

# 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.

**4 Kookaburra Court, Gembrook VIC 3783**

Vendor's name            Fiona Louise Acott

Date

/ /

Vendor's signature

  
Fiona acott (Nov 25, 2022 14:47 GMT+11)

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)

At settlement the rates will be adjusted between the parties, so that they each bear the proportion of rates applicable to their respective periods of occupancy in the property.

Cardinia Shire Council  
Yarra Valley Water  
State Revenue Office (Land Tax)

(a) Their total does not exceed:

\$4,500.00
------------

### 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

### 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):

As attached.

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

Not Applicable

The Purchaser/s should note sewers, drains, water pipes, underground and/or overhead electricity cables, underground/or overhead telephone cables, underground NBN cables and underground gas pipes if any, may be laid outside registered easements.

### 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 within the meaning of regulations made under the *Building Act 1993* if the square box is marked with an 'X'



### 3.4 Planning Scheme

Attached is a certificate with the required specified information.

## 4. NOTICES

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

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

Not Applicable.

The Vendor has no means of knowing decisions of all public authorities and government departments affecting the property unless communicated to the Vendor.

The property is in an area in which is classified as an area in which buildings are likely to be subject to infestation of termites.

### 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):

Nil.

## 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")

Words and expressions in this section 7 have the same meaning as in Part 9B of the *Planning and Environment Act 1987*.

Not Applicable

## 8. SERVICES

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

Electricity supply <input type="checkbox"/>	Gas supply <input type="checkbox"/>	Water supply <input type="checkbox"/>	Sewerage <input type="checkbox"/>	Telephone services <input type="checkbox"/>
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- Some services currently noted as connected above may become disconnected prior to settlement. The Purchaser should make their own enquiries in relation to connection and re-connection of services to the land.

## 9. TITLE

Attached are copies of the following documents:

### 9.1 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 2000m<sup>2</sup>; (but does not include a building under a strata title system or if an occupancy permit was issued less than 2 years before the relevant date):

Not Applicable.

## 12. DUE DILIGENCE CHECKLIST

*(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.)*

Is attached.

## 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)*

Water Information Statement
-----------------------------

## 14. MATERIAL FACT

### SWIMMING POOL

The Purchaser acknowledges and agrees that it shall be responsible for ensuring the pool has a compliant safety barrier and lodging the required certificate of barrier compliance with the Municipal Council. The Purchaser shall not make any objection or requisition, claim any compensation or delay settlement as a result of the pool not having a compliant safety barrier, or as a result of the issue or non-issue, or lodgement or non-lodgement of any certificate of barrier compliance.

# PROPERTY REPORT



Environment,  
Land, Water  
and Planning

From [www.planning.vic.gov.au](http://www.planning.vic.gov.au) at 22 November 2022 10:43 AM

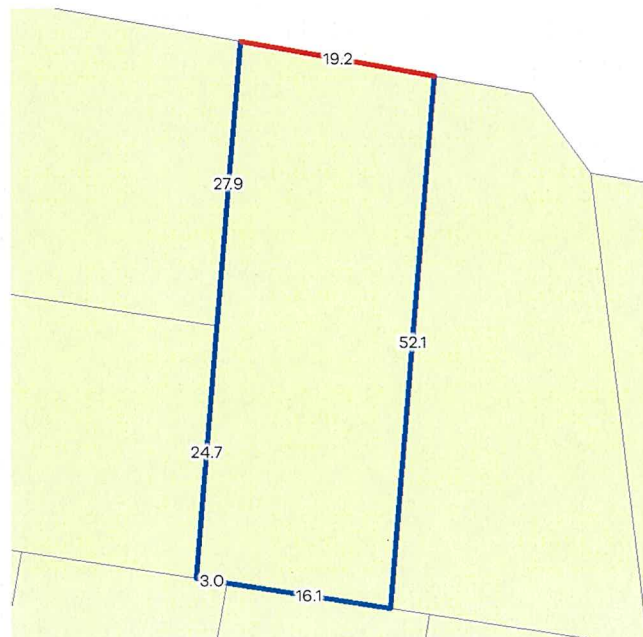
## PROPERTY DETAILS

Address: **4 KOOKABURRA COURT GEMBROOK 3783**  
Lot and Plan Number: **Lot 17 PS542214**  
Standard Parcel Identifier (SPI): **17\PS542214**  
Local Government Area (Council): **CARDINIA**  
Council Property Number: **5000010164**  
Directory Reference: **Melway 312 K10**

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

## SITE DIMENSIONS

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



**Area:** 1000 sq. m

**Perimeter:** 143 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.

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: **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**

## 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>

## Area Map



 Selected Property



# PLANNING CERTIFICATE

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

## CERTIFICATE REFERENCE NUMBER

890289

## APPLICANT'S NAME & ADDRESS

BUY & SELL CONVEYANCING SERVICES C/- TRICONVEY  
(RESELLER) C/- LANDATA

DOCKLANDS

## VENDOR

ACOTT, FIONA LOUISE

## PURCHASER

NOT YET KNOWN, NOT YET KNOWN

## REFERENCE

359244

This certificate is issued for:

LOT 17 PLAN PS542214 ALSO KNOWN AS 4 KOOKABURRA COURT GEMBROOK  
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 NEIGHBOURHOOD RESIDENTIAL ZONE - SCHEDULE 1
- is within a SIGNIFICANT LANDSCAPE OVERLAY - SCHEDULE 1
- and a BUSHFIRE MANAGEMENT OVERLAY - SCHEDULE 1

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/>

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](mailto:landata.enquiries@servictoria.com.au)

