in accordance with the approved plans.

Condition 5 of the Planning Permit provides as follows:

- 5. Before the Statement of Compliance is issued under the *Subdivision Act 1988* the Owners must enter into an agreement with the responsible

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authority under Section 173 of the *Planning and Environment Act 1987*. The agreement must:

- a. State that it has been prepared for the purpose of:
 - i. An exemption from a planning permit under Clause 44.06-2 of Cardinia Planning Scheme for Lot 1.
- b. Incorporate the bushfire management plan prepared in accordance with Clause 52.47-2.4 of this planning scheme and approved under this permit.
- c. State that if a dwelling is constructed on the land without a planning permit that the bushfire mitigation measures set out in the plan incorporated into the agreement must be implemented and maintained to the satisfaction of the responsible authority on a continuing basis.

Condition 8 of the Planning Permit provides as follows:

8. Prior to the issue of a Statement of Compliance, the Owners must enter into an agreement with the Responsible Authority made pursuant to section 173 of the *Planning and Environment Act 1987*, and make the application to the Registrar of Titles to have the agreement registered on the title to the land under Section 181 of the Act, to provide for the following (in addition to the requirements detailed in Condition 5):
 - a. The building envelope for Lot 1 as shown on the endorsed plans with a requirement that, unless with the prior written consent of Cardinia Shire Council, no building may be constructed outside the prescribed building envelope; and
 - b. The endorsed Vegetation Removal Plan, as an annexe to the Bushfire Management Plan, with a requirement that the vegetation removal as shown on this plan, when associated with the construction of a dwelling on Lot 1, must be carried out to meet the defendable space requirements of the Bushfire Management Plan.

The Owners must pay the reasonable costs of the preparation, execution and registration of the Section 173 agreement.

- D. The parties enter into this Agreement, pursuant to section 173 of the Act, to give effect to the requirements of the Planning Permit and to achieve and advance to objectives of planning in Victoria and the objectives of the Planning Scheme in respect of the Subject Land.

The Parties Agree

1. **Definitions**

In this Agreement unless expressed or implied to the contrary:

Act means the *Planning and Environment Act 1987*.

Agreement means this Agreement and includes this Agreement as amended from time to time.

Building has the same meaning as in the Act.

Bushfire Management Plan means the following:

- (a) A plan that identifies the bushfire protection measures

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- and site features in respect of the Subject Land and has been prepared in accordance with condition 5 of the Planning Permit; and
- (b) Has been endorsed by Council and forms part of the Planning Permit, a copy of which is annexed to this Agreement as Annexure 1.

Endorsed Plan(s) means the plan(s) approved by Council which form part of the Planning Permit.

Lot 1 means the Lot marked as "Lot 1" on the Endorsed Plans and refers to the creation of 'Lot 1' or the like as authorised by the Planning Permit.

Owner means the person or persons registered or entitled to be registered, from time to time, as proprietor of an estate in fee simple of the Subject Land or any part of it and includes a mortgagee in-possession.

Owner obligations includes the Owner's specific obligations and the Owner's further obligations.

Party means the party to this Agreement but does not include a person who has transferred or otherwise disposed of all or their interests in the Subject Land.

Planning Permit means Planning Permit T190308 issued by Council on 28 April 2020 for the subdivision of two (2) lots

Planning Scheme means the Cardinia Planning Scheme and any other planning scheme that applies to the Subject Land from time to time.

Prescribed Building Envelope means the building envelope for Lot 1.

Subject Land means the land referred to as Volume 11882 Folio 501 and any reference to the Subject Land includes all or any part of it, including any lot created by the subdivision of the Subject Land.

Vegetation Removal Plan means the vegetation removal plan endorsed by Council and forms part of the Planning Permit, a copy of which is annexed to this Agreement as Annexure 2.

Works has the same meaning as in the Act.

2. Interpretation

In this Agreement unless the context admits otherwise:

- 2.1 The singular includes the plural and vice versa.
- 2.2 If a party consists of more than one person this Agreement binds them jointly and each of them severally.
- 2.3 A term used in this Agreement has its ordinary meaning unless that term is defined in either this Agreement or in the Act. In the event that a term is defined in both this Agreement and the Act the definition in this Agreement shall prevail.

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- 2.4 A reference to an Act, Regulation or Planning Scheme includes any Act, regulation or amendment amending, consolidating or replacing the Act, regulation or Planning Scheme.
- 2.5 The Recitals are deemed to form part of this Agreement.
- 2.6 The obligations of the Owner's under this Agreement take effect as separate and several covenants which are annexed to and run at law and equity with the Subject Land provided that if the Subject Land is subdivided, this Agreement must be read and applied so that each subsequent Owner of a lot is only responsible for those covenants and obligations which relate to that Owners' lot.

3. Purpose of Agreement

The parties acknowledge and agree that the purposes of this Agreement are to:

- 3.1 Provide an exemption for Lot 1 from a Planning Permit under Clause 44.06-2 of the Planning Scheme.
- 3.2 Give effect to the building envelope restrictions required under the Planning Permit.
- 3.3 Give effect to the Vegetation Removal Plan as required under the Planning Permit.
- 3.4 Give effect to the Planning Permit.

4. Reasons for Agreement

The Parties acknowledge and agree that Council has entered into this Agreement for the following reasons:

- 4.1 Council would not have issued the Planning Permit without the condition requiring this Agreement; and
- 4.2 The owner has elected to enter into this Agreement in order to take the benefit of the Planning Permit.

5. Owner's Obligations

The Owner covenants and agree that:

5.1 Building Envelope for Lot 1:

Without the prior written consent of Council, no building or part of a building can be constructed outside the prescribed building

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envelope for- Lot 1, as shown on the Endorsed Plan.

5.2 Exemption from a Planning Permit

If the bushfire protection measures set out in the Bushfire Management Plan are implemented to the satisfaction of Council, Lot 1 is exempt from the Planning Permit requirements at Clause 44.06-2 of the Planning Scheme.

5.3 Bushfire Management Plan for Lot 1

If a dwelling is constructed on Lot 1 without a Planning Permit the Owner must:

- (a) implement and maintain the bushfire protection measures set out in the Bushfire Management Plan on a continuing basis; and
- (b) carry out the vegetation removal as shown on the Vegetation Removal Plan to meet the defensible space requirements of the Bushfire Management Plan;

All to the satisfaction of Council.

6. Owner's further obligation

The Owner's obligations under this Agreement continue to apply:

- 6.1 regardless of any right conferred by the Planning Scheme;
- 6.2 in the event that the Subject Land (or any part of it) is subdivided; and
- 6.3 in the event that the Planning Permit expires, or is cancelled.

7. Notice and registration

The Owner must bring this Agreement to the attention of all prospective purchasers, lessees, mortgagees, charges, transferees and assigns.

8. Further actions

The Owner:

- 8.1 must do all things necessary to give effect to this Agreement;
- 8.2 consents to Council applying to the Registrar of Titles to record this Agreement on the Certificate of Title of the Subject Land in accordance with s 181 of the Act; and
- 8.3 agrees to do all things necessary to enable the Council to do so including:
 - 8.4 signing any further agreement, acknowledgment or document; and
 - 8.5 procuring the consent to this Agreement of any mortgagee or

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caveator to enable the recording to be made in the Register under that section.

9. Council's costs to be paid

The owner must pay to Council the costs and expenses relating to this Agreement including the preparation, review, execution and registration of this Agreement which are and until paid will remain a debt due to the Council by the Owners.

10. Agreement under section 173 of the Act

This Agreement is made as a deed in accordance with section 173 of the Act.

11. Owners' warranties

The Owner warrants that apart from the Part owners and any other person who has consented in writing to this Agreement, no other person has any interest, either legal or equitable, in the Subject Land which may be affected by this Agreement.

12. Successors in Title

Without limiting the operation or effect that this Agreement has, the Part owners must ensure that, until such time as a memorandum of this Agreement is registered on the title to the Subject Land, successors in title shall be required to:

- 12.1 give effect to and do all acts and sign all documents which will require those successors to give effect to this Agreement ; and
- 12.2 execute a deed agreeing to be bound by the terms of this Agreement.

