

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	1661 Beechworth-Wangaratta Road, Everton Upper 3678	
Vendor's name	Rex Murray Roger Bennett	Date / /
Vendor's signature		
Vendor's name	Elisha Marie Tadic	Date / /
Vendor's signature		
Purchaser's name		Date / /
Purchaser's signature		
Purchaser's name		Date / /
Purchaser's signature		

1. FINANCIAL MATTERS

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

(a) Their total does not exceed:

\$3,000.00

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

Not Applicable

To

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

The required specified information is as follows:

Name of planning scheme	Wangaratta Planning Scheme
Name of responsible authority	Wangaratta Rural City Council
Zoning of the land	Farming Zone (Fz)
Name of planning overlay	Bushfire Management Overlay (Bmo)

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:

Are as follows:

None to the best of the Vendor's knowledge. The Vendor has no way of knowing the contents of any documents referred to above unless communicated to the Vendor by the relevant public authority or government department.

4.2 Agricultural Chemicals

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

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):

Not Applicable.

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 checked="" type="checkbox"/>	Gas supply <input checked="" type="checkbox"/>	Water supply <input checked="" type="checkbox"/>	Sewerage <input checked="" type="checkbox"/>	Telephone services <input checked="" type="checkbox"/>
--	--	--	--	--

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

(Disclosure of this information is not required under section 32 of the Sale of Land Act 1962 but may be included in this vendor statement for convenience.)

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 1000m²; (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

(The Sale of Land Act 1962 provides that the vendor or the vendor's licensed estate agent must make a prescribed due diligence checklist available to purchasers before offering land for sale that is vacant residential land or land on which there is a residence. The due diligence checklist is NOT required to be provided with, or attached to, this vendor statement but the checklist may be attached as a matter of convenience.)

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

13. ATTACHMENTS

(Any certificates, documents and other attachments may be annexed to this section 13)

(Additional information may be added to this section 13 where there is insufficient space in any of the earlier sections)

(Attached is an "Additional Vendor Statement" if section 1.3 (Terms Contract) or section 1.4 (Sale Subject to Mortgage) applies)

1. Due Diligence Checklist
2. Property Report
3. Planning Report
4. Register Search Statement Volume 10660 Folio 027
5. Plan PS445659G
6. Section 173 Agreement AB337614D

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.

(04/10/2016)

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)

PROPERTY REPORT



Environment,
Land, Water
and Planning

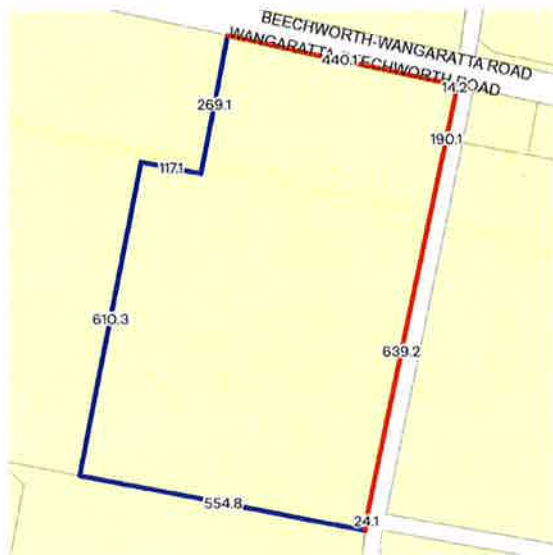
From www.planning.vic.gov.au at 07 June 2023 05:01 PM

PROPERTY DETAILS

Address: **1661 BEECHWORTH-WANGARATTA ROAD EVERTON UPPER 3678**
Lot and Plan Number: **Lot 3 PS445659**
Standard Parcel Identifier (SPI): **3\PS445659**
Local Government Area (Council): **WANGARATTA** www.wangaratta.vic.gov.au
Council Property Number: **14944**
Directory Reference: **Vicroads 35 A8**

SITE DIMENSIONS

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



Area: 458582 sq. m (15.86 ha)

Perimeter: 2865 m

For this property:

— Site boundaries

— Road frontages

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

1 overlapping dimension label is not being displayed

Calculating the area from the dimensions shown may give a different value to the area shown above

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

UTILITIES

Rural Water Corporation: **Goulburn-Murray Water**
Urban Water Corporation: **North East Water**
Melbourne Water: **Outside drainage boundary**
Power Distributor: **AUSNET**

STATE ELECTORATES

Legislative Council: **NORTHERN VICTORIA**
Legislative Assembly: **OVENS VALLEY**

PLANNING INFORMATION

Property Planning details have been removed from the Property Reports to address duplication with the Planning Property Reports which are DELWP's authoritative source for all Property Planning information.