22 November 2022

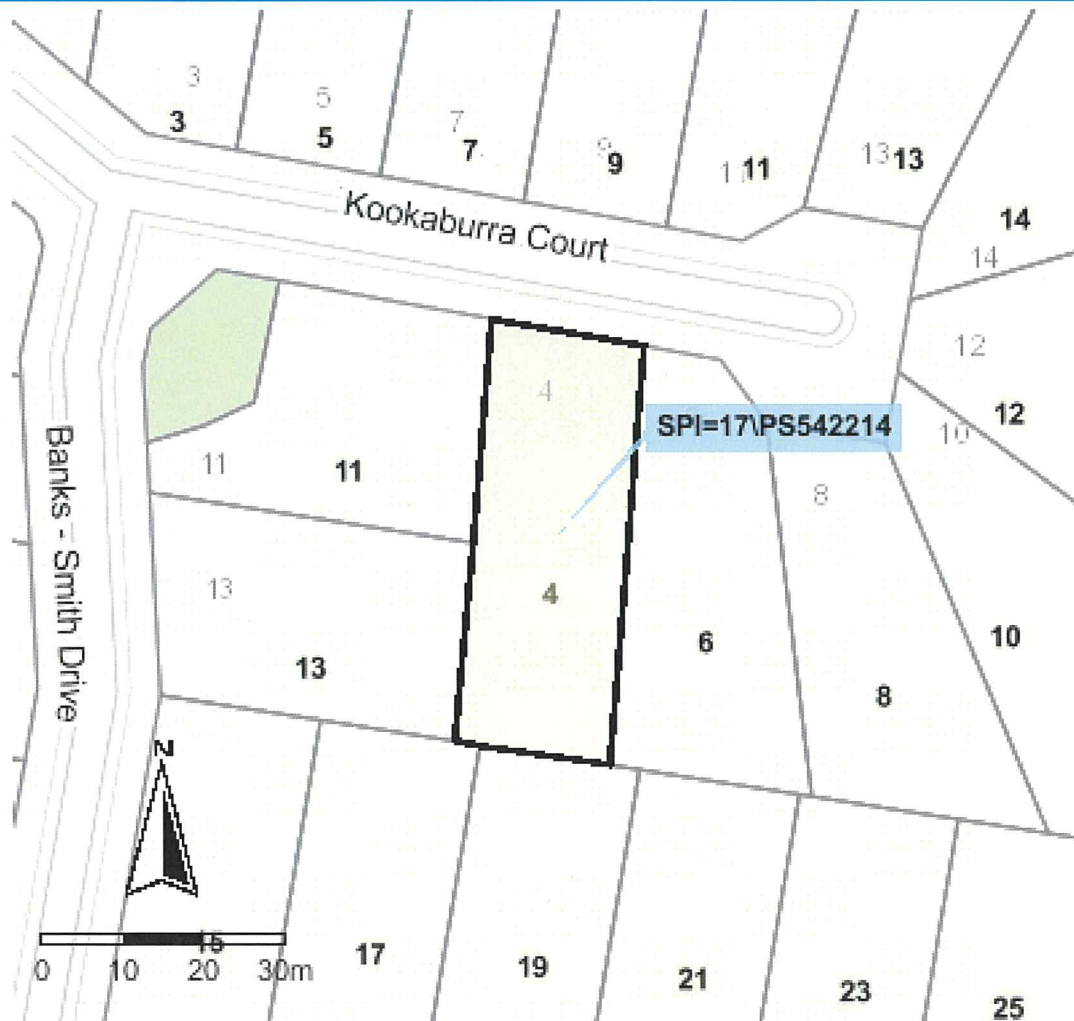
**Ms. Lizzie Blandthorn MP**  
Minister for Planning

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](mailto: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.



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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

VOLUME 11228 FOLIO 308

Security no : 124102053298F

Produced 22/11/2022 10:39 AM

LAND DESCRIPTION

Lot 17 on Plan of Subdivision 542214G.  
PARENT TITLE Volume 10752 Folio 223  
Created by instrument PS542214G 27/09/2010

REGISTERED PROPRIETOR

Estate Fee Simple  
Sole Proprietor  
FIONA LOUISE ACOTT of 4 KOOKABURRA COURT GEMBROOK VIC 3783  
AR308809M 02/08/2018

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AR810460D 02/01/2019  
NATIONAL AUSTRALIA BANK LTD

MORTGAGE AV819652K 04/07/2022  
COMMERCIAL N PTY LTD

COVENANT PS542214G 27/09/2010

COVENANT AH586485S 29/10/2010

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  
AB178603S 26/03/2002

DIAGRAM LOCATION

SEE PS542214G 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: 4 KOOKABURRA COURT GEMBROOK VIC 3783

ADMINISTRATIVE NOTICES

NIL

eCT Control 16089P NATIONAL AUSTRALIA BANK LTD  
Effective from 04/07/2022

DOCUMENT END

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Document Type	<b>Plan</b>
Document Identification	<b>PS542214G</b>
Number of Pages (excluding this cover sheet)	<b>3</b>
Document Assembled	<b>22/11/2022 10:51</b>

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# PLAN OF SUBDIVISION

Stage No. / LRS use only

EDITION 1

**PS542214G**

20/09/2010 \$4021.60 PS



G

## Location of Land

Parish: GEMBROOK

Crown Allotment: A<sup>11</sup>(PART)

Title References: VOL 10752 FOL 223

Last Plan Reference: LOT D ON PS 511546E

Postal Address: MAIN STREET  
GEMBROOK

MGA Co-ordinates: E 372 400 Zone 55  
(Of approx. centre of plan) N 5 798 200

## Council Certification and Endorsement

Council Name: CARDINIA SHIRE COUNCIL Ref: 506/148

1. ~~This plan is certified under section 6 of the Subdivision Act 1988.~~

2. ~~This plan is certified under section 11(7) of the Subdivision Act 1988.~~  
Date of original certification under section 6 **9/3/2010** *cmurphy*

3. ~~This is a statement of compliance issued under section 21 of the Subdivision Act 1988.~~

### Open Space

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

(ii) ~~The requirement has been satisfied.~~

(iii) ~~The requirement is to be satisfied in Stage~~

Council Delegate

Council seal

Date / /

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

Council Delegate *cmurphy*

Council seal

Date **10/8/2010**

## Vesting of Roads or Reserves

Identifier Council/Body/Person

ROAD R1	CARDINIA SHIRE COUNCIL
ROAD R2	CARDINIA SHIRE COUNCIL
RESERVE No.1	CARDINIA SHIRE COUNCIL
RESERVE No.2	CARDINIA SHIRE COUNCIL

## Notations

Staging: This ~~is~~/is not a staged subdivision  
Planning Permit No.

Depth Limitation: Does not apply

### Other Purposes of Plan:

Removal of easement shown marked E-4 on  
C/T Vol. 10752 Fol. 223

### Grounds for removal of easement:

Cardinia Shire Council Planning Permit No T060691

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

To be completed where applicable.

This survey has been connected to 117, 152, 153 &  
Permanent Mark No's: 188 vide PS 449947E

In proclaimed Survey Area no.: N/A

## Easement Information

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

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
E-1	DRAINAGE	18	PS 511546E	CARDINIA SHIRE COUNCIL
	CARRIAGEWAY	18	PS 511546E	CARDINIA SHIRE COUNCIL
E-2	DRAINAGE	2	THIS PLAN	CARDINIA SHIRE COUNCIL
E-3	SEWERAGE	1m	THIS PLAN	YARRA VALLEY WATER LTD.
E-4	SEWERAGE	SEE PLAN	THIS PLAN	YARRA VALLEY WATER LTD.
	DRAINAGE	SEE PLAN	THIS PLAN	CARDINIA SHIRE COUNCIL

LRS use only

Statement of Compliance / Exemption Statement

Received

Date 20/09/2010

LRS use only

PLAN REGISTERED

TIME 12.13PM

DATE 27/09/2010

**BILL SKALITSIS**

Assistant Registrar of Titles

SHEET 1 OF 3 SHEETS

## HANSEN SURVEYING P/L

ABN 89 126 307 051

TITLE SURVEYS - LAND & UNIT SUBDIVISION - TOWN PLANNING

P.O. Box 714 Belgrave

Unit 1 1569 Burwood Highway, Belgrave 3160

Telephone: (03) 9754 3930 Fax: (03) 9752 5069

Email: hansurv@bigpond.com

LICENSED SURVEYOR (PRINT) PETER CLYDE HANSEN

SIGNATURE *Hansen*

DATE 24/6/10

REF 3082/S4

VERSION 12

*cmurphy*

DATE 10/8/2010

COUNCIL DELEGATE SIGNATURE

Original sheet size A3 3082S4.LCD

# PLAN OF SUBDIVISION

Stage No.

