

SPECIAL CONDITIONS

The following condition is part of the contract to which this Vendors Statement is annexed and subsequently entered into between the Vendor and any Purchaser. The condition shall take effect as a Special Condition notwithstanding any conflicting General Conditions set out in or incorporated by reference to the Contract

1. Special Condition – No Water being transferred with sale

It is acknowledged by the Purchasers that none of the Vendors current Water Entitlements held by them is included in this sale, provided however, Water-Use Licence WUL010451, which authorises an Annual Use Limit of 115.9 megalitres on the property is included in the sale and delivery share of 13.9 which is transferable to the Purchasers by them lodging a Form 24 with Lower Murray Water at their own cost following the completion of this sale.

2. IF THE PURCHASER IS A COMPANY:

The Guarantee referred to in General Condition 3 shall be in the form set out hereunder.

.....

.....

DATED this day of 2020.

)

)

)

)

**VENDOR'S STATEMENT PURSUANT TO 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.

VENDOR **TERENCE ANDREW HUNYADI and JUDITH ANN HUNYADI**

PROPERTY **Proposed Lot 3 McKay's Road, Birdwoodton**
(Part of the land on Lot 2 on Plan of Subdivision 138523 and being the land more particularly
described in Certificate of Title Volume 9441 Folio 184 & Part of the Land on Lot 2 on Plan of
Subdivision 412215G and being the land more particularly described in Certificate of Title
Volume 10456 Folio 208)

1. FINANCIAL MATTERS

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

(a) Their amounts are as follows:

Authority	Amount	Interest (if any)
Mildura Rural City Council- per annum 2019/2020- Not yet separately rated	\$3,714.41	
Lower Murray Water- per qtr 2020/2021- Not yet separately rated	\$2,039.93	
Lower Murray Water- per annum 2020/2021- Not yet separately rated	\$1,246.28	

(b) Amounts for which the purchaser may become liable as a consequence of the sale of which the vendor might reasonably be expected to have knowledge of, are as follows:

- (i) The purchaser will be liable for municipal, water, sewerage and drainage rates and charges from the date of settlement.
- (ii) The purchaser may also become liable for State Land Tax depending on the use to which the property is put and other properties owned by the purchaser.

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

Nil.

1.3 Terms Contract

This section 1.3 only applies if the 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, particulars are as follows:

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 to the receipt of rents and profits, are as follows:

Nil.

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

- (a) Are as set out in the attached copies of title documents otherwise none known to the vendor.
- (b) Particulars of any existing failure to comply with the terms of that easement, covenant or restriction are as follows:

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

3.2 Road Access

There is access to the property by road.

3.3 Designated Bushfire Prone Area

The land is not in a bushfire prone area under section 192A of the *Building Act 1993*.

3.4 Planning Scheme

The required specified information is 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 are as follows:

Nil.

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 notice of intention to acquire served under section 6 of the *Land Acquisition and Compensation Act 1986* are as follows:

Nil.

5. BUILDING PERMITS

No building permits have been issued under the *Building Act 1993* in the preceding 7 years (required only where there is a residence on the land).

6. OWNERS CORPORATION

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

7. GROWTH AREAS INFRASTRUCTURE CONTRIBUTION ("GAIC")

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

7.1 Work-in-Kind Agreement

There is no work-in-kind agreement (within the meaning of Part 9B of the *Planning and Environment Act 1987*).

7.2 GAIC Recording

The land is not affected by the GAIC.

8. SERVICES

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

- (a) gas supply
- (b) town water supply
- (c) sewerage
- (d) telephone services

9. TITLE

- 9.1 Attached is a copy of the Register Search Statement and the document, or part of the document, referred to as a "diagram location" in the Statement that identifies the land and its location.

10. SUBDIVISION

10.1 Unregistered Subdivision

Attached is a copy of the latest version of the plan as the plan of subdivision has not yet been certified.

10.2 Staged Subdivision

Not applicable.

10.3 Further Plan of Subdivision

Not applicable.

11. DISCLOSURE OF ENERGY EFFICIENCY INFORMATION

There is no certificate relating to Energy Efficiency Information 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 the purchasers before offering land for sale that is vacant residential land or land on which there is a residence. The due diligence checklist is NOT required to be provided with, or attached to, this vendor statement but the checklist may be attached as a matter of convenience.

The vendor makes this statement in respect of the land in accordance with section 32 of the *Sale of Land Act 1962*.

Date of this Statement: / /

Signatures of the vendor:

Terence Andrew Hunyadi

.....
Judith Ann Hunyadi

The purchaser acknowledges being given a duplicate of this statement signed by the vendor with the attached documents before the purchaser signed any contract.

