



MALONEY ANDERSON LEGAL

VENDOR'S STATEMENT

Statement by Vendor of matters affecting Real Estate being sold to
a Purchaser pursuant to Section 32 of The Sale of Land Act, 1962

VENDOR: M P & H I HURLEY

**PROPERTY: 31 STERLING DRIVE,
MILDURA VIC 3500**

**MALONEY ANDERSON LEGAL
Barristers & Solicitors
70 Deakin Avenue
MILDURA**

**Ph: 03 50216200
Fax: 03 50216299
DX: 50021 Mildura**

Ref: LCA:SB 220347

VENDOR STATEMENT
TO THE PURCHASER OF REAL ESTATE
PURSUANT TO SECTION 32 OF THE
SALE OF LAND ACT 1962 (VIC) (“the Act”)
as at 1 October 2014

LAND

**31 Sterling Drive, Mildura VIC 3500 being Lot 41 on Plan of
Subdivision 425744E and being all of the land described in
Certificate of Title Volume 10470 Folio 473**

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

The vendor must sign this statement and give it to the purchaser prior to the purchaser signing the contract. The vendor may sign this statement to be given to the purchaser by electronic signature.

VENDOR

MARTIN PETER HURLEY & HEATHER IRIS HURLEY

Signature of the Vendor

DATE OF THIS STATEMENT / /20__

The Purchaser acknowledges being given this statement signed by the Vendor together with the attached documents before the Purchaser signed any contract.

PURCHASER

Signature of the Purchaser

DATE OF ACKNOWLEDGEMENT / /20__

1. FINANCIAL MATTERS

1.1 Land subject to a mortgage

Not Applicable

1.2 Any Charge

Particulars of any charge (whether registered or not) over the land 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 Rates, taxes, charges or other similar outgoings

Particulars of any rates, taxes, charges or other similar outgoings affecting the land (and any interest payable on any part of them):

(a) Their total does not exceed \$3,500.00

(b) Their amounts are as follows:

	Authority	Amount	Interest (if any)
(1)	Mildura Rural City Council	See attached notice	\$
(2)	Lower Murray Water	See attached notice	\$
(3)	State Revenue Office Land Tax	\$135.65 per annum	\$

TOTAL

(c) There are no charges or outgoings for which the Purchaser may become liable as a consequence of the sale and which the Vendor might reasonably be expected to have knowledge¹, which are not included in items 1.3 (a) or (b) above; other than specified as follows:

(i) If the rates, taxes and charges are also in respect of other land, any additional amount resulting from the assessment of a separate rate, tax or charge for the property after the sale.

(ii) Water consumption

1.4 Terms Contract

Not Applicable

2. INSURANCE DETAILS

2.1 Damage and destruction

Not Applicable

2.2 Owner-Builder

Not Applicable

3. LAND USE

3.1 Easement, covenant or other similar restriction affecting the land

(a) A description of any easement, covenant or other similar restriction affecting the land (whether registered or unregistered) is set out in the attached copies of title documents.

¹ Other than any GST payable in accordance with the contract.

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

To the best of the Vendor's knowledge there is no existing failure to comply with the terms of any easement, covenant, caveat or other similar restrictions.

3.2 Designated bushfire prone area

The land is NOT in a designated bushfire prone area within the meaning of the regulations made under the *Building Act* 1993.

3.3 Road access

There is access to the property by road.

3.4 Planning scheme

- (a) Is contained in the attached certificate with the required specified information.

- (b) The required specified information is as follows:

Name of planning scheme	Mildura Planning Scheme
Name of responsible authority	Mildura Rural City Council
Zoning of the land	See attached Planning Property Report
Name of planning overlay	See attached Planning Property Report

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:

Other than the usual rate notices NONE TO THE KNOWLEDGE OF THE VENDOR however the Vendor has no means of knowing all decisions of public authorities and government departments unless communicated to the Vendor.

4.2 Agricultural purposes

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.

4.3 Land acquisition

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

Other than the usual rate notices NONE TO THE KNOWLEDGE OF THE VENDOR however the Vendor has no means of knowing all decisions of public authorities and government departments unless communicated to the Vendor.