The Planning Property Report for this property can found here - [Planning Property Report](#)

Planning Property Reports can be found via these two links

Vicplan <https://mapshare.vic.gov.au/vicplan/>

Property and parcel search <https://www.land.vic.gov.au/property-and-parcel-search/>

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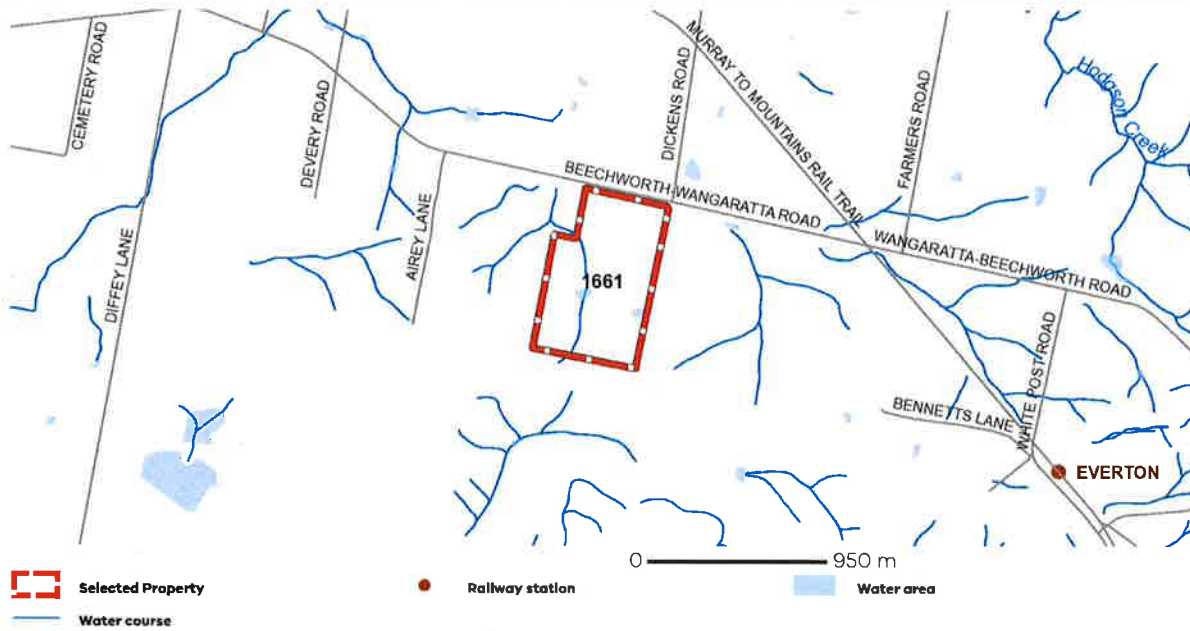
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PROPERTY REPORT: 1661 BEECHWORTH-WANGARATTA ROAD EVERTON UPPER 3678

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PROPERTY REPORT

Area Map



PLANNING PROPERTY REPORT

From www.planning.vic.gov.au at 07 June 2023 05:00 PM

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www.wangaratta.vic.gov.au

[Planning Scheme - Wangaratta](#)