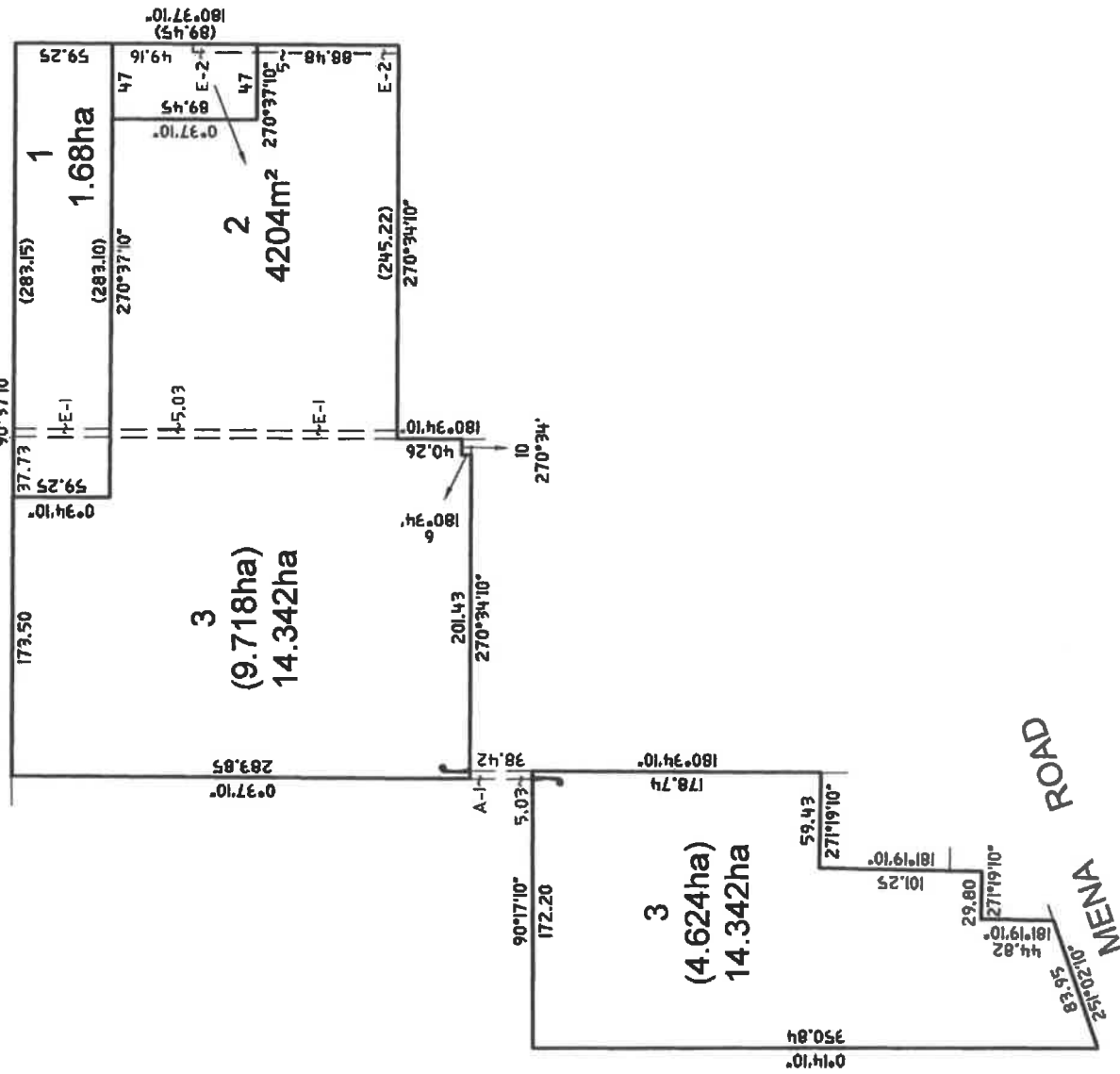
Date of this Acknowledgment: / /

Signature of the purchaser:

PLAN OF SUBDIVISION			EDITION 1		PS840748E	
LOCATION OF LAND PARISH: MILDURA TOWNSHIP: _____ SECTION: A CROWN ALLOTMENT: 40, 24 & 25 (PARTS) CROWN PORTION: _____ TITLE REFERENCE: VOL.9441 FOL.183 VOL.9441 FOL.184 & VOL.10456 FOL.208 LAST PLAN REFERENCE: PS 412215G (LOT 2) & LPI38523 (LOT 1 & 2) POSTAL ADDRESS: 51 MCKAYS ROAD, BIRDWOODTON, VIC, 3505 (at time of subdivision) 51 HOCKINGS ROAD, BIRDWOODTON, VIC, 3505 MGA CO-ORDINATES: E: 599 300 ZONE: 54 (of approx centre of land in plan) N: 6 215 650 GDA 94						
VESTING OF ROADS AND/OR RESERVES			NOTATIONS			
IDENTIFIER		COUNCIL/BODY/PERSON		OTHER NOTATIONS LOT 1 AND LOT 2 ARE THE RESULT OF SURVEY. THE AREA OF LOT 3 HAS BEEN DERIVED BY DEDUCTION FROM TITLE AND THE DIMENSIONS SHOWN ON THE PLAN ARE NOT THE RESULT OF SURVEY.		
NIL		NIL				
NOTATIONS						
DEPTH LIMITATION 15.24 METRES BELOW THE SURFACE. AFFECTS ALL THE LAND IN THE PLAN.						
SURVEY: This plan is based on survey. STAGING: This is not a staged subdivision. Planning Permit No. 005.2018.00000408.001 This survey has been connected to permanent marks No(s). 350, 831, 388, & 939 In Proclaimed Survey Area No. 25						
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	5.03	C/G VOL. 6224 FOL. 660	LOTS ON C/G VOL.6224 FOL.666		
E-2	WATER SUPPLY	5	LPI38523	LOTS ON LPI38523		
A-1	CARRIAGEWAY/WATER SUPPLY	SEE DIAG.	X561191V	LOT 3 ON THIS PLAN		
DANSON AND BLABY PTY. LTD. CONSULTING LAND SURVEYORS A.B.N. 16 159 022 661 177 WALNUT AVENUE MILDURA, 3500 PH: (03) 5023 6268		SURVEYORS FILE REF: 9765		ORIGINAL SHEET SIZE: A3	SHEET 1 OF 2	

McKAYS ROAD

HOCKING ROAD



NORTH	
ZONE 54	M.G.A.

SHEET 2 OF 2

ORIGINAL SHEET
SIZE: A3

SCALE
1:3000

30 0 30 60 90 120

LENGTHS ARE IN METRES

SURVEYORS FILE REF: 9765

DANSON AND BLABY PTY. LTD.
CONSULTING LAND SURVEYORS
A.B.N. 16 159 022 661
177 WALNUT AVENUE MILDURA, 3500
PH: (03) 5023 6268

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

VOLUME 09441 FOLIO 183

Security no : 124085778238N

Produced 29/09/2020 12:58 PM

LAND DESCRIPTION

Lot 1 on Plan of Subdivision 138523.
PARENT TITLE Volume 06224 Folio 660
Created by instrument LP138523 12/11/1981

REGISTERED PROPRIETOR

Estate Fee Simple

Sole Proprietor

MARY MAVIS HUNYADI of 51 HOCKINGS ROAD BIRDWOODTON VIC 3505
AR399980M 30/08/2018

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 or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE LP138523 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: 51 HOCKINGS ROAD BIRDWOODTON VIC 3505

DOCUMENT END

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LP138523

EDITION 2

APPROVED 20/10/81

PLAN OF SUBDIVISION OF:
CROWN ALLOTMENT 24
SECTION A

PARISH: MILDURA
COUNTY: KARKAROO

20 10 0 50 100
 LENGTHS ARE IN METRES

APPROPRIATIONS
 THE LAND COLOURED GREEN IS APPROPRIATED OR SET APART AS AN EASEMENT FOR WATER SUPPLY.