5. BUILDING PERMITS

Particulars of any building permit issued under the *Building Act* 1993 in the preceding 7 years in relation to a building on the land²:

Not Applicable

6. OWNERS CORPORATION

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") DETAILS

8. SERVICES

The following services are not connected to the land:

- ☐ electricity supply
- ☐ gas supply
- ☐ water supply
- ☐ sewerage
- ☒ telephone services

9. TITLE

Copies of the following documents are attached:

9.1 Registered Title (*Transfer of Land Act* 1958)

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

10. SUBDIVISION

Not Applicable

11. DISCLOSURE OF ENERGY INFORMATION

Not Applicable

12. DUE DILIGENCE CHECKLIST

The Vendor or the Vendor's licensed estate agent must ensure that a prescribed due diligence checklist is made available before the land is offered for sale to any prospective purchaser from the time the land for sale that is vacant residential land or land on which there is a residence.

The provision or attachment of the due diligence checklist to Vendor Statement is not required but may be attached as a matter of convenience.

² Only required where there is a residence on the land

Copyright State of Victoria. No part of this publication may be reproduced except as permitted by the Copyright Act 1968 (Cth), to comply with a statutory requirement or pursuant to a written agreement. The information is only valid at the time and in the form obtained from the LANDATA REGD TM System. None of the State of Victoria, its agents or contractors, accepts responsibility for any subsequent publication or reproduction of the information.

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 10470 FOLIO 473

Security no : 124095746103B
Produced 24/02/2022 03:00 PM

LAND DESCRIPTION

Lot 41 on Plan of Subdivision 425744E.
PARENT TITLE Volume 10421 Folio 583
Created by instrument PS425744E 29/09/1999

REGISTERED PROPRIETOR

Estate Fee Simple
Joint Proprietors
MARTIN PETER HURLEY
HEATHER IRIS HURLEY both of 191 WALNUT AVENUE MILDURA VIC 3500
AR491626S 26/09/2018

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 set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE PS425744E FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

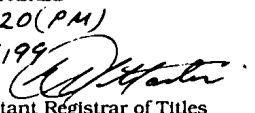
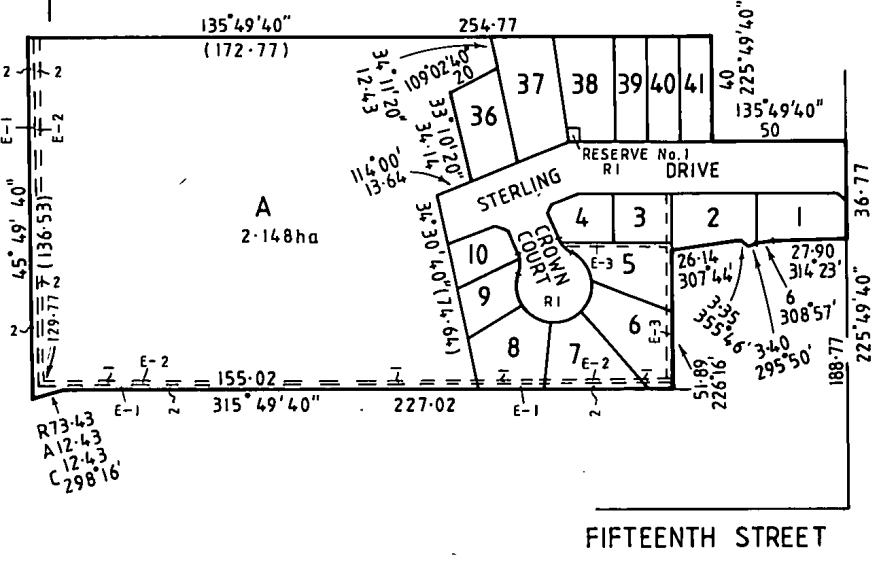
-----END OF REGISTER SEARCH STATEMENT-----

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

Street Address: 31 STERLING DRIVE MILDURA VIC 3500

DOCUMENT END

The information supplied by Lexis Nexis has been obtained from GlobalX Pty Ltd by agreement between them. The information supplied has been obtained by GlobalX Pty Ltd who is licensed by the State of Victoria to provide this information via LANDATA® System.