Plan Number

PS 542214 G



RESERVE No. 2  
FOR TREE  
PLANTATION  
PURPOSES  
20m<sup>2</sup>

MAIN STREET

REDWOOD ROAD

ROAD

RESERVE No.1  
FOR PLANTATION  
PURPOSES  
245m<sup>2</sup>

RESERVE FOR  
DRAINAGE &  
PUBLIC OPEN  
SPACE

ROAD R2  
FOR EMERGENCY  
ACCESS PURPOSES

GEMBROOK  
PARK  
ROAD

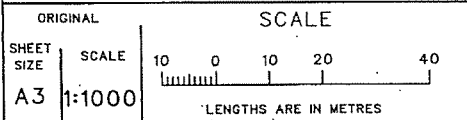
## HANSEN SURVEYING P/L

ABN 89 126 307 051  
TITLE SURVEYS - LAND & UNIT SUBDIVISION - TOWN PLANNING  
P.O. Box 714 Belgrave  
Unit 1 1569 Burwood Highway, Belgrave 3160  
Telephone: (03) 9754 3930 Fax: (03) 9752 5069  
Email: hansurv@bigpond.com

RESERVE FOR  
DRAINAGE &  
PUBLIC OPEN  
SPACE

RESERVE FOR  
MUNICIPAL  
PURPOSES

SHEET 2



LICENSED SURVEYOR (PRINT) PETER CLYDE HANSEN

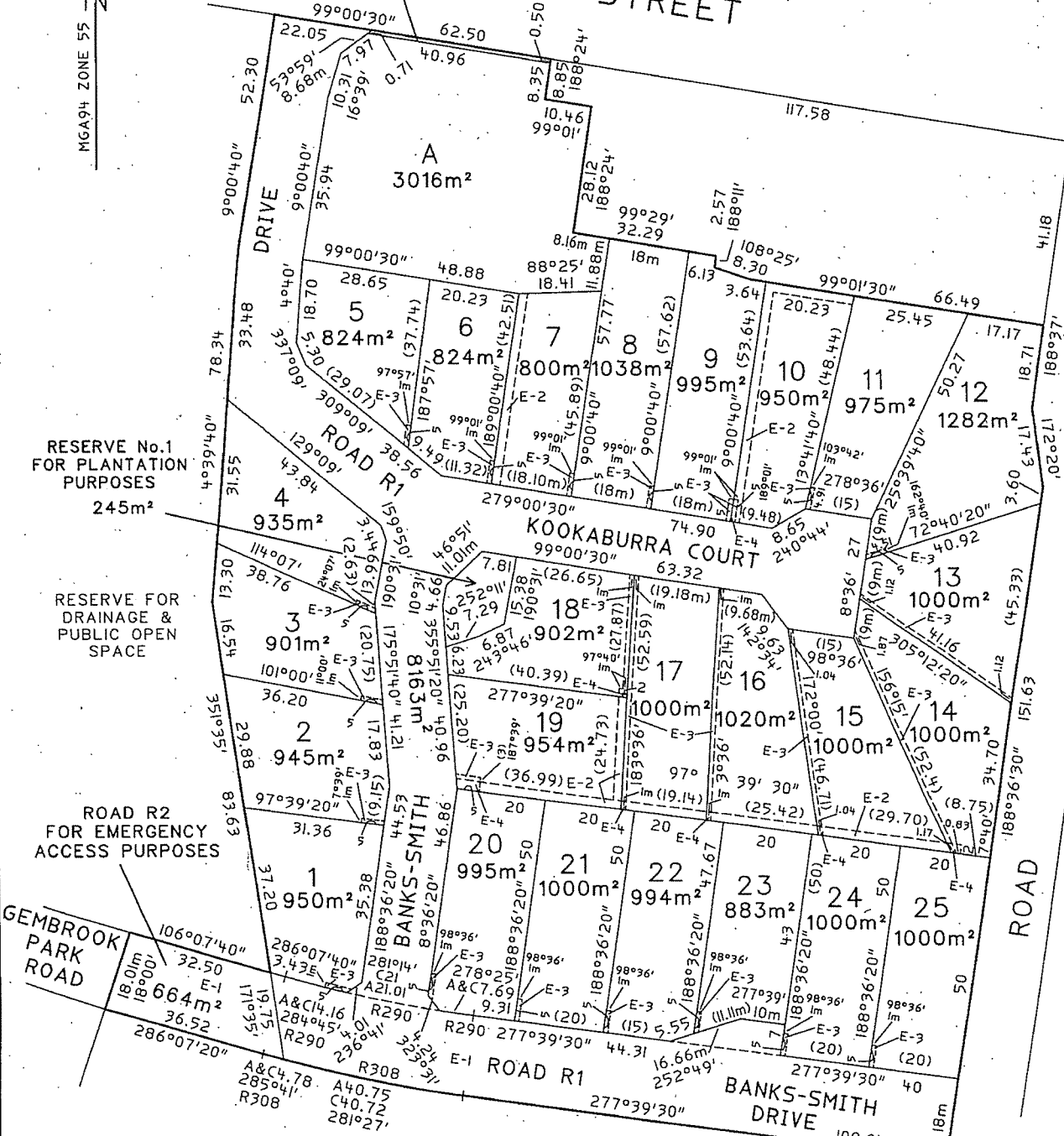
SIGNATURE

DATE 24/6/10

REF 3082/S4

VERSION 12

*Crumphy*  
DATE 10/8/2010  
COUNCIL DELEGATE SIGNATURE





# PLAN OF SUBDIVISION

Stage No. /

Plan Number

PS 542214 G

## CREATION OF RESTRICTION

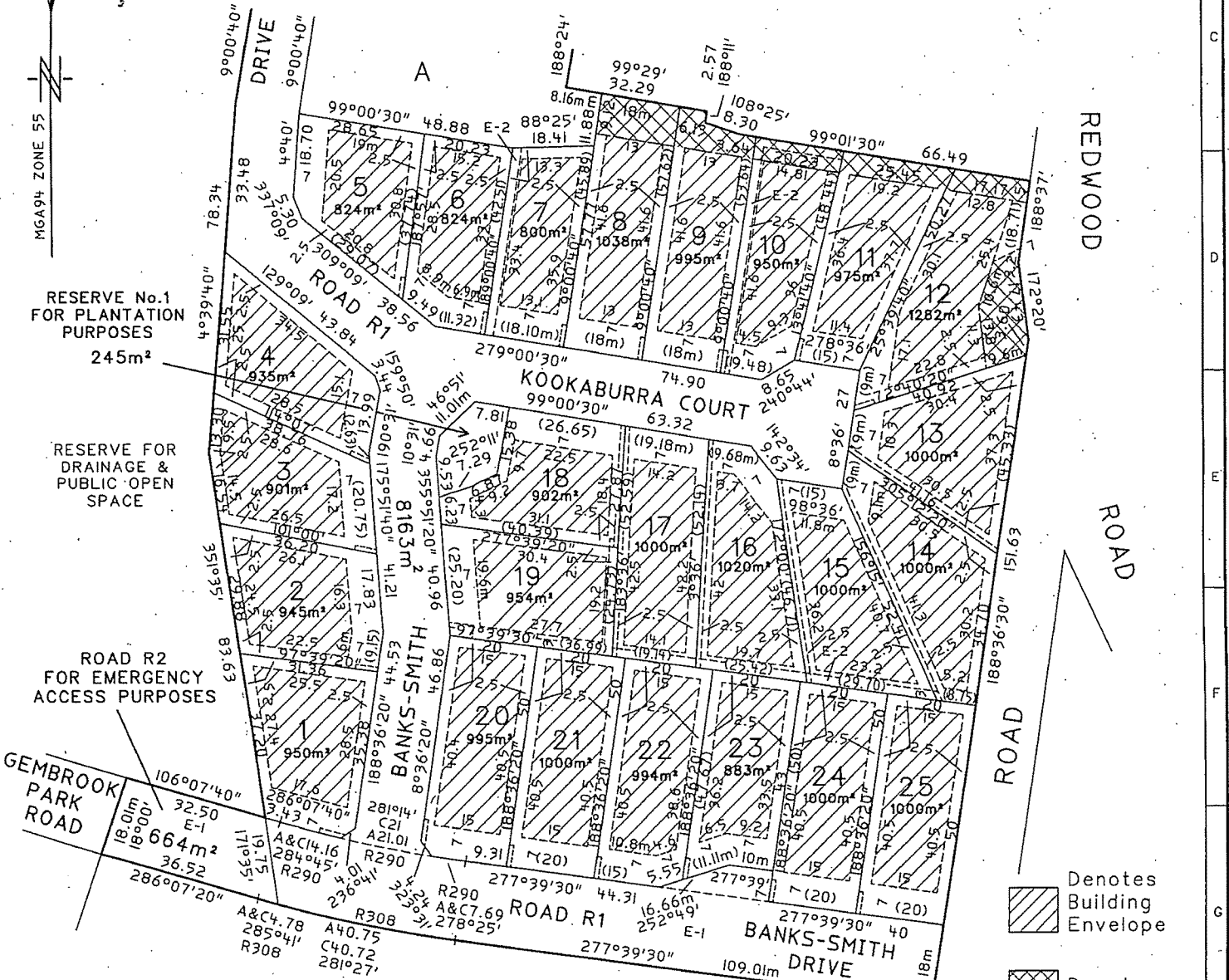
On registration of this plan the following is created:

LAND TO BENEFIT: All Lots on this Plan of Subdivision

LAND TO BE BURDENED: Lots 1 to 25 inclusive on this Plan of Subdivision

## DESCRIPTION OF RESTRICTION

- The registered proprietor or proprietors of Lots 1 to 25 inclusive shall not construct any garage or dwelling outside the building envelope without the further consent of the Responsible Authority.
- The registered proprietor or proprietors of Lots 8 to 12 shall not construct any building or carry out any works in the area shown cross hatched without the further consent of the Responsible Authority.



### HANSEN SURVEYING P/L

ABN 89 126 307 051  
 TITLE SURVEYS - LAND & UNIT SUBDIVISION - TOWN PLANNING  
 P.O. Box 714 Belgrave  
 Unit 1 1569 Burwood Highway, Belgrave 3160  
 Telephone: (03) 9754 3930 Fax: (03) 9752 5069  