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OTHER

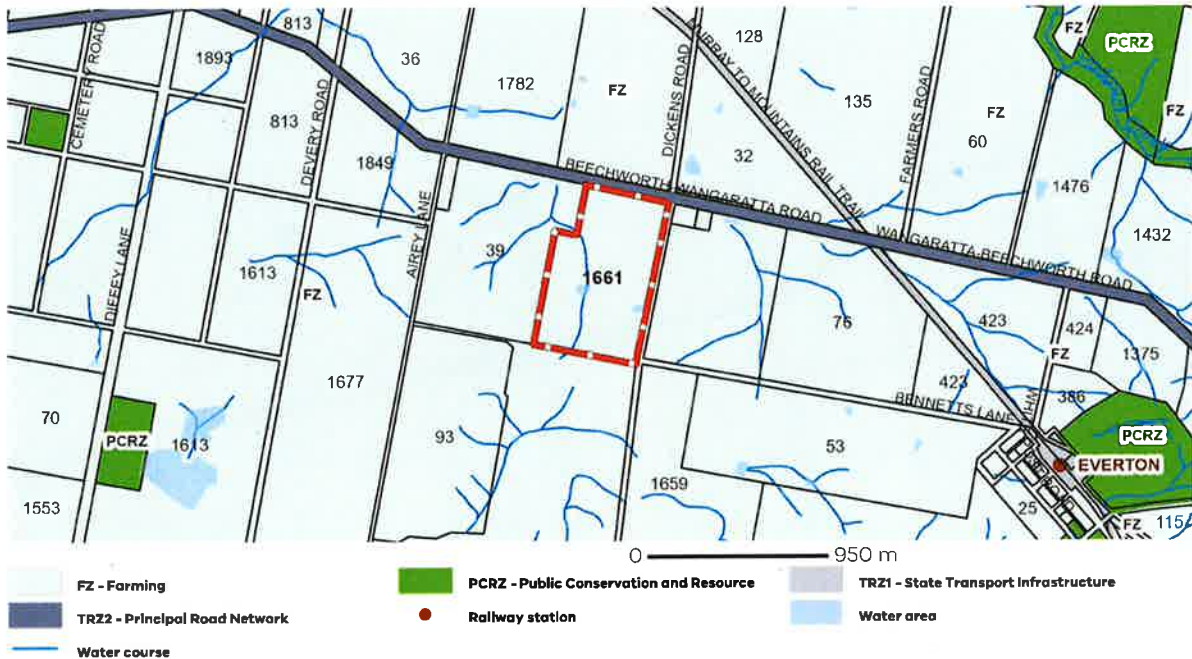
Registered Aboriginal Party: **Yorta Yorta Nation Aboriginal Corporation**

[View location in VicPlan](#)

Planning Zones

FARMING ZONE (FZ)

SCHEDULE TO THE FARMING ZONE (FZ)



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

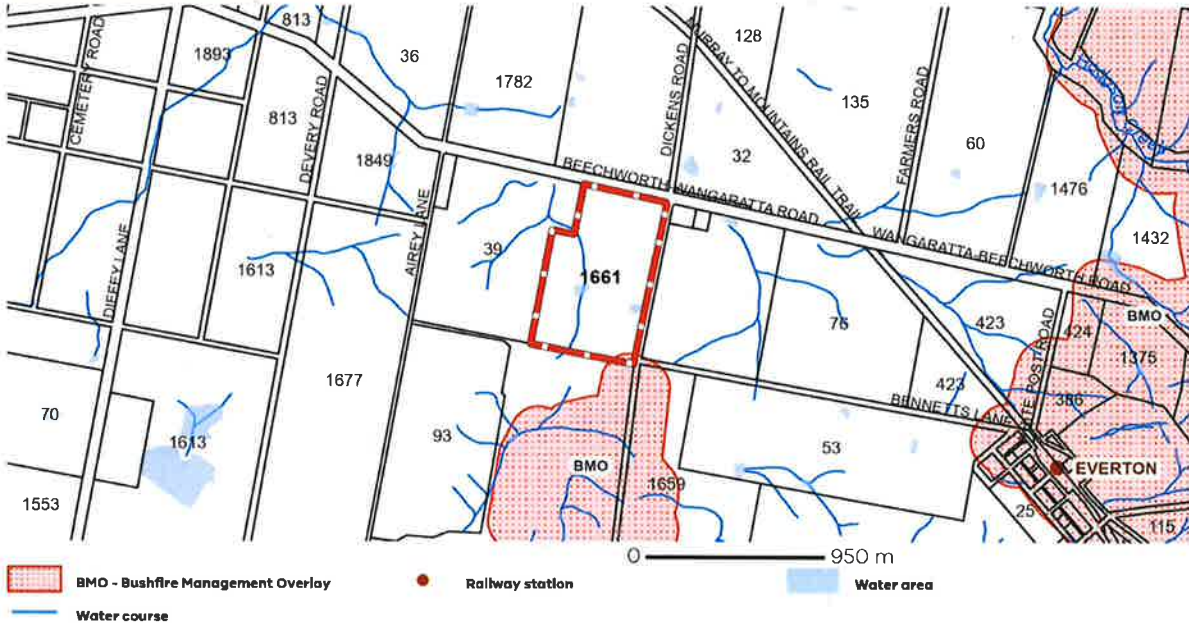
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Planning Overlays

BUSHFIRE MANAGEMENT OVERLAY (BMO)