13. General matters

13.1 No waiver

Any time or other indulgence granted by Council to the Owners or any variation of this Agreement or any judgment or order obtained by Council against the Part owners does not amount to a waiver of any of Council's rights or remedies under this Agreement.

13.2 Severability

If a court, arbitrator, tribunal or other competent authority

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determines that any part of this Agreement is unenforceable, illegal or void then that part is severed with the other provisions of this Agreement remaining operative.

13.3 No fettering of Council's powers

This Agreement does not fetter or restrict Council's power or discretion to make any decision or impose any requirements or conditions in connection with the granting of any planning approval or certifying any plan which subdivides the Subject Land or relating to any use or development of the Subject Land.

13.4 Inspection of documents

A copy of any planning permit, document or plan referred to in this Agreement is available for inspection at Council offices during normal business hours upon giving the Council reasonable notice.

14. Commencement of Agreement

This Agreement commences on the date specified on page one or if no date is specified on page one, the date the Agreement was signed on behalf of whichever party was the last to sign.

15. Ending of Agreement

15.1 This Agreement will not end except in accordance with the relevant provisions of the Act

15.2 As soon as reasonably practicable after the Agreement has ended, Council will, at the Part owners' request and at the Owners' cost, apply to the Registrar of Titles under section 183(1) of the Act to cancel the recording of this Agreement.

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Signing Page

Signed sealed and delivered by the parties:

Signed by and on behalf, and with the Authority, of the Cardinia Shire Council by Luke Connell, Manager in the exercise of a power conferred by an Instrument of Delegation dated 19 July, 2021 in the Presence of:

Luke Connell

Luke Connell
Manager Planning & Design
VOI# 4720AC0287249415242
Delegation Date: 19/07/2021
My identity has been verified by Australia Post on 21/11/2021 Receipt No. 0441702 and Unique Seq No: 3410320450046

Lisa McNulty
Witness:

Signed by the said DEBORAH JANE MITCHELL

Deborah J. Mitchell
Deborah Jane Mitchell

In the presence of:

Jai Anderson
Witness Jai Anderson

Signed by the said BRUCE WOODZELL RUSH

Bruce Rush
BRUCE RUSH

Rodney Laughlin
Witness Rodney Laughlin

Signed by the said ACLAND RODNEY RUSH

Acland Rodney Rush
Witness TERRY KING

Acland Rodney Rush
Acland Rodney Rush

Signed by the said PETER GEOFFREY RUSH

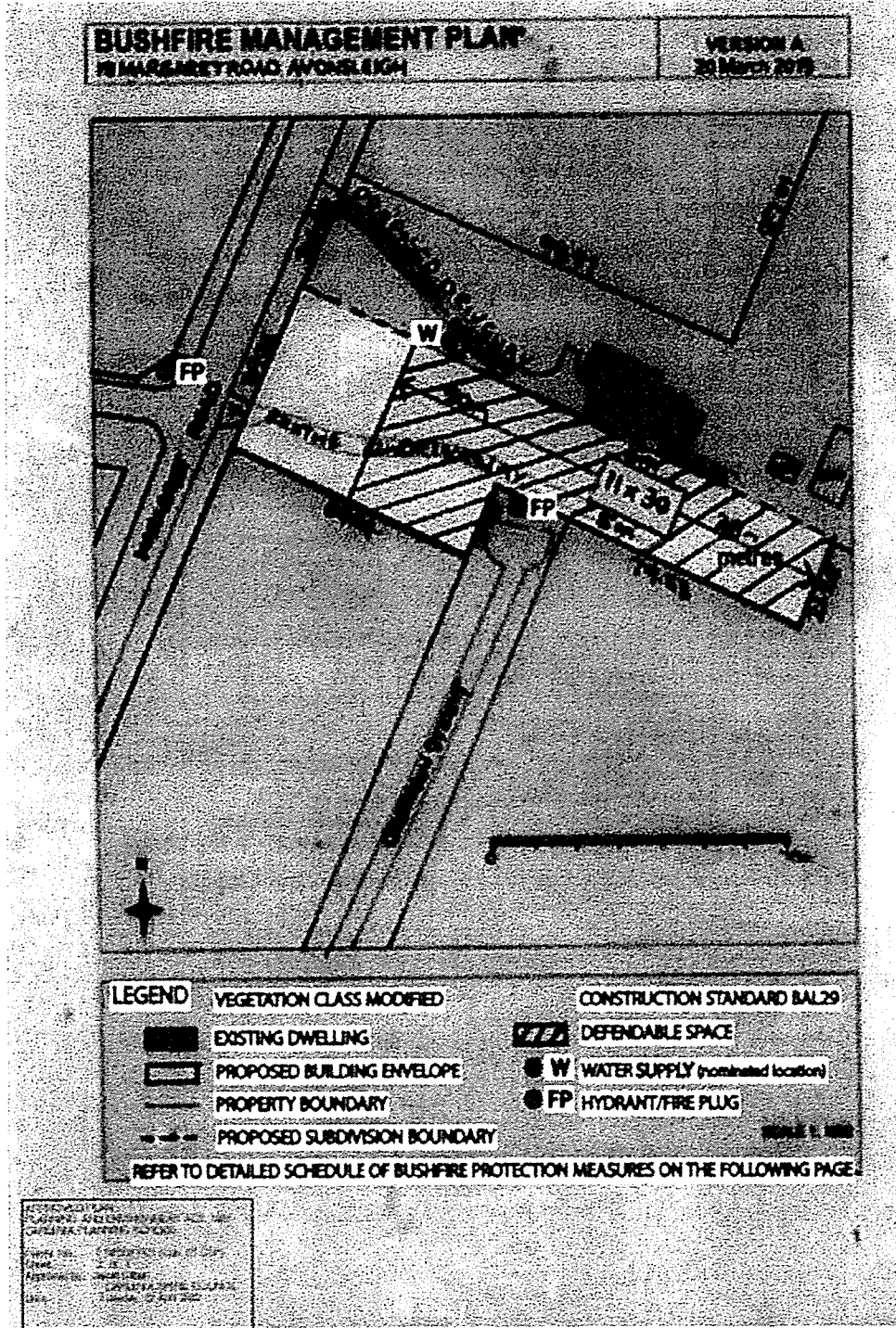
Peter Geoffrey Rush
Witness ...
MALLACOOTA PHARMACY
52 MAURICE AVENUE
MALLACOOTA VIC 3892
ABN: 22 644 357 764
P: 03 5158 0421
Pharmacy.Mallacoota@gmail.com

Peter Geoffrey Rush
PETER GEOFFREY RUSH

MALLACOOTA PHARMACY
52 MAURICE AVENUE
MALLACOOTA VIC 3892
ABN: 22 644 357 764
P: 03 5158 0421
Pharmacy.Mallacoota@gmail.com

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Appendix A-Bushfire Management Plan



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Appendix B-Vegetation Removal Plan

APPROVED PLAN
 PLANNING AND DESIGN
 LANDMA PLANNING AND DESIGN
 Project No: 2023001-01-01 CTP
 Date: 15/08/2023
 Approved: [Signature]
 Date: [Signature]