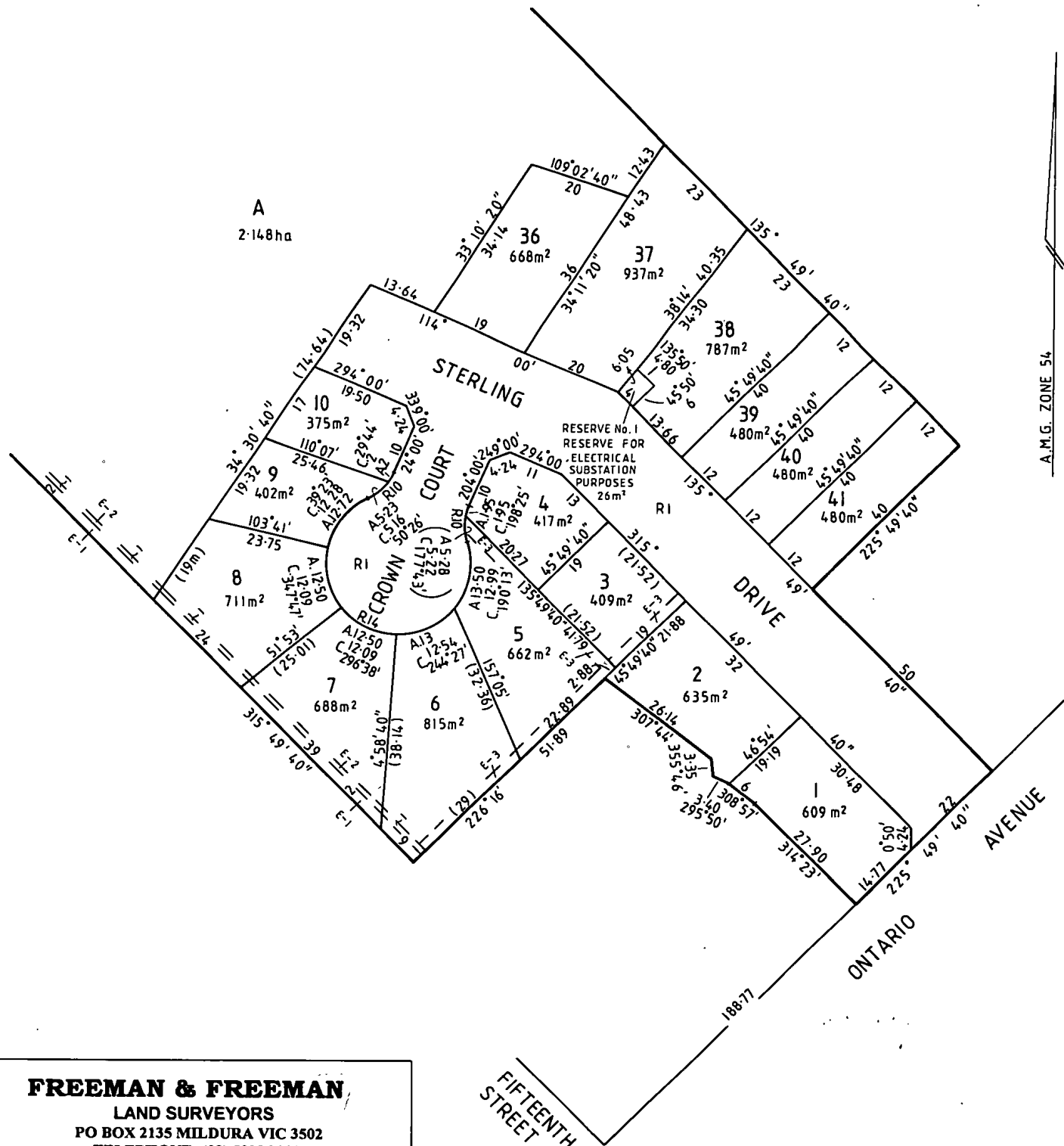
PLAN OF SUBDIVISION		STAGE NO.	LTO use only EDITION 1	Plan Number PS 425744E
Location of Land Parish: MILDURA Township: _____ Section: _____ Crown Allotment: 19A (SECTION 22 , BLOCK E) Crown Portion: 2 (PART) LTO base record: LITHO SHEET NO. 2 Title references: Vol Fol 10421 583 Last plan reference: PS 424031A (LOT 2) Postal Address: ONTARIO AVENUE (at time of subdivision) MILDURA , 3500 . AMG co-ordinates E 603 700 Zone: 54 (of approx. centre of plan) N 62 15 350		Council Certification and Endorsement Council Name: MILDURA RURAL CITY COUNCIL Ref: L41/3614/483 (21) 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. 17/5/1999 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 8/6/99 Re-certified under section 11(7) of the Subdivision Act 1988 Council delegate Council seal Date 8/6/99		LTO use only Statement of Compliance/ Exemption Statement Received <input checked="" type="checkbox"/> Date: 22 / 9 / 99 LTO use only PLAN REGISTERED TIME 2.20(PM) DATE 29/9/99  Assistant Registrar of Titles Notations Depth Limitation: 15 METRES APPLIES TO CROWN ALLOTMENT 19A, SECTION 22, BLOCK E. OTHER NOTATIONS LOTS 11 TO 35 (BOTH INCLUSIVE) HAVE OMITTED FROM THIS PLAN Staging: This is/is not a staged subdivision Planning Permit No. P97/416 Survey: This plan is/is not based on survey This Survey has been corrected to permanent mark NO. (s). 332 , 333 In Proclaimed Survey Area No. _____
Easement Information				
Legend: E - Encumbering Easement or Condition in Crown Grant in the Nature of an Easement A - Appurtenant Easement R - Encumbering Easement (Road)				
Subject Land	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
E-1	SEWERAGE DRAINAGE	SEE DIAGRAM	PS424031A THIS PLAN	LOWER MURRAY REGION WATER AUTHORITY
E-2	DRAINAGE SEWERAGE	SEE DIAGRAM	THIS PLAN	FIRST MILDURA IRRIGATION TRUST
E-3	SEWERAGE	2	THIS PLAN	LOWER MURRAY REGION WATER AUTHORITY
R1	WAY, DRAINAGE SEWERAGE & SUPPLY OF WATER, GAS, ELECTRICITY & TELECOMMUNICATIONS.	SEE DIAGRAM	THIS PLAN	LOTS ON THIS PLAN.
				