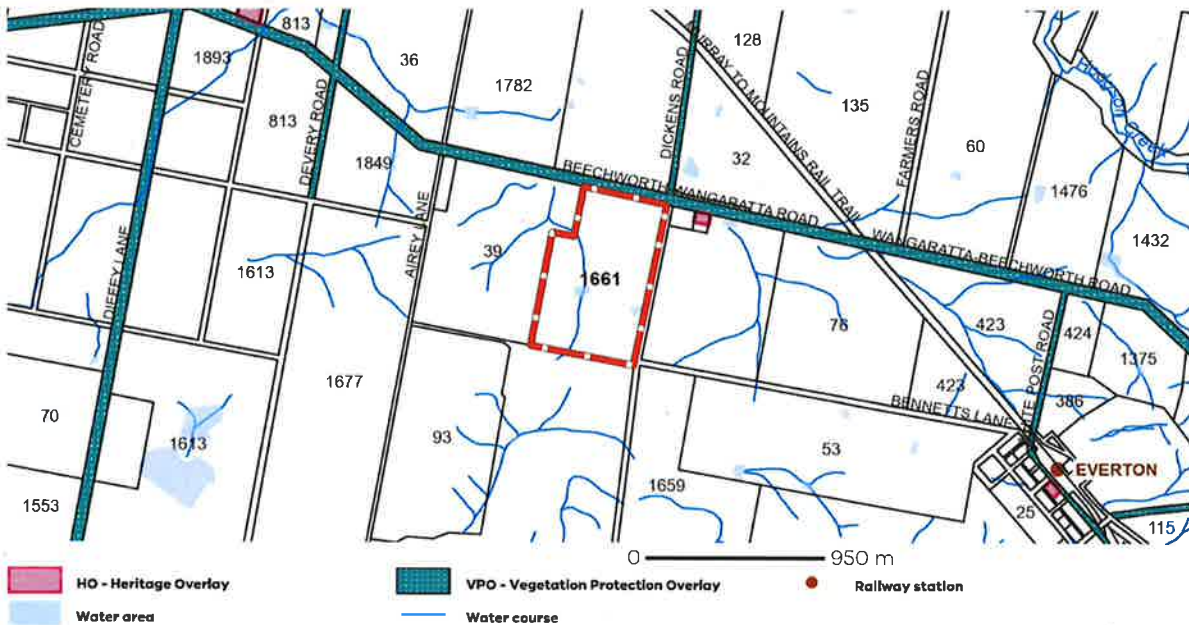
Note: due to overlaps, some overlays may not be visible, and some colours may not match those in the legend

OTHER OVERLAYS

Other overlays in the vicinity not directly affecting this land

HERITAGE OVERLAY (HO)

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 1 June 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>

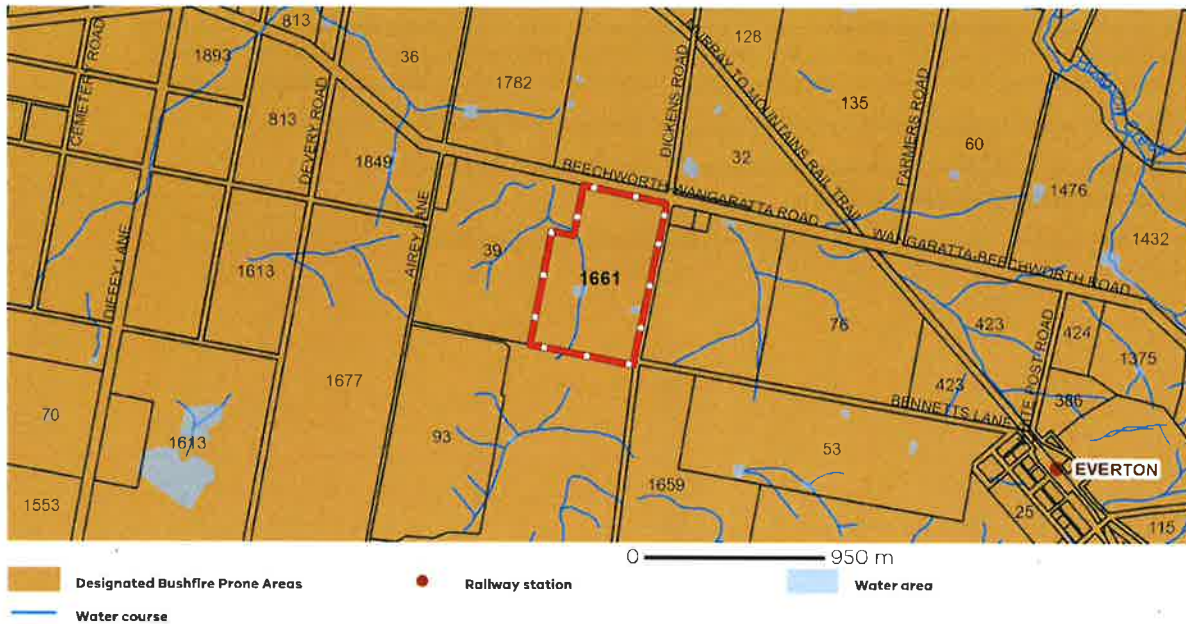
For other information about planning in Victoria visit <https://www.planning.vic.gov.au>