TREE NO.	Common Name	Scientific Name	DBH (cm)	Radius of TFCZ (m)	Remove/Retain	Notes
1	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i> subsp. <i>radiata</i>	55	6.6	Retained	
2	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i> subsp. <i>radiata</i>	34	4.08	Retained	
3	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i> subsp. <i>radiata</i>	36	4.32	Retained	
4	Blackwood	<i>Acacia melanoaxylon</i>	21	2.52	Retained	
5	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i> subsp. <i>radiata</i>	35	4.2	Retained	
6	Blackwood	<i>Acacia melanoaxylon</i>	26	3.12	Retained	
7	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i> subsp. <i>radiata</i>	102	12.24	Retained	
8	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i> subsp. <i>radiata</i>	42	5.04	Retained	
9	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i> subsp. <i>radiata</i>	86	10.32	Retained	
10	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i> subsp. <i>radiata</i>	52	6.24	Retained	
11	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i> subsp. <i>radiata</i>	48	5.76	Retained	
12	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i> subsp. <i>radiata</i>	47	5.64	Retained	
13	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i> subsp. <i>radiata</i>	65	7.8	Retained	
14	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i> subsp. <i>radiata</i>	35	4.2	Retained	
15	Hessmate Stringybark	<i>Eucalyptus obliqua</i>	105	12.6	Retained	Leaning
16	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i> subsp. <i>radiata</i>	47	5.64	Retained	
17	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i> subsp. <i>radiata</i>	83	9.96	Retained	
18	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i> subsp. <i>radiata</i>	60	7.2	Retained	
19	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i> subsp. <i>radiata</i>	34	4.08	Retained	
20	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i> subsp. <i>radiata</i>	62	7.44	Retained	
21	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i> subsp. <i>radiata</i>	45	5.4	Retained	

APPROVED PLAN
 PLANNING AND DESIGN
 LANDMA PLANNING AND DESIGN
 Project No: 2023001-01-01 CTP
 Date: 15/08/2023
 Approved: [Signature]
 Date: [Signature]

22	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i> subsp. <i>radiata</i>	72	8.64	Retained	
23	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i> subsp. <i>radiata</i>	124	14.88	Retained	
24	Hessmate Stringybark	<i>Eucalyptus obliqua</i>	84	10.08	Retained	Hollow bearing, dead tree trunk
25	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i> subsp. <i>radiata</i>	61	7.32	Removed	Bifurcated trunk, Dangerous tree
26	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i> subsp. <i>radiata</i>	46	5.52	Removed	Bifurcated trunk, Dangerous tree
27	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i> subsp. <i>radiata</i>	61	7.32	Retained	
28	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i> subsp. <i>radiata</i>	100	12	Retained	
29	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i> subsp. <i>radiata</i>	87	10.44	Retained	
30	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i> subsp. <i>radiata</i>	46	5.52	Removed	
31	Blackwood	<i>Acacia melanoaxylon</i>	32	3.84	Removed	
32	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i> subsp. <i>radiata</i>	31	3.72	Removed	
33	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i> subsp. <i>radiata</i>	44	5.28	Removed	
34	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i> subsp. <i>radiata</i>	32	3.84	Removed	
35	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i> subsp. <i>radiata</i>	38	4.56	Removed	
36	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i> subsp. <i>radiata</i>	38	4.56	Removed	
37	Narrow-leaved Peppermint	<i>Eucalyptus radiata</i> subsp. <i>radiata</i>	45	5.4	Removed	
38	Flowering gum	<i>Corymbia ficifolia</i>	15	2	Removed	Planted
39	Flowering gum	<i>Corymbia ficifolia</i>	14	2	Removed	Planted
40	Flowering gum	<i>Corymbia ficifolia</i>	12	2	Removed	Planted
41	Flowering gum	<i>Corymbia ficifolia</i>	10	2	Removed	Planted
42	Flowering gum	<i>Corymbia ficifolia</i>	17	2.04	Removed	Planted
43	Flowering gum	<i>Corymbia ficifolia</i>	15	2	Removed	Planted
44	Flowering gum	<i>Corymbia ficifolia</i>	15	2	Removed	Planted

PLANNING CERTIFICATE

Official certificate issued under Section 199 Planning & Environment Act 1987
and the Planning and Environment Regulations 2005

CERTIFICATE REFERENCE NUMBER

964377

APPLICANT'S NAME & ADDRESS

INFOTRACK (LEAP) C/- LANDATA
DOCKLANDS

VENDOR

MITCHELL, DEBORAH JANE

PURCHASER

N/K, N/K

REFERENCE

4457

This certificate is issued for:

LOT 2 PLAN PS843760 ALSO KNOWN AS 18B MARGARET ROAD AVONSLEIGH
CARDINIA SHIRE

The land is covered by the:

CARDINIA PLANNING SCHEME

The Minister for Planning is the responsible authority issuing the Certificate.

The land:

- is included in a LOW DENSITY RESIDENTIAL ZONE - SCHEDULE 2
- and a RURAL CONSERVATION ZONE - SCHEDULE 2
- is within a ENVIRONMENTAL SIGNIFICANCE OVERLAY - SCHEDULE 1
- and a BUSHFIRE MANAGEMENT OVERLAY
- and a DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 1
- and is AREA OUTSIDE THE URBAN GROWTH BOUNDARY

A detailed definition of the applicable Planning Scheme is available at :
(<http://planningschemes.dpcd.vic.gov.au/schemes/cardinia>)

Historic buildings and land protected under the Heritage Act 1995 are recorded in the Victorian Heritage Register at:
<http://vhd.heritage.vic.gov.au/>

19 September 2023

Sonya Kilkenny
Minister for Planning

Additional site-specific controls may apply.
The Planning Scheme Ordinance should be checked carefully.
The above information includes all amendments to planning scheme maps placed on public exhibition up to the date of issue of this certificate and which are still the subject of active consideration

Copies of Planning Schemes and Amendments can be inspected at the relevant municipal offices.

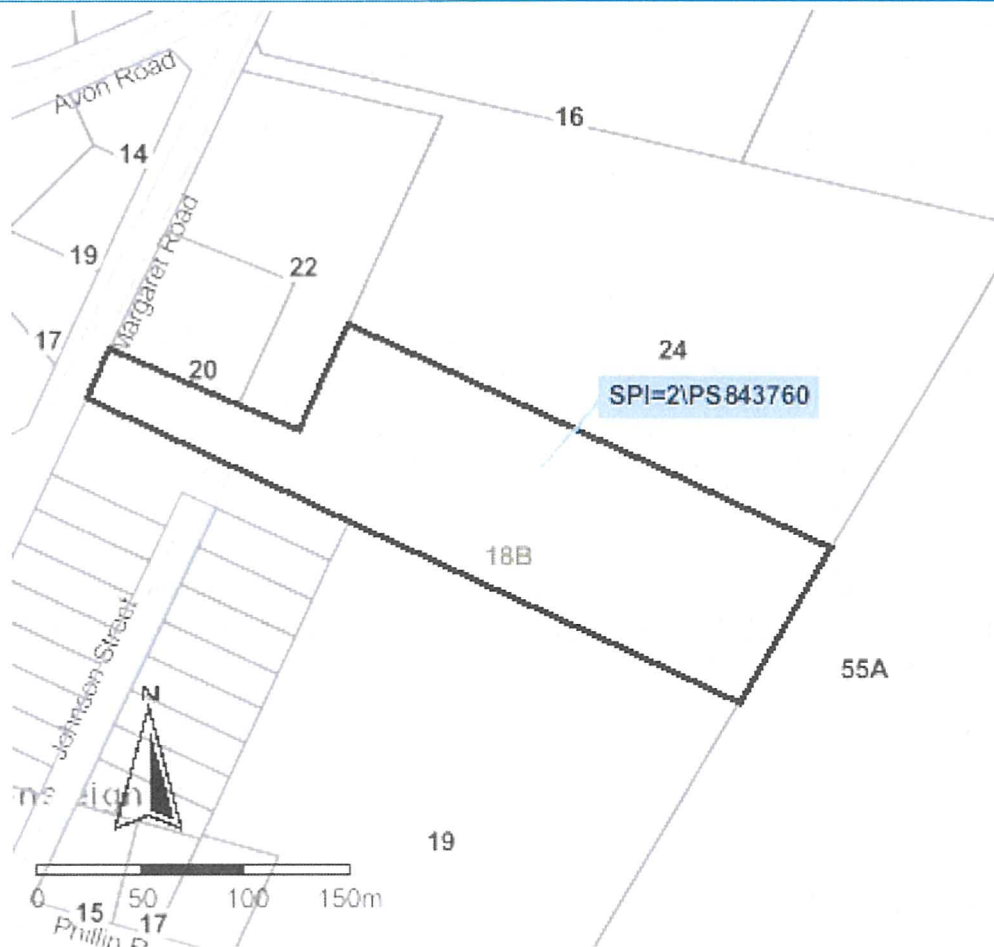
LANDATA®
T: (03) 9102 0402
E: landata.enquiries@servictoria.com.au

The attached certificate is issued by the Minister for Planning of the State of Victoria and is protected by statute.