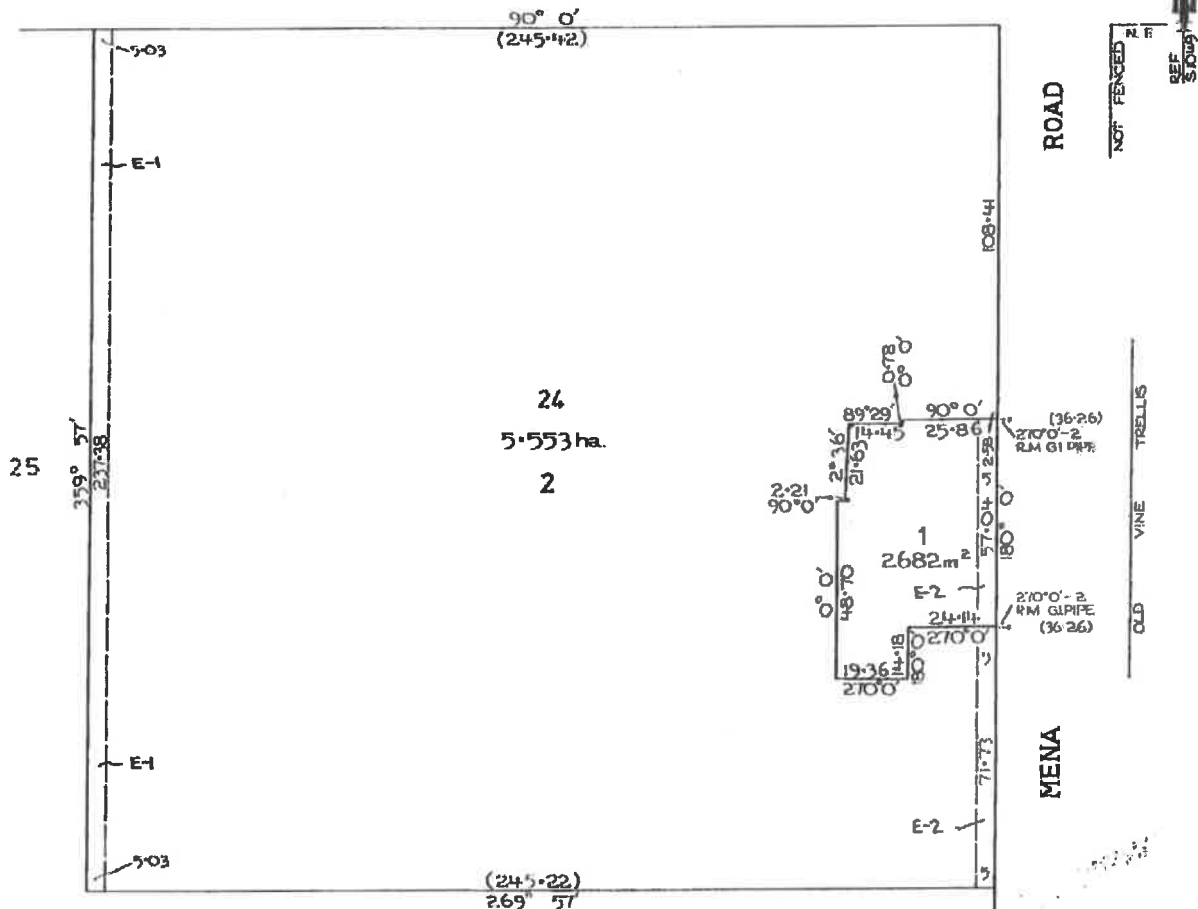
ENCUMBRANCES & OTHER NOTATIONS
 LOT 2 IS THE BALANCE OF CROWN GRANT VOL. 6224 FOL. 660 AND IS NOT THE RESULT OF THIS SURVEY. FOR DATUM, SEE FIELDNOTES.
 THE LAND COLOURED BLUE IS AN EXISTING EASEMENT FOR DRAINAGE. VIDE. CROWN GRANT VOL. 6224 FOL. 660
 DEPTH LIMITATION: 15-24m

Vol. 6224 Fol. 660

COLOUR CONVERSION

B-1 - BLUE
 B-2 - GREEN

McKAY'S ROAD



LITHO SH. 6.

42

LIST OF MODIFICATIONS				
LAND	MODIFICATION	DEALING NO.	ART.	NEW EDN.
	ROAD NAME CHANGE	VG. 6. 85 P. 2368	CR	2

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

VOLUME 09441 FOLIO 184

Security no : 124085749716Q

Produced 28/09/2020 10:06 AM

LAND DESCRIPTION

Lot 2 on Plan of Subdivision 138523.
PARENT TITLE Volume 06224 Folio 660
Created by instrument LP138523 12/11/1981

REGISTERED PROPRIETOR

Estate Fee Simple
Joint Proprietors
TERENCE ANDREW HUNYADI
JUDITH ANN HUNYADI both of MACKAYS RD MERBEIN 3505
T645717X 19/04/1995

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE U391680A 05/09/1996
BENDIGO AND ADELAIDE BANK LTD
TRANSFER OF MORTGAGE AL237974R 18/07/2014

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 or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE LP138523 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: 51 MCKAYS ROAD BIRDWOODTON VIC 3505

ADMINISTRATIVE NOTICES

NIL

eCT Control 03500L BENDIGO AND ADELAIDE BANK LTD - SAFE CUSTODY
Effective from 21/07/2017

DOCUMENT END

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APPROVED 20/10/81

Vol. 6224 Fol. 66B

E-1 - BLUE
E-2 - GREEN



LIST OF MODIFICATIONS				
LAND	MODIFICATION	DEALING No:	A.R.T.	NEW EDM.
	ROAD NAME CHANGE	VG.6. B5 P. 2368	CR	2

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

VOLUME 10456 FOLIO 208

Security no : 124085749714S
Produced 28/09/2020 10:06 AM

LAND DESCRIPTION

Lot 2 on Plan of Subdivision 412215G.
PARENT TITLES :
Volume 07497 Folio 085 Volume 09778 Folio 983
Created by instrument PS412215G 01/09/1999

REGISTERED PROPRIETOR

Estate Fee Simple
Joint Proprietors
TERENCE ANDREW HUNYADI
JUDITH ANN HUNYADI both of MENA RD BIRDWOODTON 3505
W333455V 07/10/1999

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE W333462B 07/10/1999
BENDIGO AND ADELAIDE BANK LTD
TRANSFER OF MORTGAGE AL237974R 18/07/2014

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.

DIAGRAM LOCATION

SEE PS412215G 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: 51 MCKAYS ROAD BIRDWOODTON VIC 3505