 Email: hansurv@bigpond.com

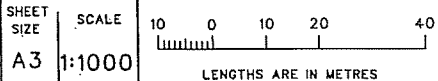
RESERVE FOR DRAINAGE & PUBLIC OPEN SPACE

RESERVE FOR MUNICIPAL PURPOSES

Denotes Building Envelope

Denotes No Building Restriction Area

ORIGINAL SCALE



LICENSED SURVEYOR (PRINT) PETER CLYDE HANSEN

SIGNATURE *[Signature]* DATE 24/6/10

REF 3082/S4

VERSION 12

SHEET 3

*[Signature]*  
 DATE 10/8/2010  
 COUNCIL DELEGATE SIGNATURE



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Document Type	<b>Instrument</b>
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# Application by a Responsible Authority for the making of a recording of an Agreement

**AB178603S**

26/03/2002 \$59 173  


Section 181 Planning & Environment Act 1987

Lodged by:  
Name: FALCONE & ADAMS  
Phone: (03) 5968 3666  
Address: 323a Main Street Emerald  
Ref: JSF  
Customer Code: 0784 J



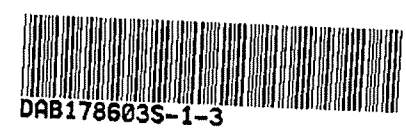
The Responsible Authority having made an agreement requires a recording to be made in the Register for the land.

Land: (Volume and Folio reference) 9101 - 03 15-5-02  
Certificates of Title Volume ~~9109~~ Folios 802 & 806 and Volume 7575 Folio 079

Responsible Authority: (Full name and address including postcode)  
CARDINIA SHIRE COUNCIL of Henty Way, Pakenham, 3810

Section and Act under which Agreement made:  
Section 173 of the Planning and Environment Act 1987

A copy of the Agreement is attached to this Application



Date: 7 12 March 2002

Signature of Responsible Authority [Signature]

Name of Officer S. Wickramasinghe

Office held Manager Development Services

03



DAB178603S-2-1

**AGREEMENT PURSUANT TO SECTION 173  
PLANNING AND ENVIRONMENT ACT 1987**

**THIS AGREEMENT** is made the 12 day of March 2002 pursuant to Division 2 of Part 9 of the Planning and Environment Act 1987 ("the Act") **BETWEEN** the Responsible Authority and the Owners.