The document has been issued based on the property information you provided. You should check the map below - it highlights the property identified from your information.

If this property is different to the one expected, you can phone (03) 9102 0402 or email landata.enquiries@servictoria.com.au

Please note: The map is for reference purposes only and does not form part of the certificate.



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Choose the authoritative Planning Certificate

Why rely on anything less?

As part of your section 32 statement, the authoritative Planning Certificate provides you and / or your customer with the statutory protection of the State of Victoria.

Order online before 4pm to receive your authoritative Planning Certificate the same day, in most cases within the hour. Next business day delivery, if further information is required from you.

Privacy Statement

The information obtained from the applicant and used to produce this certificate was collected solely for the purpose of producing this certificate. The personal information on the certificate has been provided by the applicant and has not been verified by LANDATA®. The property information on the certificate has been verified by LANDATA®. The zoning information on the certificate is protected by statute. The information on the certificate will be retained by LANDATA® for auditing purposes and will not be released to any third party except as required by law.





YARRA VALLEY WATER
ABN 93 066 302 501

Lucknow Street
Mitcham Victoria 3132

Private Bag 1
Mitcham Victoria 3132

DX 13204

F (03) 9872 1353

E enquiry@yvw.com.au
yvw.com.au

26th September 2023

Landata

Dear Landata,

RE: Application for Water Information Statement

Property Address:	18B MARGARET ROAD AVONSLEIGH 3782
Applicant	Landata
Information Statement	30797115
Conveyancing Account Number	8564821919
Your Reference	

Thank you for your recent application for a Water Information Statement (WIS). We are pleased to provide you the WIS for the above property address. This statement includes:

- Yarra Valley Water Property Information Statement
- Melbourne Water Property Information Statement
- Asset Plan
- Rates Certificate

If you have any questions about Yarra Valley Water information provided, please phone us on **1300 304 688** or email us at the address enquiry@yvw.com.au. For further information you can also refer to the Yarra Valley Water website at www.yvw.com.au.

Yours sincerely,

Steve Lennox
GENERAL MANAGER
RETAIL SERVICES



YARRA VALLEY WATER
ABN 53 066 902 501

Lucknow Street
Mitcham Victoria 3132

Private Bag 1
Mitcham Victoria 3132

DX 13204

F (03) 9872 1353

E enquiry@yvw.com.au
yvw.com.au

Yarra Valley Water Property Information Statement

Property Address	18B MARGARET ROAD AVONSLEIGH 3782
------------------	-----------------------------------

STATEMENT UNDER SECTION 158 WATER ACT 1989

THE FOLLOWING INFORMATION RELATES TO SECTION 158(3)

Existing sewer mains will be shown on the Asset Plan.

Please note: Unless prior consent has been obtained, the Water Act prohibits:

1. The erection and/or placement of any building, wall, bridge, fence, embankment, filling, material, machinery or other structure over or under any sewer or drain.
2. The connection of any drain or sewer to, or interference with, any sewer, drain or watercourse.



YARRA VALLEY WATER
ABN 93 066 002 501

Lucknow Street
Mitcham Victoria 3132

Private Bag 1
Mitcham Victoria 3132

DX 13204

F (03) 9872 1353

E enquiry@yvw.com.au
yvw.com.au

Melbourne Water Property Information Statement

Property Address	18B MARGARET ROAD AVONSLEIGH 3782
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STATEMENT UNDER SECTION 158 WATER ACT 1989

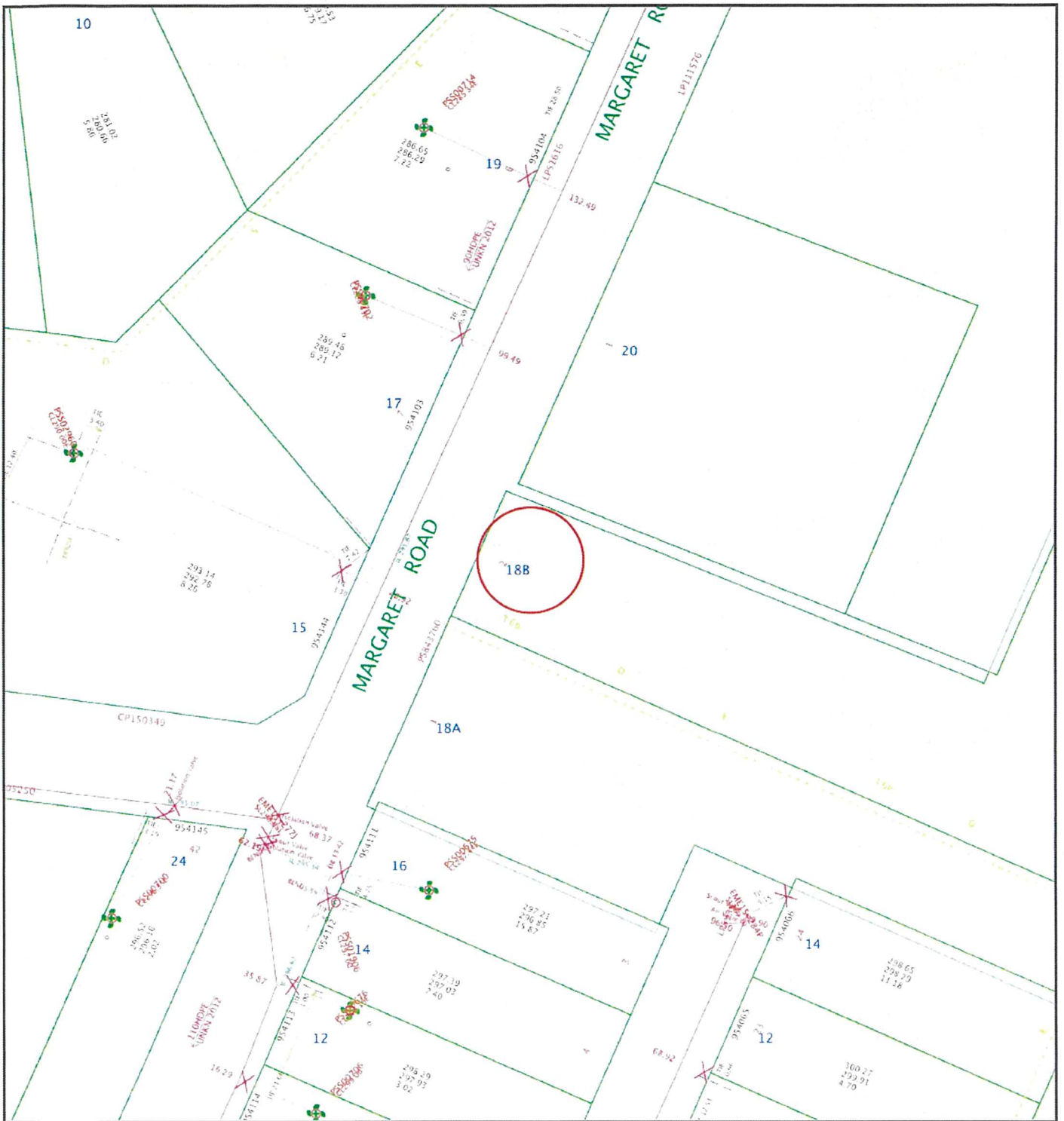
THE FOLLOWING INFORMATION RELATES TO SECTION 158(4)


















Information available at Melbourne Water indicates that this property is not subject to flooding from Melbourne Water's drainage system, based on a flood level that has a probability of occurrence of 1% in any one year.