ADMINISTRATIVE NOTICES

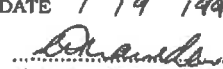
NIL

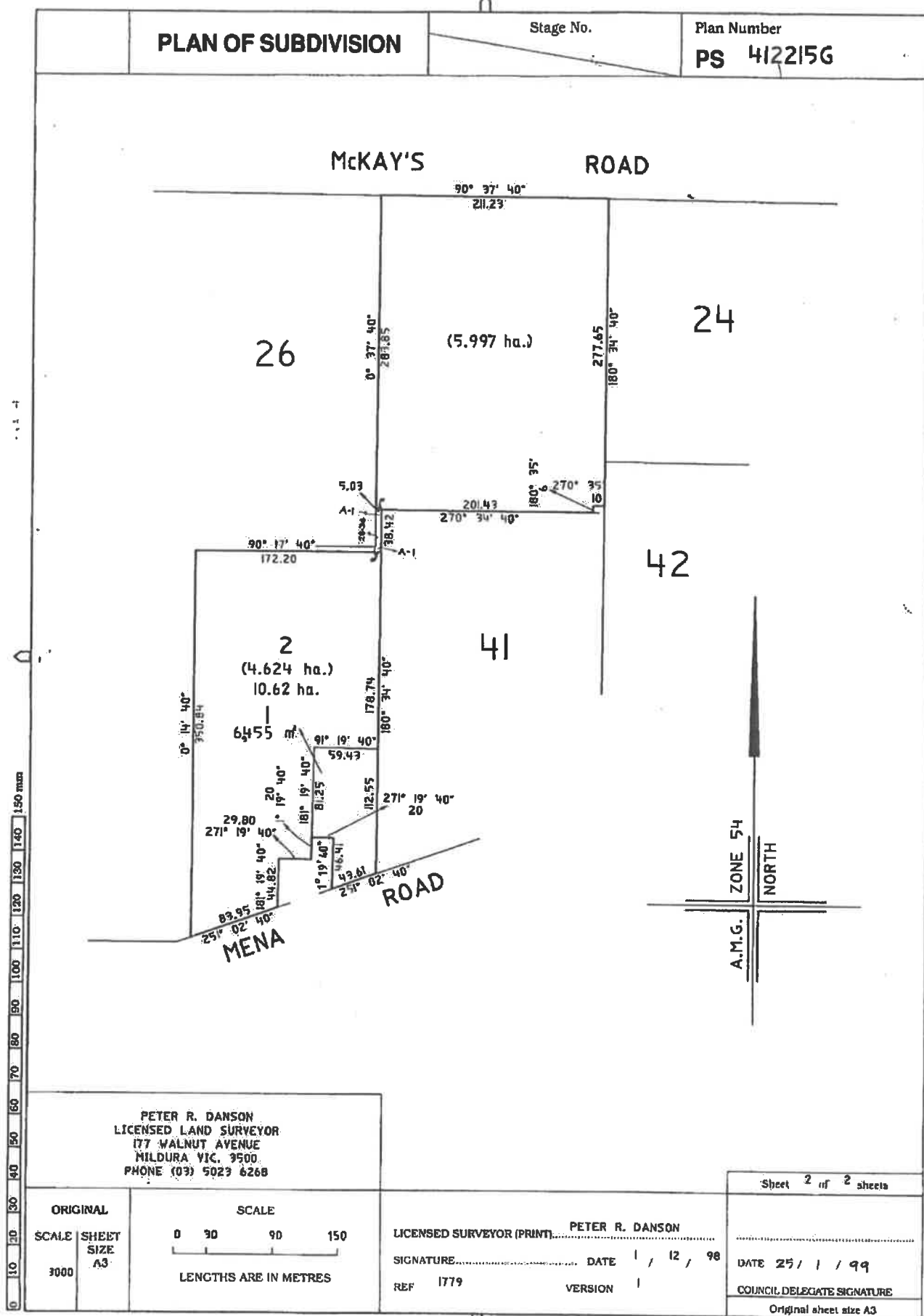
eCT Control 03500L BENDIGO AND ADELAIDE BANK LTD - SAFE CUSTODY
Effective from 21/07/2017

DOCUMENT END

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PLAN OF SUBDIVISION				STAGE NO.	LTO use only EDITION 2	Plan Number PS 412215G
Location of Land Parish: MILDURA Township: _____ Section: A Crown Allotment: 40 & 25 (PARTS) Crown Portion: _____ LTO Base Record: LITHO SHEET 6 Title Reference: VOLUME 7497 FOL. 085; VOLUME 9778 FOL. 983 Last Plan Reference: LOT 2 ON LP 209422A Postal Address: MENA ROAD (CALDER HIGHWAY) MERBEIN VIC. 3501 (at time of subdivision) AMG Co-ordinates E 598 950 Zone: 54 (of approx. centre of land in plan) N 6 215 500				Council Certification and Endorsement Council Name: MILDURA RURAL CITY COUNCIL Ref: L11/9935/0040/02(2) 1. This plan is certified under section 6 of the Subdivision Act 1988. 2. This plan is certified under section 11(7) of the Subdivision Act 1988. Date of original certification under section 6 3. This is a statement of compliance issued under section 21 of the Subdivision Act 1988. OPEN SPACE (i) A requirement for public open space under section 18 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 25 / 1 / 99 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				
NIL		NIL				
Notations						
Staging This is is not a staged subdivision Planning Permit No. P97/454						
Depth Limitation 17.24 metres LOT 1 IS THE RESULT OF SURVEY. AREA OF LOT 2 HAS BEEN DERIVED BY DEDUCTION FROM REMAINING TITLE.						
Survey This plan is is not based on survey This survey has been connected to permanent marks no(s) 181 AND 748 In Proclaimed Survey Area No. 25						
Easement Information						LTO use only
Legend: E - Encumbering Easement or Condition in Crown Grant in the Nature of an Easement or other Encumbrance A - Appurtenant Easement R - Encumbering Easement (Road)						Statement of Compliance/Exemption Statement
						Received <input checked="" type="checkbox"/>
						Date 14 / 7 / 99
						LTO use only
						PLAN REGISTERED
						TIME 3.00 PM
						DATE 1 / 19 / 99
						 Assistant Registrar of Titles
						Sheet 1 of 2 Sheets
PETER R. DANSON LICENSED LAND SURVEYOR 177 WALNUT AVENUE MILDURA VIC. 3500 PHONE (03) 5023 6268				LICENSED SURVEYOR (PRINT) PETER R. DANSON SIGNATURE..... DATE 1 / 12 / 98 REF 1779 VERSION 1		DATE 25 / 1 / 99 COUNCIL DELEGATE SIGNATURE Original sheet size A3



MODIFICATION TABLE

RECORD OF ALL ADDITIONS OR CHANGES TO THE PLAN

PLAN NUMBER

PS412215G

[illegible]

COPY OF RECORD IN THE VICTORIAN WATER REGISTER

WATER-USE LICENCE

Water Act 1989

The information in this copy of record is as recorded at the time of printing. Current information should be obtained by a search of the register. The State of Victoria does not warrant the accuracy or completeness of this information and accepts no responsibility for any subsequent release, publication or reproduction of this information.

Water-use licence WUL010451 does not remove the need to apply for any authorisation or permission necessary under any other Act of Parliament with respect to anything authorised by the water-use licence.

Water used under water-use licence WUL010451 is not fit for any use that may involve human consumption, directly or indirectly, without first being properly treated.

Water-use licence WUL010451 authorises the use of water for the purpose of irrigation, watering a kitchen garden that is not more than 0.4 hectares, watering animals kept as pets, watering cattle or other stock (not including piggeries, feed lots, poultry farms or any other intensive or commercial use), dairy use, and general non-irrigation farm use, on the land described below, subject to the conditions that are specified.