**RECITALS**

- A. The Cardinia Shire Council is the Responsible Authority administering the Cardinia Planning Scheme ("the Scheme").
- B. The Owners are the registered proprietors of the whole of the land described in Schedule 1 to this Agreement ("the Land").
- C. The Land is regulated by the Scheme.
- D. The Responsible Authority issued Planning Permit No. T970102 ("the Planning Permit") on 24 August 2001. The Planning Permit permits the subdivision of the Land generally in accordance with the Concept Plan attached hereto.
- E. Each stage of the Subdivision will be carried out in accordance with a Plan of Subdivision.
- F. Condition 3 of the Planning Permit provides:  
"The landowner must enter into an agreement with the Responsible Authority under section 173 of the planning and environment act prior to the certification of each stage in the subdivision to provide for the following:
  - (a) a building envelope on lots adjoining Gembrook park restricting any buildings within 20 metres of the park.
  - (b) a waste disposal envelope for all lots within the subdivision as specified by the soil percolation tests.
  - (c) no direct access to Gembrook park will be permitted from lots adjoining the park.
  - (d) all building materials within the subdivision shall be if muted tonings including dwellings and any outbuildings."
- G. The Owners desire to enter into this Agreement with the Responsible Authority in order to fulfill Condition 3 of the Planning Permit.

**AGREEMENT**

- 1. Prior to the certification by the Responsible Authority of each stage of the Plan of Subdivision pursuant to Section 6 of the Subdivision Act 1988 the owners will in the Plan of Subdivision provide:
  - a. a building envelope on each of the lots adjoining Gembrook Park restricting the erection of any building within 20 metres of Gembrook Park; and
  - b. a waste disposal envelope for each of the lots on the Plan of Subdivision as specified by soil percolation tests to be carried out by the owners at the owners' cost.

**AB178603S**

26/03/2002 \$59 173





DAB178603S-3-0

2. The Owners with the intention that the burden of this Covenant will run with the Land covenant and agree that:
  - a. no direct access to Gembrook Park shall be permitted from each of the lots adjoining Gembrook Park; and
  - b. all dwellings and outbuildings within the Subdivision shall be constructed of building materials of muted tonings.
  
3. The Responsible Authority and the Owners shall do all things necessary (including signing any further agreement, acknowledgement or document) to enable a memorandum of this Agreement to be entered on the Certificates of Title to the Land in accordance with Section 181 of the Act.
  
4. Without limiting the operation or effect which this Agreement has, the Owners must ensure that until such time as a Memorandum of this Agreement is registered on the Titles to the Land, successors in title shall be required to:
  - (a) give effect to and do all acts and sign all documents which will require those successors to give effect to this Agreement; and
  - (b) execute under seal a deed agreeing to be bound by the terms of this Agreement and upon such execution this Agreement shall continue as if executed by such successors as well as by the parties to this Agreement as if the successor's name appeared in each clause in which the name of the Owners appears in addition to the name of the Owners.
  
5. The costs of the preparation, lodgment and registration and any subsequent removal of the Agreement shall be borne totally by the Owners.
  
6. The Agreement must be registered on the Certificates of Title for the Land.
  
7. The Owners and the Responsible Authority acknowledge and agree that this Agreement is made pursuant to Section 173 of the Act and during the period of this Agreement the obligations imposed on the Owners are conditions applying to the use or development of the Land and are intended to take effect as covenants which shall be annexed to and run at law and in equity with the Land and bind the Owners, their successors in title, assignees and transferees and the registered proprietor or proprietors for the time being of the Land and every part of the Land.

**EXECUTED AS AN AGREEMENT**

Signed by and on behalf, and with the )  
 authority, of the Cardinia Shire Council )  
 by Shiran Wickramsinghe, in the )

**AB178603S**



26/03/2002

\$59

173



exercise of a power conferred by an Instrument of Delegation dated 16th October 2000, in the presence of:

.....*Joseph Stephen Falcone*.....

.....*Samuel*.....  
Witness

**SIGNED SEALED AND DELIVERED**  
by **JOSEPH STEPHEN FALCONE** in the presence of:

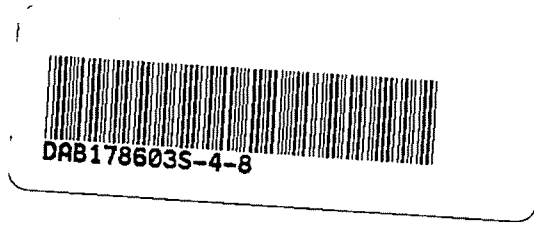
) *Joe*  
)  
) X.....

.....*Joe Wilby*.....  
Witness

**SIGNED SEALED AND DELIVERED**  
by **SALVATORE FILIPPO FALCONE** in the presence of:

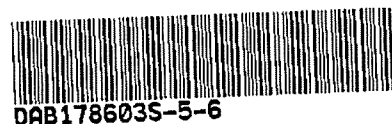
) *Sam*  
)  
) X *S F Falcone*.....

.....*Sam*.....  
Witness



## SCHEDULE ONE

1. **Owner:** Joseph Stephen Falcone and Salvatore Filippo  
Falcone both of Phillip Road, Avonsleigh, 3782
2. **Responsible Authority:** Cardinia Shire Council of Municipal Offices,  
Henty Way, Pakenham, 3810
3. **Land:** Lot 35 and Part Lots 16 & 17 on Lodged Plan 7762  
and being the whole of the land contained in  
Certificates of Title Volume 91091 Folios 802 &  
806 and Volume 7575 Folio 079.
4. **Commencement Date:** The date of this Agreement