Please note: Unless prior consent has been obtained, the Water Act prohibits:

1. The erection and/or placement of any building, wall, bridge, fence, embankment, filling, material, machinery or other structure over or under any sewer or drain.
2. The connection of any drain or sewer to, or interference with, any sewer, drain or watercourse.

If you have any questions regarding Melbourne Water encumbrances or advisory information, please contact Melbourne Water on 9679 7517.



Yarra Valley Water Information Statement Number: 30797115	Address 18B MARGARET ROAD AVONSLEIGH 3782		 Yarra Valley Water ABN 93 066 902 501
	Date 26/09/2023		
	Scale 1:1000		
Existing Title  Access Point Number GLV2-42	 MW Drainage Underground Centreline		Disclaimer: This information is supplied on the basis Yarra Valley Water Ltd: - Does not warrant the accuracy or completeness of the information supplied, including, without limitation, the location of Water and Sewer Assets; - Does not accept any liability for loss or damage of any nature, suffered or incurred by the recipient or any other persons relying on this information; - Recommends recipients and other persons using this information make their own site investigations and accommodate their works accordingly;
Proposed Title  Sewer Manhole	 MW Drainage Manhole		
Easement  Sewer Pipe Flow	 MW Drainage Natural Waterway		
Existing Sewer  Sewer Offset			
Abandoned Sewer  Sewer Branch			



YARRA VALLEY WATER
ABN 93 355 902 501

Lusknow Street
Mitcham Victoria 3132

Private Bag 1
Mitcham Victoria 3132

DX 13204

F (03) 9872 1353

E enquiry@yvw.com.au
yvw.com.au

Landata
certificates@landata.vic.gov.au

RATES CERTIFICATE

Account No: 2769288710
Rate Certificate No: 30797115

Date of Issue: 26/09/2023
Your Ref:

With reference to your request for details regarding:

Property Address	Lot & Plan	Property Number	Property Type
18B MARGARET RD, AVONSLEIGH VIC 3782	2\PS843760	5273473	Residential

Agreement Type	Period	Charges	Outstanding
Residential Water Service Charge	25-09-2023 to 30-09-2023	\$1.32	\$1.32
Residential Water Usage Charge Step 1 – 5.000000kL x \$2.44510000 = \$3.26 Step 1 – 0.000000kL x \$2.49560000 = \$9.15 Estimated Average Daily Usage \$0.14	06-06-2023 to 04-09-2023	\$12.41	\$0.00
Other Charges:			
Interest	No interest applicable at this time		
No further charges applicable to this property			
Balance Brought Forward			\$0.00
Total for This Property			\$1.32

GENERAL MANAGER
RETAIL SERVICES

Note:

- From 1 July 2023, the Parks Fee will be charged quarterly instead of annually.
- From 1 July 2023, for properties that have water and sewer services, the Residential Water and Sewer Usage charge replaces the Residential Water Usage and Residential Sewer Usage charges.
- This statement details all tariffs, charges, and penalties due and payable to Yarra Valley Water as of the date of this statement and includes tariffs and charges (other than for usage charges yet to be billed) which are due and payable to the end of the current financial quarter.
- All outstanding debts are due to be paid to Yarra Valley Water at settlement. Any debts that are unpaid at settlement will carry over onto the purchaser's first quarterly account and follow normal credit and collection activities - pursuant to section 275 of the Water Act 1989.
- If the total due displays a (-\$ cr), this means the account is in credit. Credit amounts will be transferred to the purchaser's account at settlement.

6. Yarra Valley Water provides information in this Rates Certificate relating to waterways and drainage as an agent for Melbourne Water and relating to parks as an agent for Parks Victoria - pursuant to section 158 of the Water Act 1989.

7. The charges on this rates certificate are calculated and valid at the date of issue. To obtain up-to-date financial information, please order a Rates Settlement Statement prior to settlement.

8. From 01/07/2023, Residential Water Usage is billed using the following step pricing system: 249.56 cents per kilolitre for the first 44 kilolitres; 318.98 cents per kilolitre for 44-88 kilolitres and 472.56 cents per kilolitre for anything more than 88 kilolitres. From 1 July 2023, this charge is applicable for properties with water service only.

9. From 01/07/2023, Residential Water and Sewer Usage is billed using the following step pricing system: 334.38 cents per kilolitre for the first 44 kilolitres; 438.73 cents per kilolitre for 44-88 kilolitres and 509.73 cents per kilolitre for anything more than 88 kilolitres. From 1 July 2023, this charge is applicable for residential properties with both water and sewer services.

10. From 01/07/2023, Residential Recycled Water Usage is billed 188.71 cents per kilolitre.

11. From 01/07/2022 up to 30/06/2023, Residential Sewer Usage was calculated using the following equation: Water Usage (kl) x Seasonal Factor x Discharge Factor x Price (/kl) 1.1540 per kilolitre. From 1 July 2023, this charge will no longer be applicable for residential customers with both water and sewer services.

12. The property is a serviced property with respect to all the services, for which charges are listed in the Statement of Fees above.

To ensure you accurately adjust the settlement amount, we strongly recommend you book a Special Meter Reading:

- Special Meter Readings ensure that actual water use is adjusted for at settlement.
- Without a Special Meter Reading, there is a risk your client's settlement adjustment may not be correct.



YARRA VALLEY WATER
ABN 93 055 902 501

Lucknow Street
Mitcham Victoria 3132

Private Bag 1
Mitcham Victoria 3132

DX 13204

F (03) 9872 1353

E enquiry@yvw.com.au
yvw.com.au

Property No: 5273473

Address: 18B MARGARET RD, AVONSLEIGH VIC 3782

Water Information Statement Number: 30797115

HOW TO PAY



Biller Code: 314567
Ref: 27692887107

**Amount
Paid**

**Date
Paid**

**Receipt
Number**

Property Clearance Certificate

Land Tax



INFOTRACK / FALCONE & ADAMS

Your Reference: 131387E
Certificate No: 66982042
Issue Date: 21 SEP 2023
Enquiries: ESYSPROD

Land Address: 18B MARGARET ROAD AVONSLEIGH VIC 3782

Land Id	Lot	Plan	Volume	Folio	Tax Payable
44021105	2	843760	12493	374	\$3,611.14

Vendor: ACLAND RODNEY RUSH, PETER GEOFFREY RUSH & 2 OTHER(S)
Purchaser: FOR INFORMATION PURPOSES

Current Land Tax	Year	Taxable Value	Proportional Tax	Penalty/Interest	Total
MR ACLAND RODNEY RUSH	2023	\$1,301,439	\$3,611.14	\$0.00	\$3,611.14

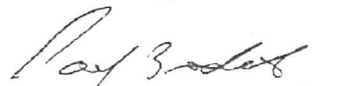
Comments: Land Tax will be payable but is not yet due - please see notes on reverse.

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

Comments:

Arrears of Land Tax	Year	Proportional Tax	Penalty/Interest	Total

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


Paul Broderick
 Commissioner of State Revenue

CAPITAL IMPROVED VALUE:	\$1,580,319
SITE VALUE:	\$1,301,439
CURRENT LAND TAX CHARGE:	\$3,611.14



Notes to Certificate - Land Tax

Certificate No: 66982042

Power to issue Certificate

1. Pursuant to section 95AA of the *Taxation Administration Act 1997*, the Commissioner of State Revenue must issue a Property Clearance Certificate (Certificate) to an owner, mortgagee or bona fide purchaser of land who makes an application specifying the land for which the Certificate is sought and pays the application fee.

Amount shown on Certificate

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

Land tax is a first charge on land

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

Information for the purchaser

4. Pursuant to section 96 of the *Land Tax Act 2005*, if a purchaser of the land described in the Certificate has applied for and obtained a certificate, the amount recoverable from the purchaser cannot exceed the amount set out in the certificate, described as the "Current Land Tax Charge" overleaf. A purchaser cannot rely on a Certificate obtained by the vendor.