Land on which water may be used

Land description

Volume 9441 Folio 184
Lot 2 of Plan LP138523

Volume 10456 Folio 208
Lot 2 of Plan PS412215G

Holder(s) of Water-Use Licence

TERENCE ANDREW HUNYADI of PO BOX 339 MILDURA VIC 3502
JUDITH ANN HUNYADI of PO BOX 339 MILDURA VIC 3502

Water-Use Licence Details

Status	Active
Annual use limit	130.9 megalitres
Water share holding limit	261.8 megalitres
Licensing water authority	Lower Murray Water
Trading zone for water use	7 VIC Murray - Barmah to SA
Delivery system	Merbein Irrigation District
Related works licences	Nil
Associated water shares	WEE020387
Salinity impact zone	High Impact Zone (HI 3)

Application History

<i>Reference</i>	<i>Type</i>	<i>Status</i>	<i>Lodged date</i>	<i>Approved date</i>	<i>Recorded date</i>
Nil					

Conditions

Water-use licence WUL010451 is subject to the following conditions:

Managing groundwater infiltration

- 1 Subject to the Minister declaring a seasonal adjustment to annual use limits to accommodate exceptionally high evapotranspiration rates, the maximum number of megalitres of water that may be applied to the land specified in the licence in any 12-month period from 1 July to 30 June will be 130.9
- 2 Water used for the purposes of irrigation on the land specified in the licence must be measured through a meter approved by the water Authority unless the Authority has granted an exemption in writing.
- 3 Poned irrigation must not be carried out on the land specified in the licence without the addition of particular conditions governing the use of such an irrigation system.

Managing drainage disposal

- 4 Where irrigation results in drainage from the land specified in the licence that drainage water must be disposed in ways that meet with the standards, terms and conditions adopted from time to time by the water authority.

END OF COPY OF RECORD

Property Report

from www.land.vic.gov.au on 28 September 2020 09:58 AM

Address: 51 MCKAYS ROAD BIRDWOODTON 3505

Lot and Plan Number: This property has 2 parcels. See table below.

Standard Parcel Identifier (SPI): See table below.

Local Government (Council): MILDURA **Council Property Number:** 23314

Directory Reference: VicRoads 3 C5

This property is not in a designated bushfire prone area.

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

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

Site Dimensions

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



Area: 161828 sq. m
(16.2 ha)

Perimeter: 2615 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.

11 dimensions shorter than 22m not displayed

Calculating the area from the dimensions shown may give a different value to the area shown above - which has been calculated using all the dimensions.

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

Parcel Details

Letter in first column identifies parcel in diagram above

	Lot/Plan or Crown Description	SPI
A	Lot 2 LP138523	2\LP138523
B	Lot 2 PS412215	2\PS412215

State Electorates

Legislative Council: NORTHERN VICTORIA

Legislative Assembly: MILDURA

Utilities

Rural Water Corporation: Lower Murray Water

Urban Water Corporation: Lower Murray Water

Melbourne Water: outside drainage boundary

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

Planning Zone Summary

Planning Zone: FARMING ZONE (FZ)

SCHEDULE TO THE FARMING ZONE (FZ)

Planning Overlays: DESIGN AND DEVELOPMENT OVERLAY (DDO)

DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 8 (DDO8)

SPECIFIC CONTROLS OVERLAY (SCO)

SPECIFIC CONTROLS OVERLAY - SCHEDULE 1 (SCO1)

Planning scheme data last updated on 23 September 2020.

A **planning scheme** sets out policies and requirements for the use, development and protection of land.

This report provides information about the zone and overlay provisions that apply to the selected land.

Information about the State and local policy, particular, general and operational provisions of the local planning scheme that may affect the use of this land can be obtained by contacting the local council or by visiting [Planning Schemes Online](#)

This report is NOT a **Planning Certificate** issued pursuant to Section 199 of the *Planning and Environment Act 1987*.

It does not include information about exhibited planning scheme amendments, or zonings that may abut the land.

To obtain a Planning Certificate go to [Titles and Property Certificates](#)

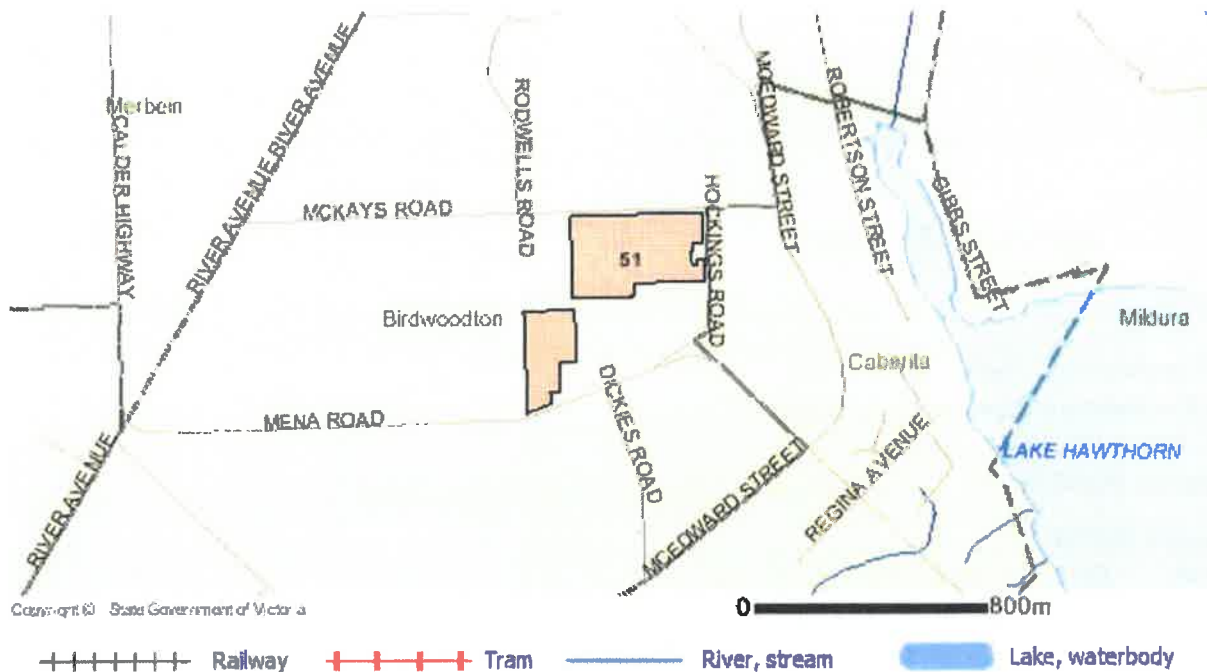
The Planning Property Report includes separate maps of zones and overlays

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

To view planning zones, overlay and heritage information in an interactive format visit [Planning Maps Online](#)