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://nvm.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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**REGISTER SEARCH STATEMENT (Title Search) Transfer of
Land Act 1958**

Page 1 of 1

VOLUME 10660 FOLIO 027

Security no : 124106694273S
Produced 07/06/2023 04:55 PM

LAND DESCRIPTION

Lot 3 on Plan of Subdivision 445659G.
PARENT TITLE Volume 05052 Folio 275
Created by instrument PS445659G 05/07/2002

REGISTERED PROPRIETOR

Estate Fee Simple
TENANTS IN COMMON
As to 1 of a total of 2 equal undivided shares
Sole Proprietor
ELISHA MARIE TADIC of "HIGHFIELD" 76 BENNETTS LANE EVERTON UPPER VIC 3678
As to 1 of a total of 2 equal undivided shares
Sole Proprietor
REX MURRAY ROGER BENNETT of "HIGHFIELD" 76 BENNETTS LANE EVERTON UPPER VIC
3678
AU461547G 16/06/2021

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AU461548E 16/06/2021
RABOBANK AUSTRALIA LTD

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
AB337614D 11/06/2002

DIAGRAM LOCATION

SEE PS445659G 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: 1661 BEECHWORTH-WANGARATTA ROAD EVERTON UPPER VIC 3678

ADMINISTRATIVE NOTICES

NIL

eCT Control 19065N THOMSON GEER
Effective from 16/06/2021

DOCUMENT END



Imaged Document Cover Sheet



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Document Type	Plan
Document Identification	PS445659G
Number of Pages (excluding this cover sheet)	2
Document Assembled	07/06/2023 17:19

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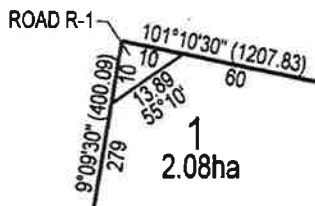
	PLAN OF SUBDIVISION	STAGE No.	LTO USE ONLY EDITION 1	PLAN NUMBER PS 445659G
LOCATION OF LAND PARISH: TARRAWINGEE TOWNSHIP: --- SECTION: --- CROWN ALLOTMENT: 12A CROWN PORTION: --- LTO BASE RECORD: DCMB TITLE REFERENCES: VOL.5052 FOL.275 (PART) LAST PLAN REFERENCE: --- POSTAL ADDRESS: BEECHWORTH - WANGARATTA ROAD (at time of subdivision) EVERTON UPPER 3678 AMG CO-ORDINATES: E 456300 (of approximate centre of land in plan) N 5971900 ZONE: 55		COUNCIL CERTIFICATION AND ENDORSEMENT		
		COUNCIL NAME : RURAL CITY OF WANGARATTA REF : 5453 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 THE ORIGINAL CERTIFICATION UNDER SECTION 6 --- 3. THIS IS A STATEMENT OF COMPLIANCE ISSUED UNDER SECTION 21 OF THE SUBDIVISION ACT 1988. OPEN SPACE (i) A REQUIREMENT FOR PUBLIC OPEN SPACE UNDER SECTION 18 OF THE SUBDIVISION ACT 1988 HAS / HAS NOT BEEN MADE. (ii) THE REQUIREMENT HAS BEEN SATISFIED. (iii) THE REQUIREMENT IS TO BE SATISFIED IN STAGE. COUNCIL DELEGATE COUNCIL SEAL DATE 3 / 6 / 02 RE-CERTIFIED UNDER SECTION 11(7) OF THE SUBDIVISION ACT 1988. COUNCIL DELEGATE COUNCIL SEAL DATE --- / --- / ---		
VESTING OF ROADS OR RESERVES				
IDENTIFIER	COUNCIL/BODY/PERSON			
ROAD R-1	WANGARATTA RURAL CITY COUNCIL			
NOTATIONS				
DEPTH LIMITATION	DOES NOT APPLY	STAGING	THIS IS/IS NOT A STAGED SUBDIVISION PLANNING PERMIT No. P01-1014	
		LAND BEING SUBDIVIDED IS ENCLOSED WITHIN THICK CONTINUOUS LINES SURVEY THIS PLAN IS IS NOT BASED ON SURVEY THIS SURVEY HAS BEEN CONNECTED TO PERMANENT MARKS No(s). 48, 50 IN PROCLAIMED SURVEY AREA No. ---		
EASEMENT INFORMATION				LTO USE ONLY
LEGEND: A - APPURTENANT EASEMENT E - ENCUMBERING EASEMENT R - ENCUMBERING EASEMENT (ROAD)				STATEMENT OF COMPLIANCE/ EXEMPTION STATEMENT
EASEMENT REFERENCE	PURPOSE	WIDTH (METRES)	ORIGIN	LAND BENEFITED/IN FAVOUR OF
R-1 E-1	WAY POWERLINE	SEE DIAG 14	THIS PLAN THIS PLAN- SECTION 88 OF THE ELECTRICITY INDUSTRY ACT 2000.	LOTS ON THIS PLAN TXU ELECTRICITY LTD
				RECEIVED <input checked="" type="checkbox"/> DATE 11 / 6 / 2002
				LTO USE ONLY PLAN REGISTERED TIME 8.42 AM DATE 5 / 7 / 2002  ASSISTANT REGISTRAR OF TITLES
				SHEET 1 OF 2 SHEETS
STEPHEN OXLEY & COMPANY		LICENSED SURVEYOR ALASTAIR DOUGLAS KEMP		DATE 3 / 6 / 02
71 OVENS STREET, WANGARATTA, 3677 PHONE (03) 5721 6255 FAX (03) 5721 2779 BJ & CJ OXLEY PTY LTD ABN 26 006 114 823 surveyors engineers & development consultants		SIGNATURE DATE 27 / 11 / 01 REF: S1578 S1578PS1.DGN		COUNCIL DELEGATE SIGNATURE
		VERSION 2 26/11/01		ORIGINAL SHEET SIZE A3