FREEMAN & FREEMAN LAND SURVEYORS PO BOX 2135 MILDURA VIC 3500 TELEPHONE: (03) 50236 239				
SCALE 20 0 40 80 LENGTHS ARE IN METRES		ORIGINAL SCALE 1:2000 SHEET SIZE A3	LICENSED SURVEYOR (PRINT) ROBERT BRUCE FREEMAN SIGNATURE..... REF 6488/1 DATE 4/12/1998 VERSION 4	Sheet 1 of 2 Sheets DATE / / COUNCIL DELEGATE SIGNATURE

PLAN OF SUBDIVISION

Stage No.

Plan Number

PS 425744E



FREEMAN & FREEMAN
LAND SURVEYORS
PO BOX 2135 MILDURA VIC 3502
TELEPHONE: (03) 50236 239

ORIGINAL

SCALE

SCALE
SHEET
SIZE
A3
1:800

8 0 16 32
LENGTHS ARE IN METRES

LICENSED SURVEYOR (PRINT) ROBERT BRUCE FREEMAN
SIGNATURE..... DATE 4 / 12 / 1998
REF **6488/1** VERSION **4**

Sheet 2 of 2 sheets

DATE / /
COUNCIL DELEGATE SIGNATURE
Original sheet size A3

Call Centre: 1800 808 830
(incl. 24 Hour Faults & Emergencies)



LOWER MURRAY WATER

ABN 18 475 808 826



lmw.vic.gov.au
E contactus@lmw.vic.gov.au

URBAN ACCOUNT

Date Of Issue 11/01/2022

Reference No: 028969

Amount Due: \$197.19

Due Date: 11-FEB-2022

MR MP HURLEY & MRS HI HURLEY
191 WALNUT AVENUE
MILDURA VIC 3500

Tariffs and Charges Notice

3rd Quarter 2021/22 0

1/01/2022 - 31/03/2022

POST *850 700289697

Property Address : 31 STERLING DRIVE MILDURA VIC 3500 (Prop:28969) - Urban Account
Lot 41 PS 425744E Blk F Sec 22 Vol 10470 Fol 473