Information for the vendor

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

General information

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

For Information Only

LAND TAX CALCULATION BASED ON SINGLE OWNERSHIP

Land Tax = \$5,386.51

Taxable Value = \$1,301,439

Calculated as \$2,975 plus (\$1,301,439 - \$1,000,000) multiplied by 0.800 cents.

Land Tax - Payment Options

BPAY 	Billers Code: 5249 Ref. 66982042
Telephone & Internet Banking - BPAY® Contact your bank or financial institution to make this payment from your cheque, savings, debit or transaction account. www.bpay.com.au	

CARD 	Ref. 66982042
Visa or Mastercard Pay via our website or phone 13 21 61. A card payment fee applies. sro.vic.gov.au/paylandtax	

Property Clearance Certificate

Windfall Gains Tax



INFOTRACK / FALCONE & ADAMS

Your Reference: 131387E
Certificate No: 66982042
Issue Date: 21 SEP 2023

Land Address: 18B MARGARET ROAD AVONSLEIGH VIC 3782

Lot	Plan	Volume	Folio
2	843760	12493	374

Vendor: ACLAND RODNEY RUSH, PETER GEOFFREY RUSH & 2 OTHER(S)

Purchaser: FOR INFORMATION PURPOSES

WGT Property Id	Event ID	Windfall Gains Tax	Deferred Interest	Penalty/Interest	Total
		\$0.00	\$0.00	\$0.00	\$0.00

Comments: No windfall gains tax liability identified.

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

CURRENT WINDFALL GAINS TAX CHARGE:

\$0.00

Paul Broderick
Commissioner of State Revenue

Notes to Certificate - Windfall Gains Tax

Certificate No: 66982042

Power to issue Certificate

1. Pursuant to section 95AA of the *Taxation Administration Act 1997*, the Commissioner of State Revenue must issue a Property Clearance Certificate (Certificate) to an owner, mortgagee or bona fide purchaser of land who makes an application specifying the land for which the Certificate is sought and pays the application fee.

Amount shown on Certificate

2. The Certificate shows in respect of the land described in the Certificate:
 - Windfall gains tax that is due and unpaid, including any penalty tax and interest
 - Windfall gains tax that is deferred, including any accrued deferral interest
 - Windfall gains tax that has been assessed but is not yet due
 - Windfall gains tax that has not yet been assessed (i.e. a WGT event has occurred that rezones the land but any windfall gains tax on the land is yet to be assessed)
 - Any other information that the Commissioner sees fit to include such as the amount of interest accruing per day in relation to any deferred windfall gains tax.

Windfall gains tax is a first charge on land

3. Pursuant to section 42 of the *Windfall Gains Tax Act 2021*, windfall gains tax, including any accrued interest on a deferral, is a first charge on the land to which it relates. This means it has priority over any other encumbrances on the land, such as a mortgage, and will continue as a charge even if ownership of the land is transferred. Therefore, a purchaser may become liable for any unpaid windfall gains tax.

Information for the purchaser

4. Pursuant to section 42 of the *Windfall Gains Tax Act 2021*, if a bona fide purchaser for value of land applies for and obtains a Certificate in respect of the land, the maximum amount recoverable from the purchaser is the amount set out in the certificate, described as the "Current Windfall Gains Tax Charge" overleaf.
5. If the certificate states that a windfall gains tax is yet to be assessed, note 4 does not apply.
6. A purchaser cannot rely on a Certificate obtained by the vendor.

Information for the vendor

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

General information

8. A Certificate showing no liability for the land does not mean that the land is exempt from windfall gains tax. It means that there is nothing to pay at the date of the Certificate.
9. An updated Certificate may be requested free of charge via our website, if:
 - The request is within 90 days of the original Certificate's issue date, and
 - There is no change to the parties involved in the transaction for which the Certificate was originally requested.
10. Where a windfall gains tax liability has been deferred, interest accrues daily on the deferred liability. The deferred interest shown overleaf is the amount of interest accrued to the date of issue of the certificate.

Windfall Gains Tax - Payment Options

BPAY



Billers Code: 416073
Ref: 66982042

Telephone & Internet Banking - BPAY®

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

www.bpay.com.au

CARD



Ref: 66982042

Visa or Mastercard

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

sro.vic.gov.au/payment-options

Important payment information

Windfall gains tax payments must be made using only these specific payment references.

Using the incorrect references for the different tax components listed on this property clearance certificate will result in misallocated payments.



FALCONE & ADAMS
LAWYERS
INCORPORATING ARMSTRONG ROSS LAWYERS

GST Withholding Notice to Purchaser

On or after 1 July 2018, certain purchasers of a new residential premises or potential residential land will be required to withhold an amount from the contract price for payment to the Australian Taxation Office.

Vendor: Deborah Jane Mitchell, Bruce Woodzell Rush, Peter Geoffrey Rush and Acland Rodney Rush
Property: 18B Margaret Road, Avonsleigh

Tick which is applicable to this transaction:

- The abovementioned property is a new residential premises or potential residential land.
The amount of GST that the Purchaser will be required to pay as a withholding to the Australia Taxation Office is \$
The payment will be required to be paid from the balance of the contract price on the day of settlement.

Vendor's details:

ABN:

Business address:

Email address:

Phone number:

- OR -

- The abovementioned property is a new residential premises or potential residential land.
No amount of GST is to be withheld as I/we are not registered for GST and/or are not required to be registered for GST for the sale of the above property.

- OR -

- The abovementioned property is either an existing residential premises or commercial residential premises and therefore the Purchaser is not required to withhold GST.

Dated this 19th day of September, 2023

Falcone & Adams

Falcone & Adams, Lawyers on behalf of the Vendor

Office Locations

Emerald

Level 1, 329-331 Belgrave-Gembrook Road
Emerald VIC 3782
Tel: (03) 5968 3666
Fax: (03) 5968 3060
P.O. Box 214, Emerald VIC 3782

Belgrave

Suite 1, 1693a Burwood Highway
Belgrave VIC 3160
Tel: (03) 9754 7100
Fax: (03) 9752 5033
P.O. Box 2192, Belgrave LPO VIC 3160

Pakenham

Level 1, 25 John Street
Pakenham VIC 3810
Tel: (03) 5941 8841
Fax: (03) 5968 3060
P.O. Box 214, Emerald VIC 3782

Email: office@falconeadams.com.au
www.falconeadams.com.au

PLANNING PROPERTY REPORT



Environment,
Land, Water
and Planning

From www.planning.vic.gov.au at 19 September 2023 11:08 AM

PROPERTY DETAILS

Address: **18B MARGARET ROAD AVONSLEIGH 3782**
 Lot and Plan Number: **Lot 2 PS843760**
 Standard Parcel Identifier (SPI): **2\PS843760**
 Local Government Area (Council): **CARDINIA**
 Council Property Number: **None**
 Planning Scheme: **Cardinia**
 Directory Reference: **Melway 311 C1**

www.cardinia.vic.gov.au

[Planning Scheme - Cardinia](#)

UTILITIES

Rural Water Corporation: **Southern Rural Water**
 Melbourne Water Retailer: **Yarra Valley Water**
 Melbourne Water: **Inside drainage boundary**
 Power Distributor: **AUSNET**