PLAN OF SUBDIVISION

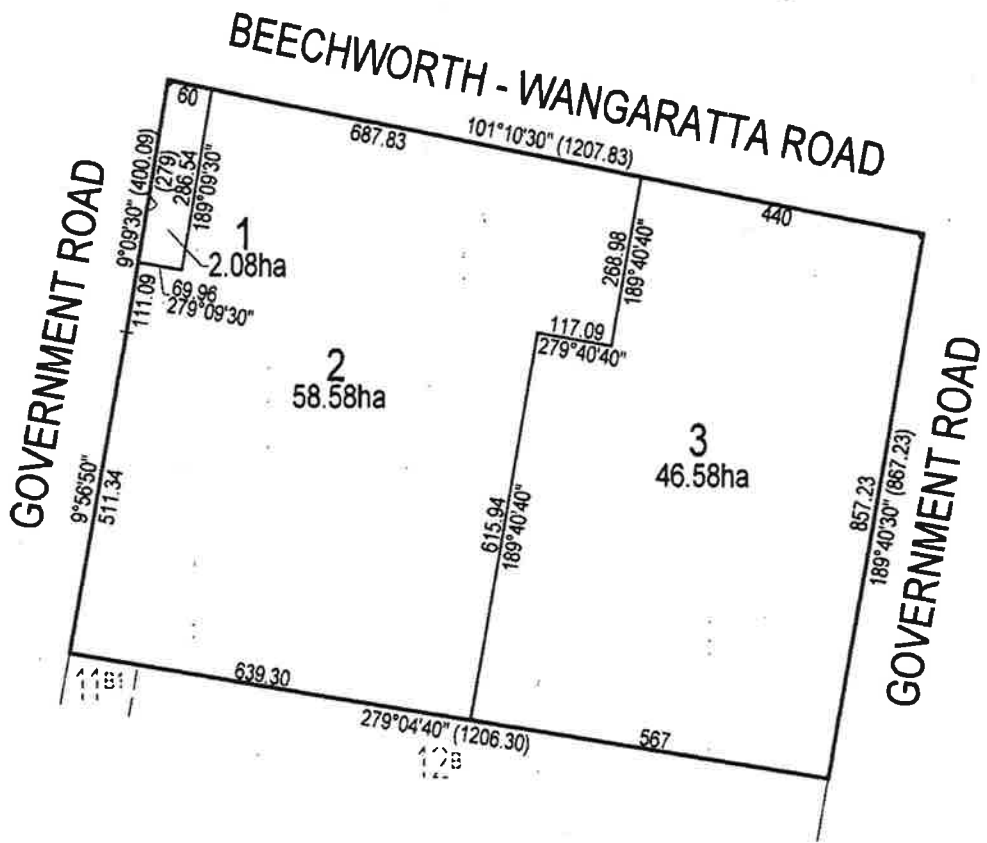
STAGE No.