Water Service Tariff

Water by Measure Chg-Info on reverse

Sewerage Service Tariff

Charge

51.84

22.97

122.38

Balance

51.84

22.97

122.38

TOTAL OWING

\$197.19

13/1/22
3815



Payments/Credits since last Notice \$213.21

Payment Slip - Methods of Payment

Online at lmw.vic.gov.au - Pay your Account

028969

31 STERLING DRIVE MILDURA VIC 3500 (Prop:28969) - Urban Account



*850 700289697

\$197.19



Biller Code: 78477

Ref: 7002 8969 7

BPAY® - Make this payment via internet or phone banking.

BPAY View® - Receive, view and pay this bill using internet banking.

BPAY View Registration No: 7002 8969 7

Amount Due

\$197.19



Direct Debit

Please contact your local office



Centrepay

Use Centrepay to arrange regular deductions from your Centrelink payment.
Simply call our Call Centre: 1800 808 830



Billpay Code: 0850

Ref: 7002 8969 7

Pay in person at any Post Office



Biller Code: 78477

Ref: 7002 8969 7

Contact your bank or financial institution to make this payment from your cheque, savings, debit, credit card or transaction account. More info bpay.com.au



Payment Ref: 7002 8969 7

By Phone

Pay by phone: (03) 8672 0582
Standard call charges apply.

See reverse for
In Person and By Mail options

PROPERTY DETAILS

Address: **31 STERLING DRIVE MILDURA 3500**
 Lot and Plan Number: **Lot 41 PS425744**
 Standard Parcel Identifier (SPI): **41\PS425744**
 Local Government Area (Council): **MILDURA**
 Council Property Number: **26735**
 Planning Scheme: **Mildura**
 Directory Reference: **Vicroads 534 J7**

www.mildura.vic.gov.au

[Planning Scheme - Mildura](#)

UTILITIES

Rural Water Corporation: **Lower Murray Water**
 Urban Water Corporation: **Lower Murray Water**
 Melbourne Water: **Outside drainage boundary**
 Power Distributor: **POWERCOR**

STATE ELECTORATES

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

OTHER

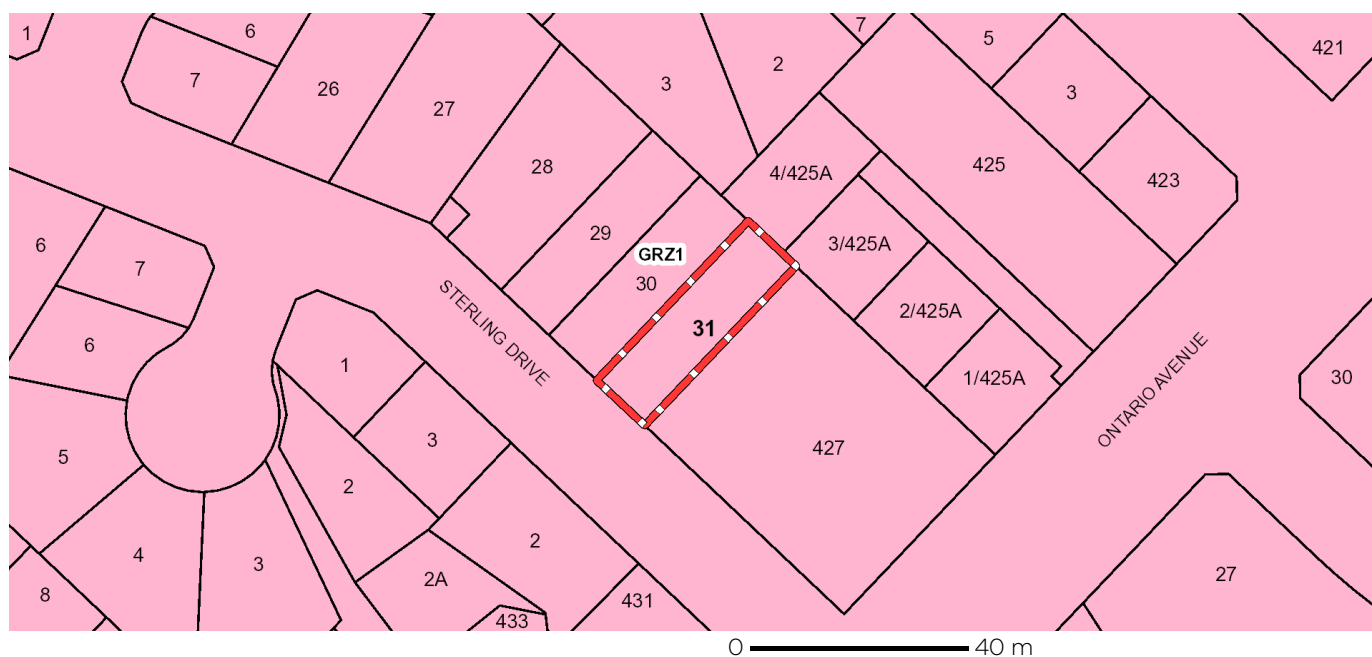
Registered Aboriginal Party: **First People of the Millewa-Mallee**