STATE ELECTORATES

Legislative Council: **EASTERN VICTORIA**
 Legislative Assembly: **MONBULK**

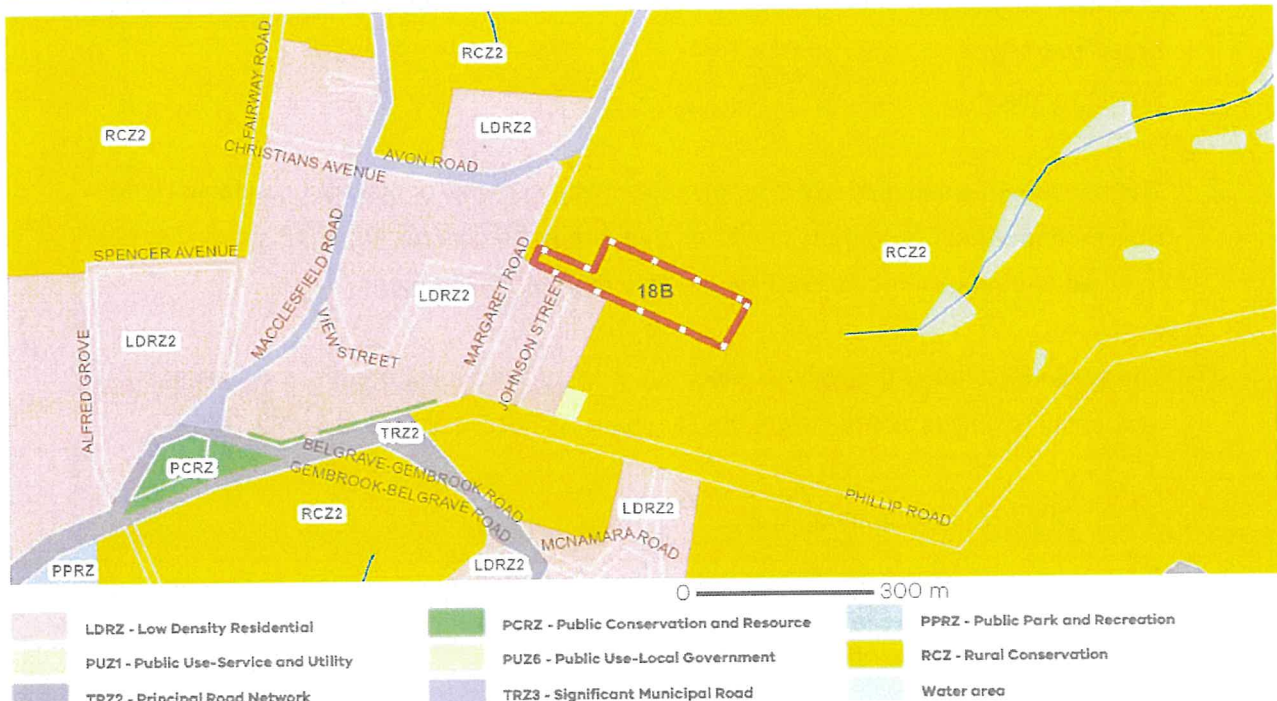
OTHER

Registered Aboriginal Party: **Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation**

[View location in VicPlan](#)

Planning Zones

- [LOW DENSITY RESIDENTIAL ZONE \(LDRZ\)](#)
- [LOW DENSITY RESIDENTIAL ZONE - SCHEDULE 2 \(LDRZ2\)](#)
- [RURAL CONSERVATION ZONE \(RCZ\)](#)
- [RURAL CONSERVATION ZONE - SCHEDULE 2 \(RCZ2\)](#)



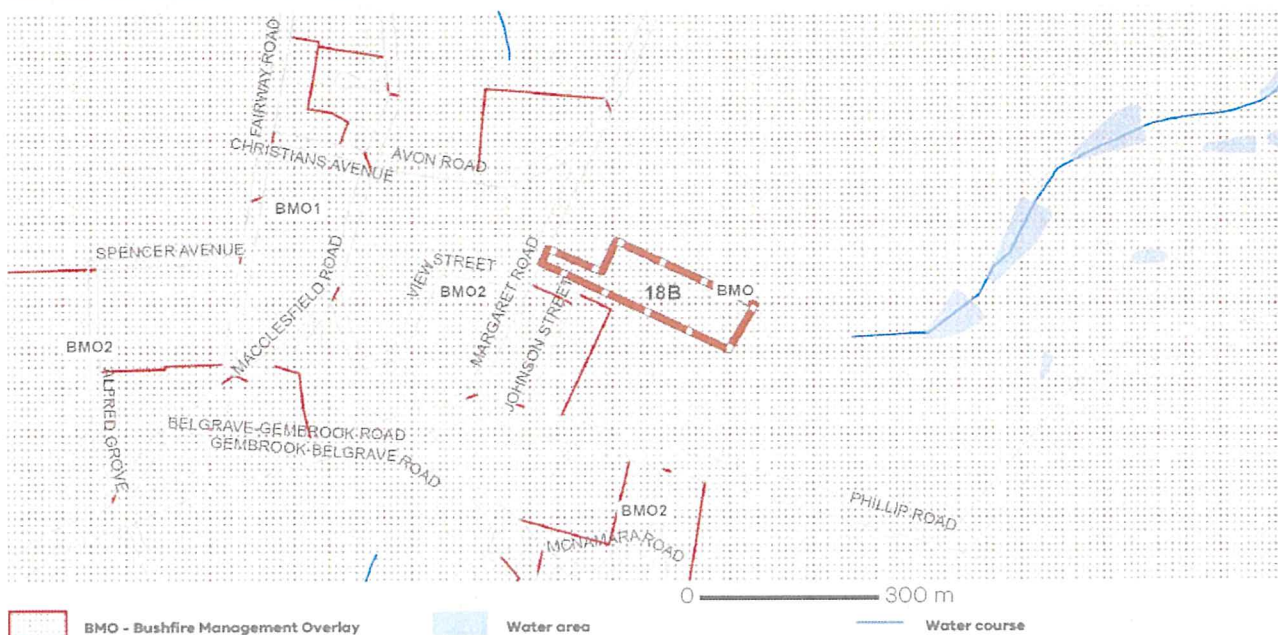
Note: labels for zones may appear outside the actual zone - please compare the labels with the legend.

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Planning Overlays

BUSHFIRE MANAGEMENT OVERLAY (BMO)



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

DESIGN AND DEVELOPMENT OVERLAY (DDO)

DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 1 (DDO1)



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

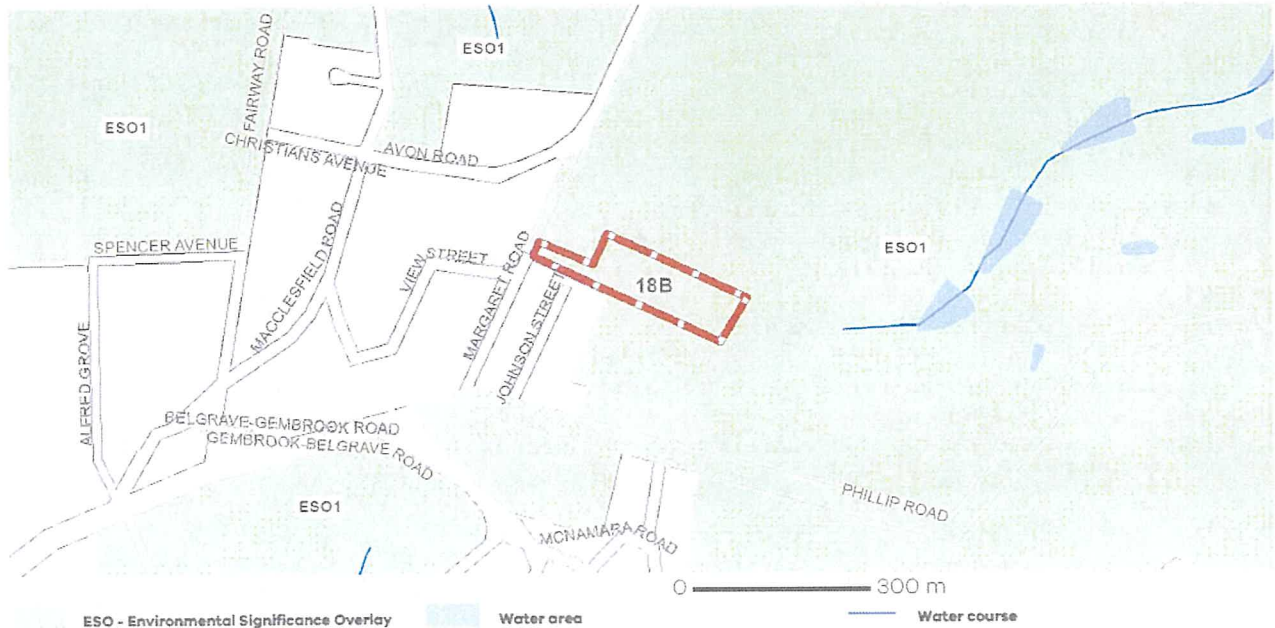
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Planning Overlays