PLAN NUMBER

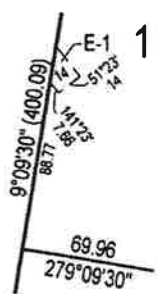
PS 445659G



ENLARGEMENT
SCALE 1:750



ENLARGEMENT
SCALE 1:750

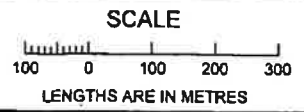


ENLARGEMENT
SCALE 1:2500

SHEET 2 OF 2 SHEETS

STEPHEN OXLEY & COMPANY

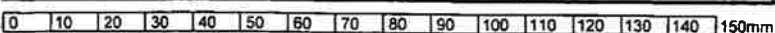
71 OVENS STREET, WANGARATTA, 3677
PHONE (03) 5721 6255 FAX (03) 5721 2779
S1 & CJ OXLEY PTY LTD AHS 28 096 114 825
surveyors engineers & development consultants



ORIGINAL
SCALE 1:7500
SHEET SIZE A3

LICENSED SURVEYOR ALASTAIR DOUGLAS KEMP
SIGNATURE DATE / /
REF: S1578 VERSION 2
S1578PS2.DGN 28/11/01

DATE 3 / 6 / 02
COUNCIL DELEGATE SIGNATURE





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Name: Stewart Thompson & Francis
Address: 43 Reid Street, Wangaratta 3677
Phone: 0357217733
Ref.:
Code: 934R



AB337614D



APPLICATION BY COUNCIL
for the making of a Recording of an Agreement.

SECTION 181(1) PLANNING AND ENVIRONMENT ACT 1987

The Council having made an agreement requires a recording to be made in the Register for the land.

LAND (insert Certificate of Title Volume and Folio)

Certificate of Title Volume 5052 Folio 275

*now = BALANCE 5052/275 and
10660/025-7
5/7/02*

AUTHORITY OR COUNCIL (name and address)

Wangaratta Rural City Council of 64-66 Ovens Street, Wangaratta, 3677.

SECTION UNDER WHICH AGREEMENT IS MADE

Section 173 Planning and Environment Act 1987.



A COPY OF THE AGREEMENT IS ATTACHED TO THIS APPLICATION

AGREEMENT DATE

6/6/2002

AGREEMENT WITH (name and address)

HELEN KATHLEEN KELLY of RMB 6304
Ovens Hwy Everton 3746 and ROSEMARY
ASHLEY HOY of RMB 6545 Eldorado 3746

Signature for the Responsible Authority

FRANK MACALISTER DARKE
MANAGER PLANNING
WANGARATTA RURAL CITY COUNCIL

Date: *6/6/2002*

5/7/02

SECTION 173 AGREEMENT

THIS AGREEMENT made 6 / 6 / 2002

-BETWEEN-

HELEN KATHLEEN KELLY and ROSEMARY ASHLEY HOY

of RMB 6304 Ovens Hwy Everton 3746 and RMB 6545 Eldorado 3746 ("the owners")

-AND -

RURAL CITY OF WANGARATTA

of 64-68 Ovens Street, Wangaratta ("the Council")

RECITING THAT

- A. The owners are the proprietors in fee simple of the land in Certificate of Title Volume 5052 Folio 275.

- B. The Council is the responsible authority pursuant to the Planning and Environment Act 1987, administering the Wangaratta Planning Scheme as it applies to the land.

- C. A planning permit has been granted by the Council in Application Number 01-1014 for a Three Lot Subdivision subject to (inter alia);

The Owner entering into a Section 173 Agreement with the Council pursuant to the Planning and Environment Act 1987, acknowledging that Lot 3 on PS 445659G shall not be further subdivided and that this agreement be registered with the Titles Office pursuant to Section 181 of the said Act.