**AB178603S**

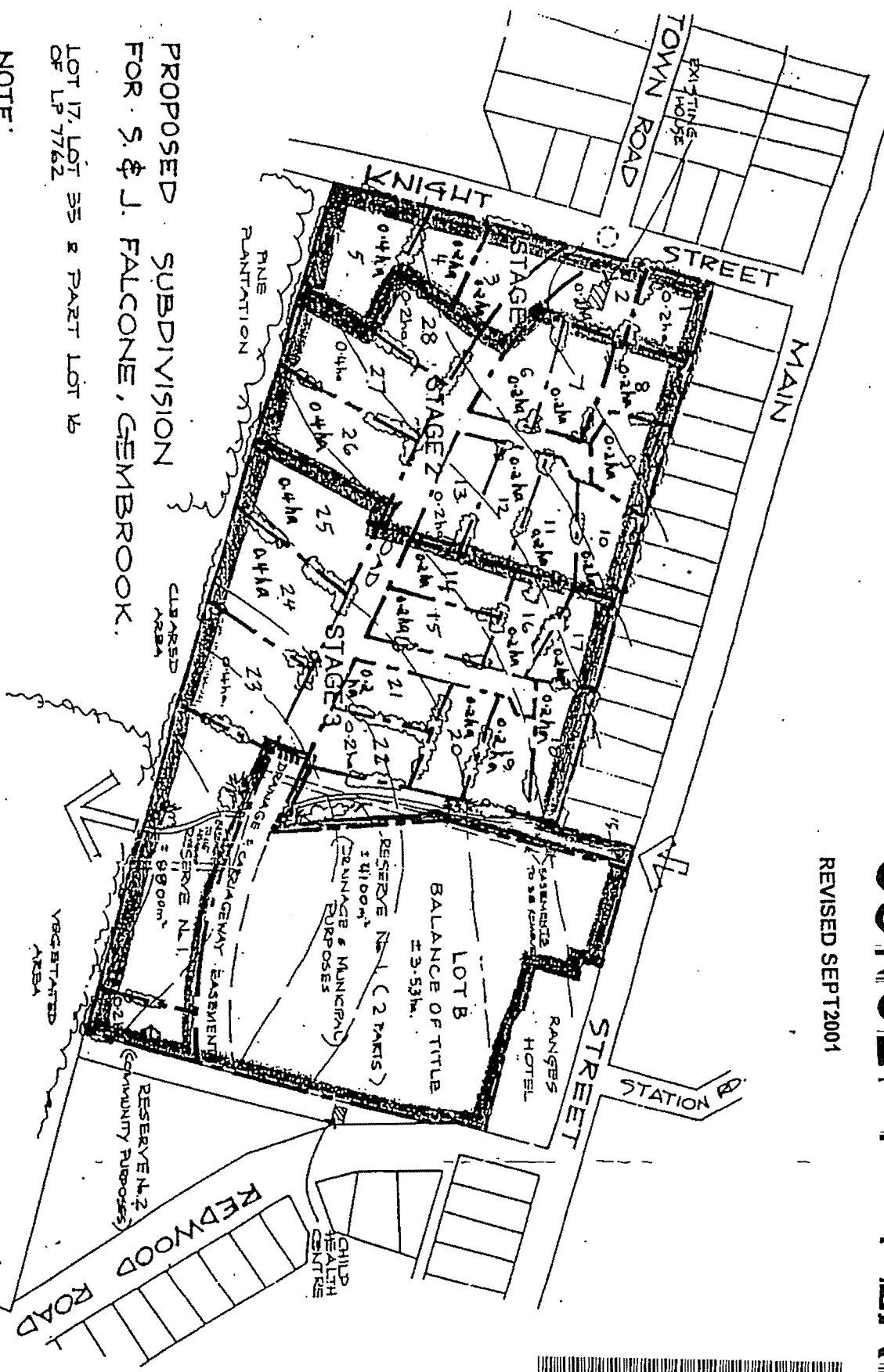
26/03/2002 \$59

173



# CONCEPT PLAN

REVISED SEPT 2001



PROPOSED SUBDIVISION  
FOR S. & J. FALCONE, GEMBROOK.

LOT 17, LOT 35 & PART LOT 16  
OF LP 7762

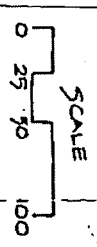
NOTE:  
• CONTOURS APPROX. ONLY - 6M. INTERVAL.  
• ALL DIMENSIONS ARE SUBJECT TO SURVEY.  
• EASEMENTS FOR SERVICES TO BE APPROPRIATED

NICHOLAS PETRIS & ASSOCIATES PTY LTD  
PLANNING CONSULTANTS & SURVEYORS

UNIT 1/569 BURWOOD HIGHWAY, BELGRAVE. 3160.  
PH: 9754 3930

GEMBROOK PARK

APPROVED PLAN	
PLANNING AND ENVIRONMENT ACT 1987	
CITY/SHIRE PLANNING SCHEME	
PERMIT NO.	7970102
SHEET	1 OF 1
SIGNED	
DATE	29/10/2001



PURPOSE OF PLAN  
SUBDIVISION IN 3 STAGES  
REMOVAL OF EASEMENTS SHOWN  
GREEN ON CTS VOL 9101 FOL 806  
AND VOL 7575 FOL 079 AND  
REMOVAL OF EASEMENT SHOWN  
BLUE ON CT VOL 9101 FOL 802  
ALL TO BE REMOVED IN STAGE 3

AB1786033  
28/03/2002 \$59 173

RECEIVED  
28 SEP 2001  
PLANNING DEPARTMENT

REF: 3082/11



# Imaged Document Cover Sheet

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Document Identification	<b>AH586485S</b>
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506 -

# TRANSFER OF LAND

Section 45 Transfer of Land Act 1958

Lodged by:

Name: **BANKWEST RETAIL**  
Phone:  
Address:  
Ref: **12787K**  
Customer Code:

The int  
statutor  
maintai  
indexes

**AH586485S** I under  
iose of  
s and

29/10/2010 \$506 45

**MADE** CONTROL

Office Use Only

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

Land:  
Volume **11228** Folio **308** *977*

Estate and Interest:  
**All our estate in fee simple**

Consideration:  
**\$156,000.00**

Transferor:  
**Salvatore Filippo Falcone and Joseph Stephen Falcone**

Transferee:  
**Anthony Stephen Acott and Fiona Louise Acott  
of 13 Tyrell Place, Pakenham, Victoria, 3810 As Joint Proprietors**

Directing Party:  
**Nil**

Creation and/or Reservation of easement and/or Covenant  
The Transferee for himself, his heirs, executors, administrators and transferees with the intent of binding the owner for the time being of the land hereby transferred ("the land") **COVENANTS** with the Transferors and their respective heirs, executors, administrators and transferees and each of the owners for the time being of the land in Plan of Subdivision PS542214G (apart from the land) that the Transferee will not:

1. Build or allow to be built or remain on the land:
  - (a) more than one dwelling house together with the usual outbuildings;
  - (b) a dwelling house which has floor area of less than 140 square metres within the outer walls thereof, exclusive of the area of any garage, carport, porch, verandah, pergola or other usual outbuildings;
  - (c) a dwelling house unless:-
    - (i) the external walls are substantially constructed of brick, stone, concrete, rendered cement sheet, glass, painted weatherboard or waethertex or any combination thereof; and
    - (ii) constructed of new materials (excepting second hand bricks or stone) of a non-reflective nature;

*977*

*Tony*  
*Fiona*

Approval No. 2840094A  
**ORDER TO REGISTER**  
Please register and issue title to  
Signed \_\_\_\_\_ Cust. Code \_\_\_\_\_

# T2

Page 1 of 2



Anstat Pty Ltd

STAMP-DUTY-USE-ONLY	
Espron Property Services Pty Ltd	
DRS	AP 445
Vic Duty	\$4,170.00
Consideration	\$156,000.00
Trans No.	14447/2010
Endorse Date	27/10/2010
Section s57J (PPR)	Original
BANKWEST Signature	<i>[Signature]</i>

**THE BACK OF THIS FORM MUST NOT BE USED**  
Land Registry, 570 Bourke Street, Melbourne 3000. Phone 03 8636 2010



- (d) any garage, carport, porch, verandah, pergola or other usual outbuilding over ten square metres unless constructed of new materials (excepting second hand bricks or stone) of a non reflective nature;
- (e) any temporary or relocatable dwelling house or outbuilding;
- (f) any fence on any boundary abutting a reserve without first obtaining the consent in writing of the Transferors and which consent will not be unreasonably withheld;
- (g) any fence constructed of timber palings unless such paling fence is constructed with a timber cap and with timber posts exposed to both sides of the fence, colourbond or metal sheet; and
- (h) any front fence or any side boundary fence within seven metres of the front boundary, more than 1.2 metres in height. Where a lot has a frontage of two streets the front boundary shall be deemed to be the street boundary which has the smaller dimensions of the two and the other boundary shall be deemed to be a side boundary.