[View location in VicPlan](#)

Planning Zones

[GENERAL RESIDENTIAL ZONE \(GRZ\)](#)

[GENERAL RESIDENTIAL ZONE - SCHEDULE 1 \(GRZ1\)](#)



GRZ - General Residential

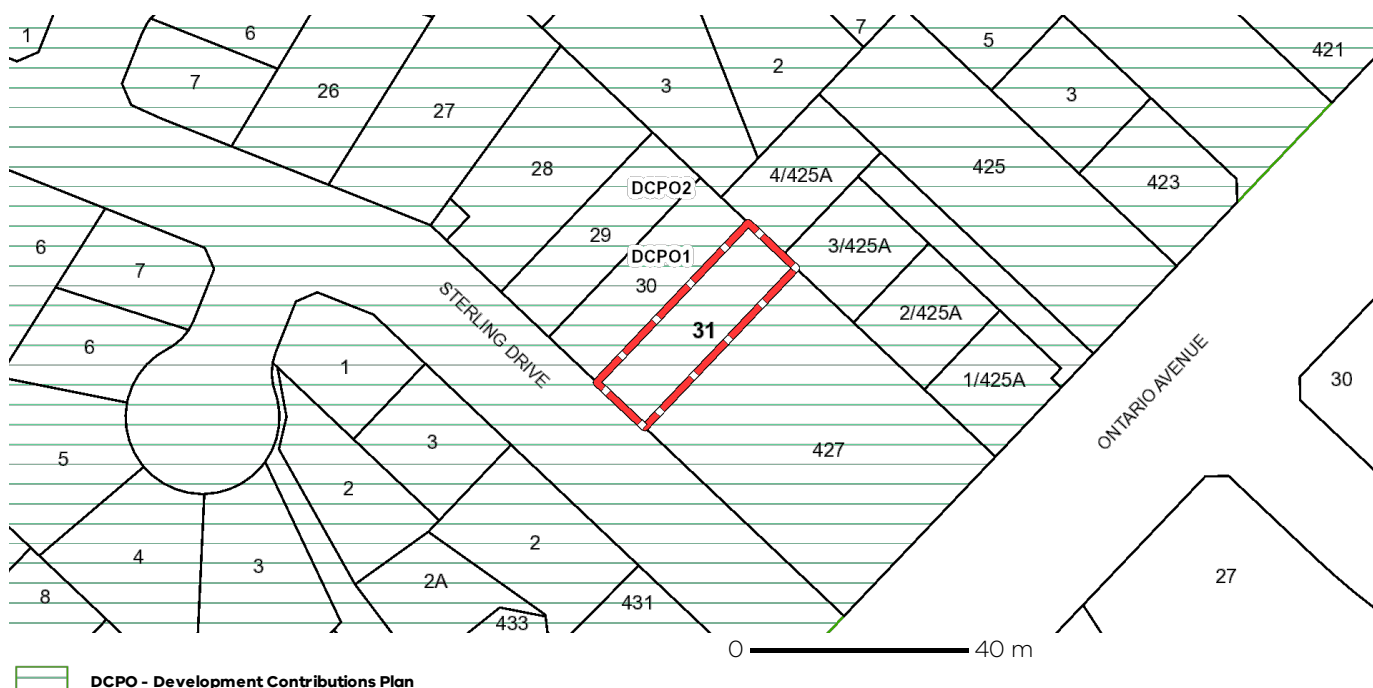
Note: labels for zones may appear outside the actual zone - please compare the labels with the legend.