AB337614D

11/06/2002 \$59 173



NOW IT IS AGREED

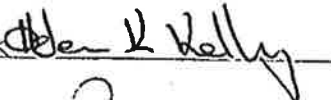

- The owners, their heirs, executors, administrators and transferees and the registered proprietors for the time being of any or all of the land designated as Crown Allotment 12A, Parish of Tarrawingee, Wangaratta-Beechworth Road, Everton Upper (the subject land) being the land in Certificate of Title Volume 5052 Folio 275 relating to Lot 3 on PS 445659G ("the land") covenants with the Rural City of Wangaratta that they acknowledge that they will not further subdivide the land as described as Lot 3 on the endorsed plan and that this covenant shall appear on the Certificate of Title relating to Lot 3 PS 445659G and run with the land.

SIGNED SEALED AND DELIVERED by

The Owners in the presence

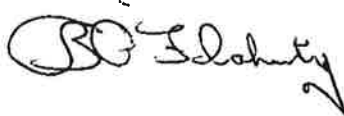
of:-


witness

x H.K. 
x R.W. 

SIGNED SEALED AND DELIVERED by
the said FRANK MACALISTER DARKE
(Manager-Planning) being the duly
authorised and delegated officer of the
Wangaratta Rural City Council in the
Presence of:-







AB337614D





Rural City of Wangaratta

Building Act 1993

BUILDING REGULATIONS 1994

Regulations 9.5

Occupancy Permit

Occupancy Permit No: **B20030258**
Date of Issue: **20/10/2003**
Date of Inspection: **1/10/2003**

Owner
Hawthorn AJ & DN
RMB 6533
Wangaratta Vic 3678

Builder

From Relevant Building
Neville McCormick BS-1485
Rural City of Wangaratta
P.O. Box 238
Wangaratta Vic 3676

Property

Number: RMB 6533 **Street:** Beechworth Wangaratta Road **Suburb:** Everton **Pcode:** 3746
Lot: 3 **Plan:** PS445659 G **CA:** **Sec:**
Vol: 10660 **Fol:** 027 **Parish:** Tarrawingee
Municipality: Rural City of Wangaratta

Building Details

Part of Building

1. Temporary Residence
2. Garage
3. Carport

Use

- Residential
Storage
Storage

BCA Class

1. 1a
2. 10a
3. 10a

Occupation is Subject to the Following Conditions:-

SUITABILITY FOR OCCUPATION

The building or part of a building to which this certificate applies is suitable for occupation.

INSPECTIONS

Footings 24/02/2003
Floor Slab 04/03/2003
Frame 12/06/2003
Final 01/10/2003

Signature of Relevant Building Surveyor

Registration No. **BS-1485**

NOTES:

1. In the case where this permit is issued in relation to building work it is evidence that the building or part of a building to which it applies is suitable for occupation. In the case where this permit is issued in relation to a place of public entertainment it is evidence that the place to which it applies is suitable for occupation for the purpose of the public entertainment or class of public entertainment for which it is issued. This occupancy permit is not evidence of compliance with the Building Act 1993 or the Building Regulations 1994.
2. For Class 9 buildings the owner must ensure that this permit is displayed in the approved location.
3. Regulation 11.5 (not applicable to Class 1a or Class 10 buildings) of the Building Regulations 1994 provides that an owner of a building who is required under an occupancy permit or regulation 11.4 to maintain an essential service must -
 - a) maintain records of maintenance checks; and
 - b) complete an essential services report in accordance with regulation 11.6 before each anniversary of the date of occupancy permit or determinate under regulation 11.4; and
 - c) keep all essential service reports and records of maintenance checks on the premises for inspection by the Municipal Building Surveyor or Chief officer at any time on request.

Penalty: 5 penalty points

Rural City of Wangaratta

64-68 Ovens Street
Wangaratta Vic. 3677

P.O. Box 238
Wangaratta 3676

Telephone (03) 5722 0888
Facsimile (03) 5721 9526

E-mail: council@wangaratta.vic.gov.au
www.wangaratta.vic.gov.au

TTY (For hearing impaired) (03) 5722 0800

In Replying Please Quote: 5627: NM/hm

If Calling Please Ask For: Neville McCormick



ENVIRONMENT PROTECTION ACT 1970

APPROVAL TO USE A SEPTIC TANK SYSTEM No. 5627

This is to certify that the Septic Tank System situated at :

Lot3 Wangaratta Beechworth Road, EVERTON UPPER
Lp 445659G, Vol 5052, Fol 752, Parish of Tarrawingee

**has been approved for installation and approved
by the Council for use.**

Signed

Neville McCormick
BUILDING SURVEYOR

Dated: 20/10/2003