For other information about planning in Victoria visit www.planning.vic.gov.au

Area Map



PLANNING PROPERTY REPORT



Environment,
Land, Water
and Planning

From www.planning.vic.gov.au at 28 September 2020 09:59 AM

PROPERTY DETAILS

Address: **51 MCKAYS ROAD BIRDWOODTON 3505**
Lot and Plan Number: **More than one parcel - see link below**
Standard Parcel Identifier (SPI): **More than one parcel - see link below**
Local Government Area (Council): **MILDURA**
Council Property Number: **23314**
Planning Scheme: **Mildura**
Directory Reference: **Vicroads 3 C5**

www.mildura.vic.gov.au

[Planning Scheme - Mildura](#)

This property has 2 parcels. For full parcel details get the free Property report at [Property Reports](#)

UTILITIES

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

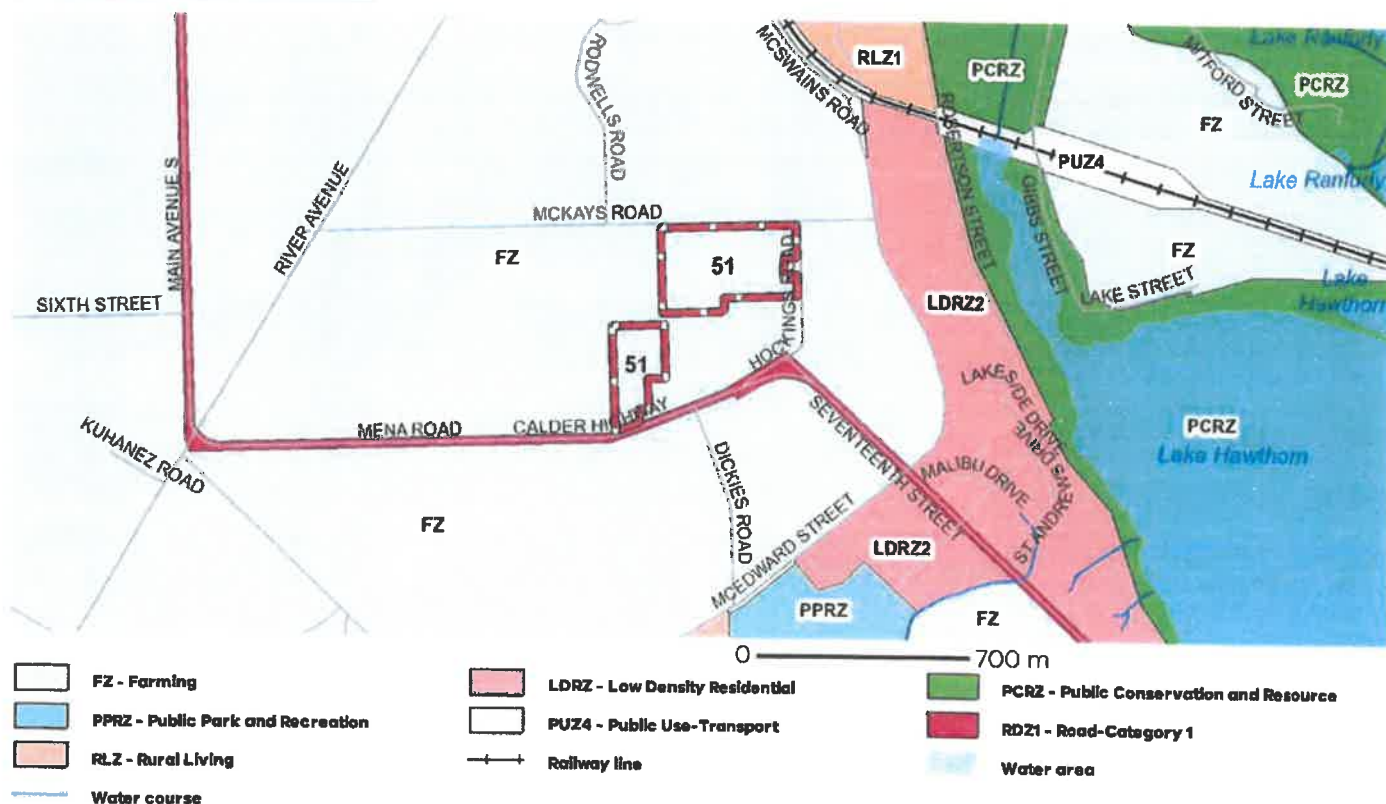
STATE ELECTORATES

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

Planning Zones

FARMING ZONE (FZ)

SCHEDULE TO THE FARMING ZONE (FZ)



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Notwithstanding this disclaimer, a vendor may rely on the information in this report for the purpose of a statement that land is in a bushfire prone area as required by section 32C (b) of the Sale of Land 1962 (Vic)