2. Conduct or permit to be conducted any repairs or restorations of any motor vehicle, trailer, boat, aircraft or other vehicle on the land other than wholly within a garage on the land.
3. Park or permit to be parked any commercial vehicle with a carrying capacity of two tones or more, or any boat, caravan or trailer on the land so as to be visible from any street.
4. Use or permit the land to be used for any offensive or noxious purpose.

AND IT IS AGREED that the benefit of this Covenant will be attached to and run at law and in equity with the whole of the land in Plan of Subdivision PS542214G (apart from the land) and that the burden of this Covenant shall be annexed to and run at law and in equity with the land and that the same shall be noted and appear on every future Certificate of Title for the land and every part thereof as an encumbrance affecting the same PROVIDED THAT paragraph 1(f) of this Restrictive Covenant shall lapse and have no further force or effect on or after 31 December, 2012.

Dated: do not date

Signed by the said Transferors  
in the presence of: )

*[Handwritten signature]*  
.....  
*[Handwritten signature]*  
.....  
*[Handwritten signature]*  
.....

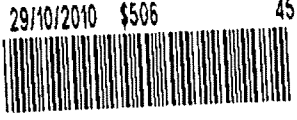
Witness.....

Signed by the said Transferées  
in the presence of: )

*[Handwritten signature]*  
.....  
*[Handwritten signature]*  
.....

Witness.....

**AH586485S**



Approval No. 2840094A

**T2**

Page 2 of 2



Anstat Pty Ltd

THE BACK OF THIS FORM MUST NOT BE USED  
Land Registry, 570 Bourke Street, Melbourne 3000. Phone 03 8636 2010



YARRA VALLEY WATER  
ABN 93 066 902 501

Lucknow Street  
Mitcham Victoria 3132

Private Bag 1  
Mitcham Victoria 3132

DX 13204

F (03) 9872 1353

E [enquiry@yvw.com.au](mailto:enquiry@yvw.com.au)  
[yvw.com.au](http://yvw.com.au)

22nd November 2022

Buy & Sell Conveyancing Services

Dear Buy & Sell Conveyancing Services,

**RE: Application for Water Information Statement**

Property Address:	4 KOOKABURRA COURT GEMBROOK 3783
Applicant	Buy & Sell Conveyancing Services
Information Statement	30736502
Conveyancing Account Number	5757504575
Your Reference	Acott

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](mailto:enquiry@yvw.com.au). For further information you can also refer to the Yarra Valley Water website at [www.yvw.com.au](http://www.yvw.com.au).

Yours sincerely,

Steve Lennox  
GENERAL MANAGER  
RETAIL SERVICES

## Yarra Valley Water Property Information Statement

Property Address	4 KOOKABURRA COURT GEMBROOK 3783
------------------	----------------------------------

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.

### **THE FOLLOWING INFORMATION RELATES TO SECTION 158(4)**

This property is located within a pressure sewer area. Yarra Valley Water will be responsible for providing a pressure sewer pump unit to the property including all associated plumbing and electrical works. The owner will be responsible for all internal plumbing works between the pressure sewer pumping unit and the house. Prior to connection, the owner must agree to terms and conditions contained within the document titled "Using Your Pressure Sewer System - Owners Manual". Copies of this document are available upon request by calling 1300 304 688 or can be downloaded from our website at [www.yvw.com.au](http://www.yvw.com.au).

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 93 066 902 501

Lucknow Street  
Mitcham Victoria 3132

Private Bag 1  
Mitcham Victoria 3132

DX 13204

F (03) 9872 1353

E [enquiry@yvw.com.au](mailto:enquiry@yvw.com.au)  
[yvw.com.au](http://yvw.com.au)

## **Melbourne Water Property Information Statement**

Property Address	4 KOOKABURRA COURT GEMBROOK 3783
------------------	----------------------------------

STATEMENT UNDER SECTION 158 WATER ACT 1989

### **THE FOLLOWING INFORMATION RELATES TO SECTION 158(4)**

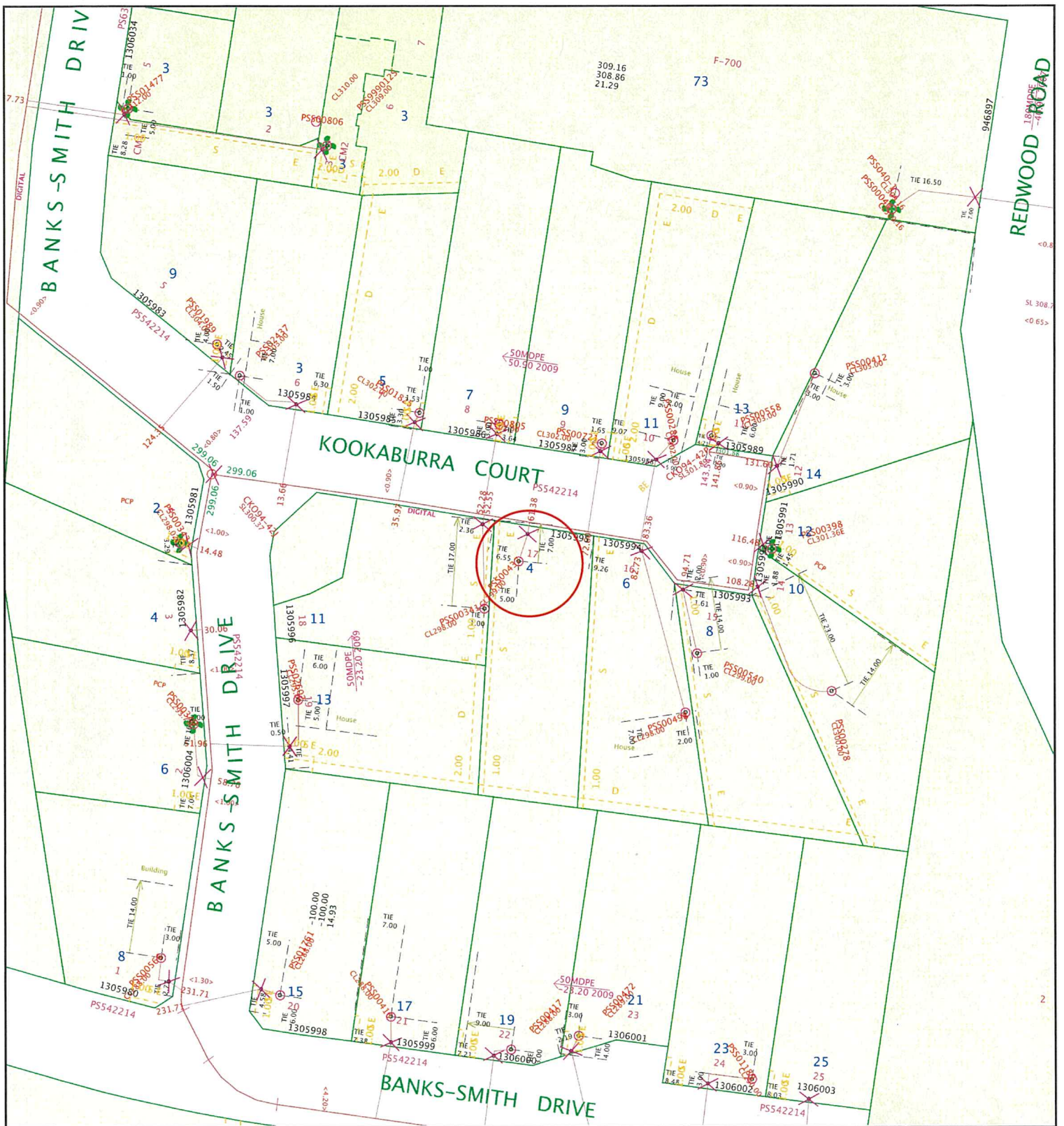
Information available at Melbourne Water indicates that this property is not subject to flooding from Melbourne Water's drainage system, based on a flood level that has a probability of occurrence of 1% in any one year.