ENVIRONMENTAL SIGNIFICANCE OVERLAY (ESO)
ENVIRONMENTAL SIGNIFICANCE OVERLAY - SCHEDULE 1 (ESO1)

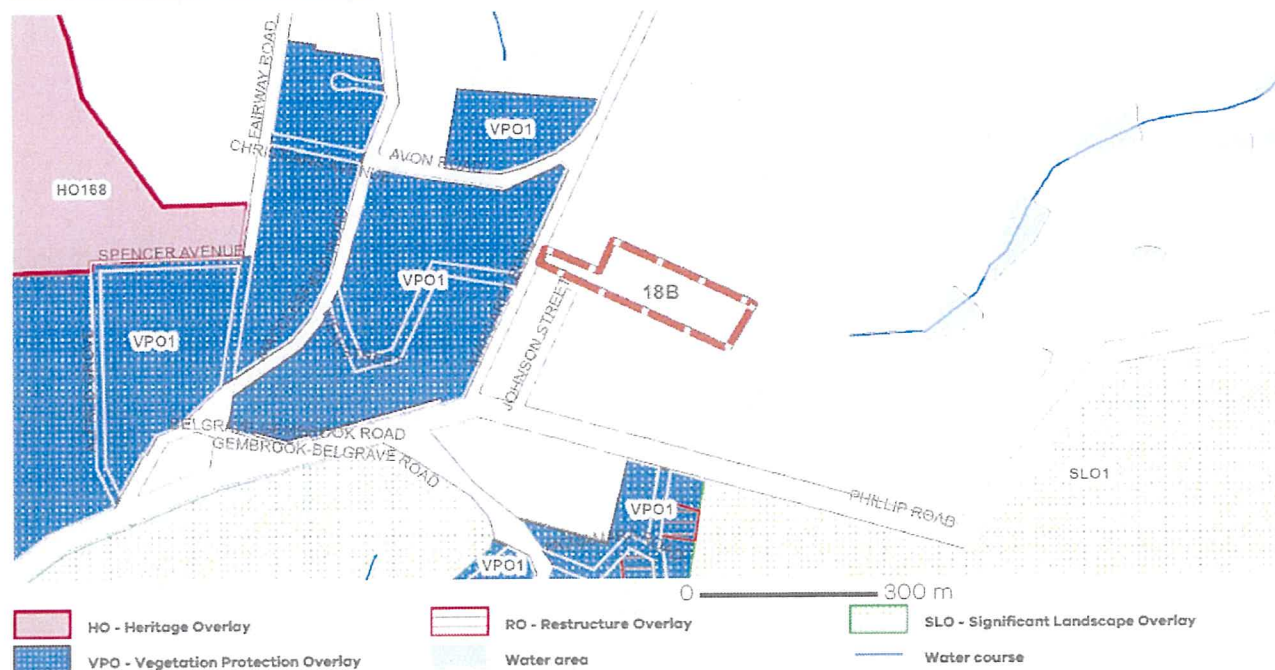


Note: due to overlaps, some overlays may not be visible, and some colours may not match those in the legend

OTHER OVERLAYS

Other overlays in the vicinity not directly affecting this land

- HERITAGE OVERLAY (HO)
- RESTRUCTURE OVERLAY (RO)
- SIGNIFICANT LANDSCAPE OVERLAY (SLO)
- VEGETATION PROTECTION OVERLAY (VPO)



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

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Further Planning Information

Planning scheme data last updated on 13 September 2023.

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

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

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

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

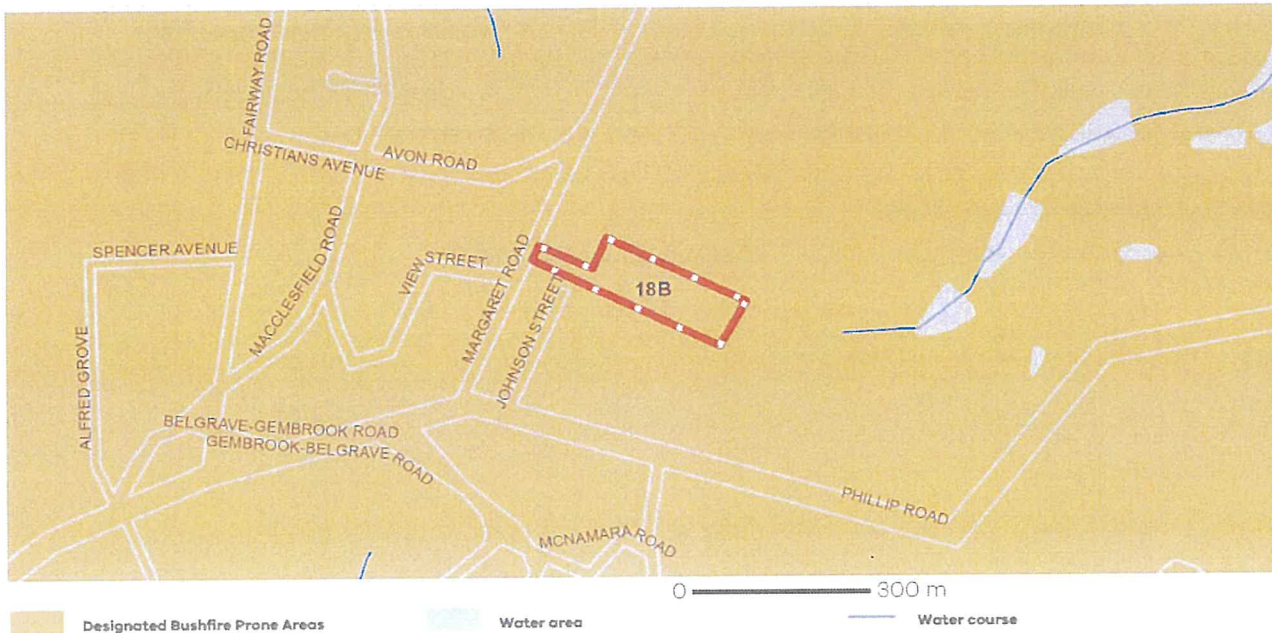
For other information about planning in Victoria visit <https://www.planning.vic.gov.au>

Designated Bushfire Prone Areas

This property is in a designated bushfire prone area. Special bushfire construction requirements apply to the part of the property mapped as a designated bushfire prone area (BPA). Planning provisions may apply.

Where part of the property is mapped as BPA, if no part of the building envelope or footprint falls within the BPA area, the BPA construction requirements do not apply.

Note: the relevant building surveyor determines the need for compliance with the bushfire construction requirements.



Designated BPA are determined by the Minister for Planning following a detailed review process. The Building Regulations 2018, through adoption of the Building Code of Australia, apply bushfire protection standards for building works in designated BPA.

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

Create a BPA definition plan in [VicPlan](#) to measure the BPA.

Information for lot owners building in the BPA is available at <https://www.planning.vic.gov.au>

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>

Native Vegetation

Native plants that are indigenous to the region and important for biodiversity might be present on this property. This could include trees, shrubs, herbs, grasses or aquatic plants. There are a range of regulations that may apply including need to obtain a planning permit under Clause 52.17 of the local planning scheme. For more information see [Native Vegetation \(Clause 52.17\)](#) with local variations in [Native Vegetation \(Clause 52.17\) Schedule](#).

To help identify native vegetation on this property and the application of Clause 52.17 please visit the Native Vegetation Information Management system <https://nvim.delwp.vic.gov.au/> and [Native vegetation \(environment.vic.gov.au\)](#) or please contact your relevant council.

You can find out more about the natural values on your property through NatureKit [NatureKit \(environment.vic.gov.au\)](#)

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Due Diligence Checklist

What you need to know before buying a residential property

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