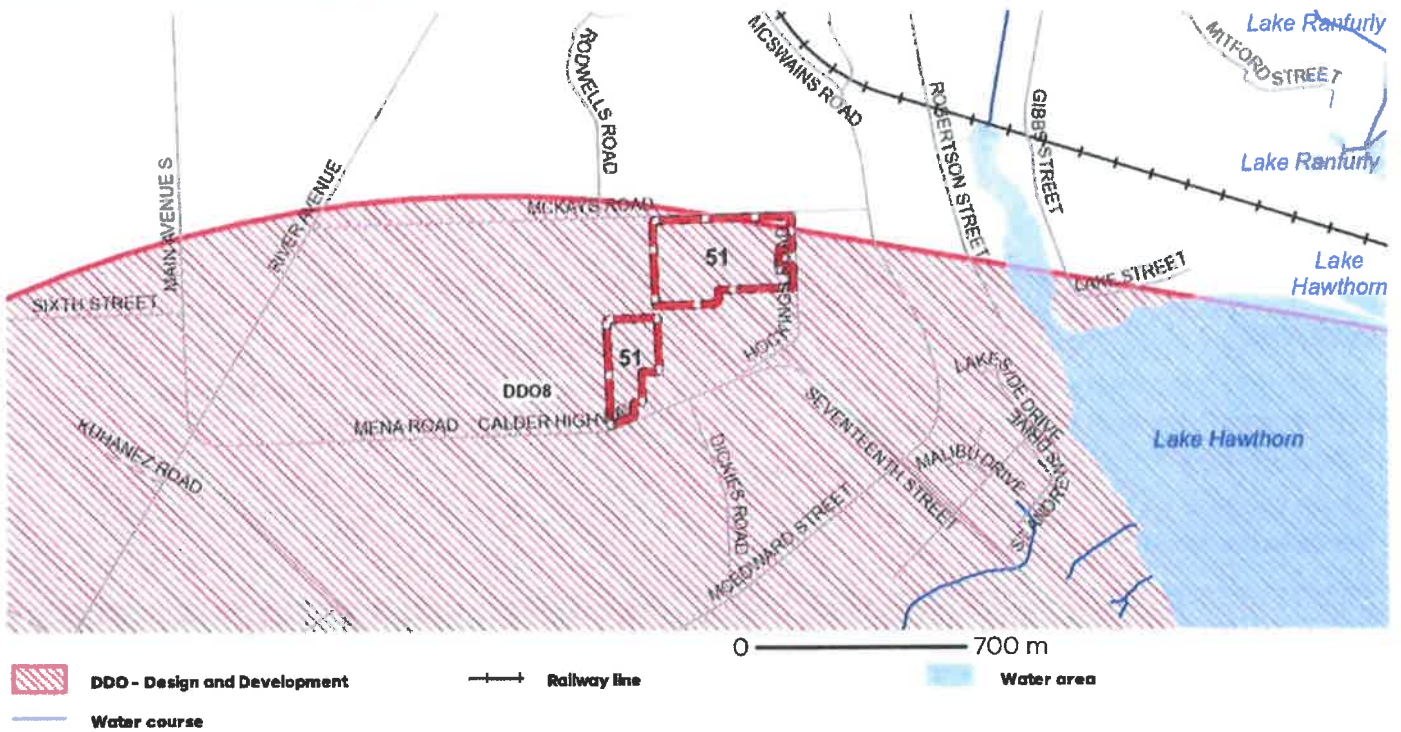
PLANNING PROPERTY REPORT: 51 MCKAYS ROAD BIRDWOODTON 3505

PLANNING PROPERTY REPORT

Planning Overlays

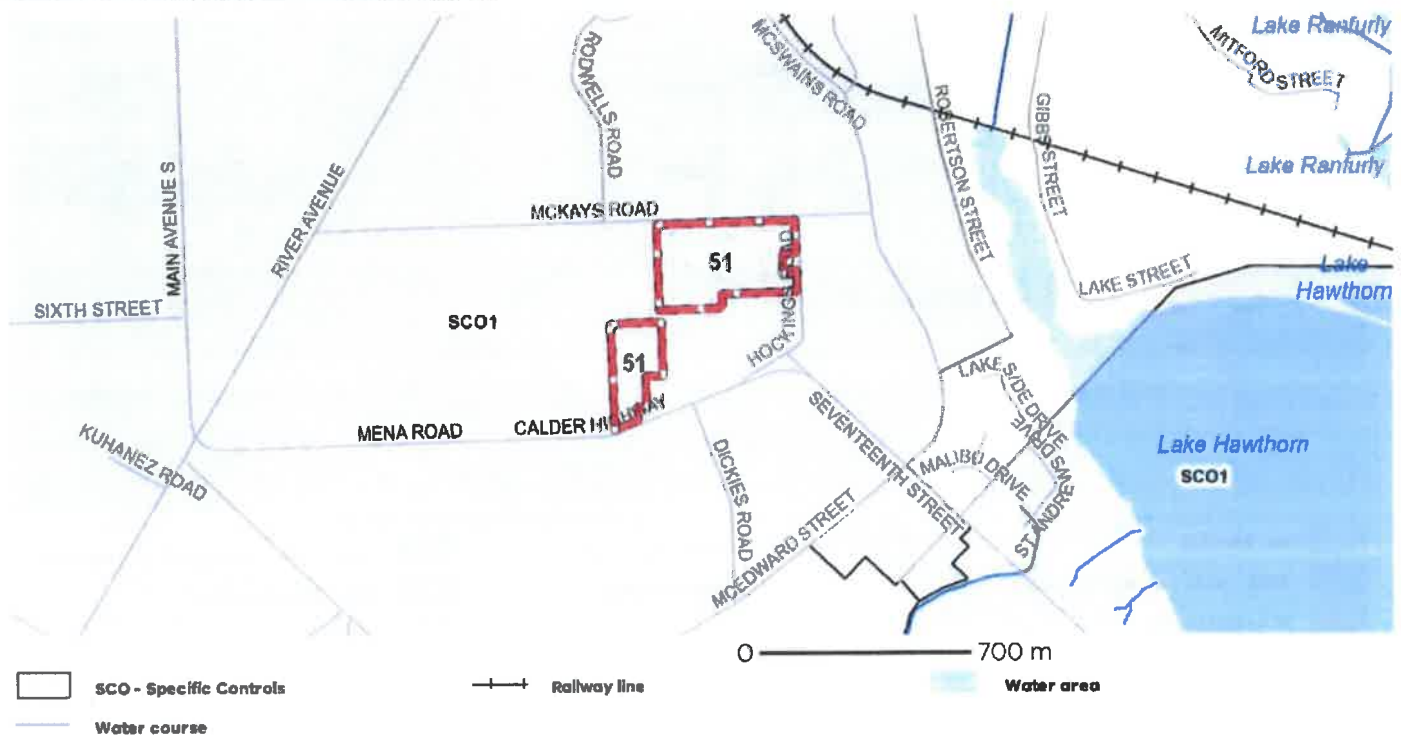
DESIGN AND DEVELOPMENT OVERLAY (DDO)

DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 8 (DDO8)



SPECIFIC CONTROLS OVERLAY (SCO)

SPECIFIC CONTROLS OVERLAY - SCHEDULE 1 (SCO1)



Planning Overlays

OTHER OVERLAYS

Other overlays in the vicinity not directly affecting this land

BUSHFIRE MANAGEMENT OVERLAY (BMO)

DEVELOPMENT PLAN OVERLAY (DPO)