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.





<b>Yarra Valley Water</b> <b>Information Statement</b> <b>Number: 30736502</b>	<b>Address</b> 4 KOOKABURRA COURT GEMBROOK 3783		 <b>Yarra Valley Water</b> ABN 93 066 902 501
	<b>Date</b> 22/11/2022		
	<b>Scale</b> 1:1000		
<b>Existing Title</b>	<b>Access Point Number</b>	<b>GLV2-42</b>	<b>Disclaimer:</b> 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;
<b>Proposed Title</b>	<b>Sewer Manhole</b>		
<b>Easement</b>	<b>Sewer Pipe Flow</b>		
<b>Existing Sewer</b>	<b>Sewer Offset</b>		
<b>Abandoned Sewer</b>	<b>Sewer Branch</b>		





YARRA VALLEY WATER  
ABN 93 066 902 501

Lucknow Street  
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DX 13204

F (03) 9872 1353

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

Buy & Sell Conveyancing Services  
annette@buyandsellconveyancing.com.au

### RATES CERTIFICATE

Account No: 1169365996  
Rate Certificate No: 30736502

Date of Issue: 22/11/2022  
Your Ref: Acott

With reference to your request for details regarding:

Property Address	Lot & Plan	Property Number	Property Type
4 KOOKABURRA CT, GEMBROOK VIC 3783	17\PS542214	5014988	Residential

Agreement Type	Period	Charges	Outstanding
Residential Water Service Charge	01-10-2022 to 31-12-2022	\$19.90	\$19.90
Residential Water Usage Charge Step 1 – 36.520000kL x \$2.47490000 = \$6.53 Step 1 – 0.000000kL x \$2.48510000 = \$84.20 Step 2 – 36.520000kL x \$3.13830000 = \$8.29 Step 2 – 0.000000kL x \$3.16530000 = \$107.24 Step 3 – 5.960000kL x \$4.62380000 = \$1.99 Step 3 – 0.000000kL x \$4.67000000 = \$25.82 Estimated Average Daily Usage \$2.82	24-06-2022 to 15-09-2022	\$234.07	\$0.00
Residential Sewer Service Charge	01-10-2022 to 31-12-2022	\$113.69	\$113.69
Residential Sewer Usage Charge 79.000000kL x 0.986627 = 77.943536 x 0.900000 = 5.071025 x \$1.14260000 = \$5.79 79.000000kL x 0.986627 = 77.943536 x 0.900000 = 65.078157 x \$1.15400000 = \$75.10 Estimated Average Daily Usage \$0.97	24-06-2022 to 15-09-2022	\$80.89	\$0.00
Drainage Fee	01-10-2022 to 31-12-2022	\$27.65	\$27.65
<b>Other Charges:</b>			
Interest	No interest applicable at this time		
	No further charges applicable to this property		
	<b>Balance Brought Forward</b>		-\$24.09 cr
	<b>Total for This Property</b>		\$137.15
	<b>Total Due</b>		\$137.15

GENERAL MANAGER  
RETAIL SERVICES

**Note:**

1. Invoices generated with Residential Water Usage during the period 01/07/2017 – 30/09/2017 will include a Government Water Rebate of \$100.

2. This statement details all tariffs, charges and penalties due and payable to Yarra Valley Water as at the date of this statement and also 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.
3. 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.
4. If the total due displays a (-\$ cr), this means the account is in credit. Credit amounts will be transferred to the purchasers account at settlement.
5. 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.
6. 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.
7. From 01/10/2022, Residential Water Usage is billed using the following step pricing system: 244.51 cents per kilolitre for the first 44 kilolitres; 312.53 cents per kilolitre for 44-88 kilolitres and 463.00 cents per kilolitre for anything more than 88 kilolitres
8. From 01/07/2022, Residential Recycled Water Usage is billed 184.89 cents per kilolitre
9. From 01/07/2022, Residential Sewage Disposal is calculated using the following equation: Water Usage (kl) x Seasonal Factor x Discharge Factor x Price (cents/kl) 115.40 cents per kilolitre
10. From 01/07/2022, Residential Recycled Sewage Disposal is calculated using the following equation: Recycled Water Usage (kl) x Seasonal Factor x Discharge Factor x Price (cents/kl) 115.40 cents per kilolitre
11. 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 93 066 902 501

Lucknow Street  
Mitcham Victoria 3132

Private Bag 1  
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F (03) 9872 1353

E [enquiry@yvwm.com.au](mailto:enquiry@yvwm.com.au)  
[yvwm.com.au](http://yvwm.com.au)

**Property No:** 5014988

**Address:** 4 KOOKABURRA CT, GEMBROOK VIC 3783

**Water Information Statement Number:** 30736502

## HOW TO PAY



**Bill Code:** 314567  
**Ref:** 11693659960

**Amount  
Paid**

**Date  
Paid**

**Receipt  
Number**

# Due diligence checklist

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

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

## Urban living

### Moving to the inner city?

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

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

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

## Growth areas

### Are you moving to a growth area?

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

## Flood and fire risk

### Does this property experience flooding or bushfire?

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

## Rural properties

### Moving to the country?

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

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

### Can you build new dwellings?

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

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

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

## Soil and groundwater contamination

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

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

## **Land boundaries**

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

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

## **Planning controls**

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

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

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

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

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

## **Safety**

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

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

## **Building permits**

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

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

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

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

## **Utilities and essential services**

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

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

## **Buyers' rights**

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

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