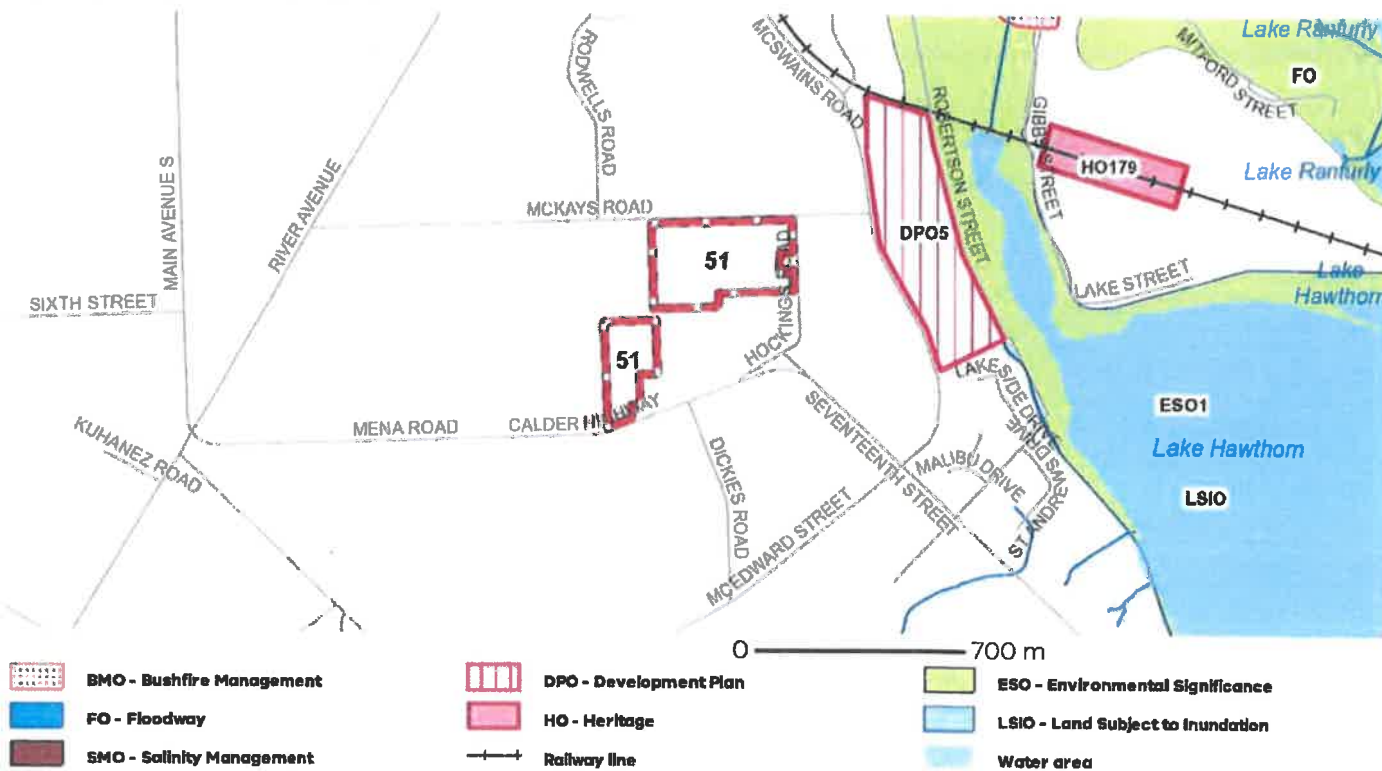
ENVIRONMENTAL SIGNIFICANCE OVERLAY (ESO)

FLOODWAY OVERLAY (FO)

HERITAGE OVERLAY (HO)

LAND SUBJECT TO INUNDATION OVERLAY (LSIO)

SALINITY MANAGEMENT OVERLAY (SMO)



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

Further Planning Information

Planning scheme data last updated on 23 September 2020.

A **planning scheme** sets out policies and requirements for the use, development and protection of land.

This report provides information about the zone and overlay provisions that apply to the selected land.

Information about the State and local policy, particular, general and operational provisions of the local planning scheme that may affect the use of this land can be obtained by contacting the local council

or by visiting <https://www.planning.vic.gov.au>

This report is NOT a **Planning Certificate** issued pursuant to Section 199 of the **Planning and Environment Act 1987**.

It does not include information about exhibited planning scheme amendments, or zonings that may abut 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/vicoplan>

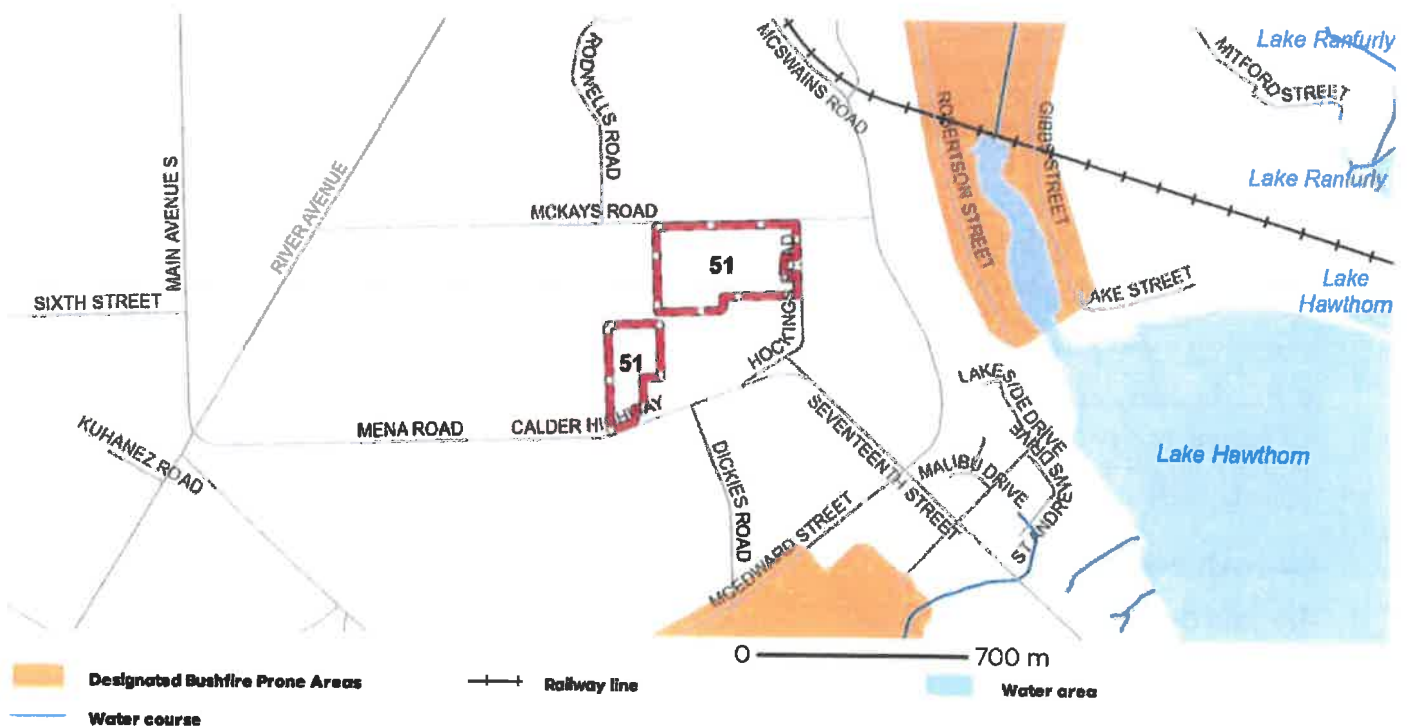
For other information about planning in Victoria visit <https://www.planning.vic.gov.au>

PLANNING PROPERTY REPORT

Designated Bushfire Prone Areas

This property is not in a designated bushfire prone area.

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



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

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

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

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

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

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

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

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 \(consumer.vic.gov.au/duediligencechecklist\)](http://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.

DATED

2020

TERENCE ANDREW HUNYADI
and
JUDITH ANNE HUNYADI

VENDOR'S STATEMENT

Property
Proposed Lot 3 McKay's Road, Birdwoodton

MARTIN MIDDLETON OATES LAWYERS
61 Deakin Avenue
MILDURA VIC 3500
DX 50022 MILDURA
Tel: 03 5023 7900
Fax: 03 5023 7560
Ref: DCON/DS/SW/325513-1