Planning Overlays

[DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY \(DCPO\)](#)

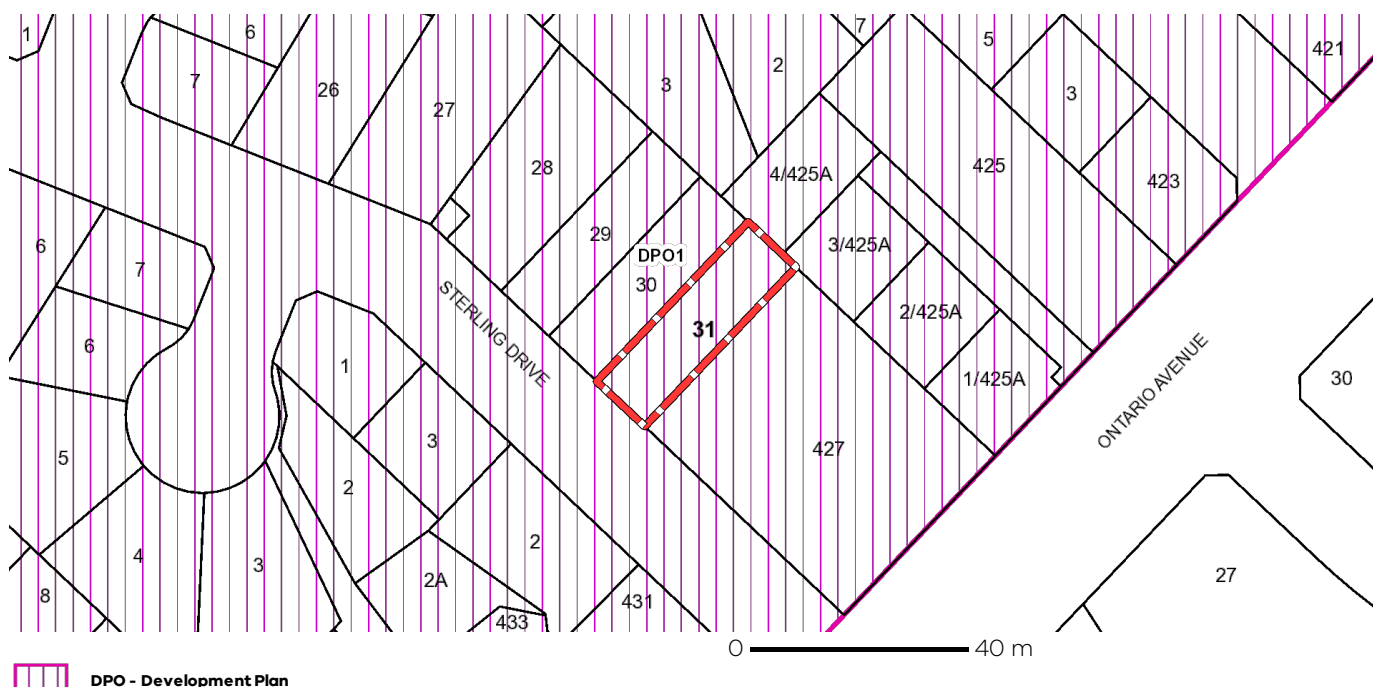
[DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY - SCHEDULE 1 \(DCPO1\)](#)

[DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY - SCHEDULE 2 \(DCPO2\)](#)



[DEVELOPMENT PLAN OVERLAY \(DPO\)](#)

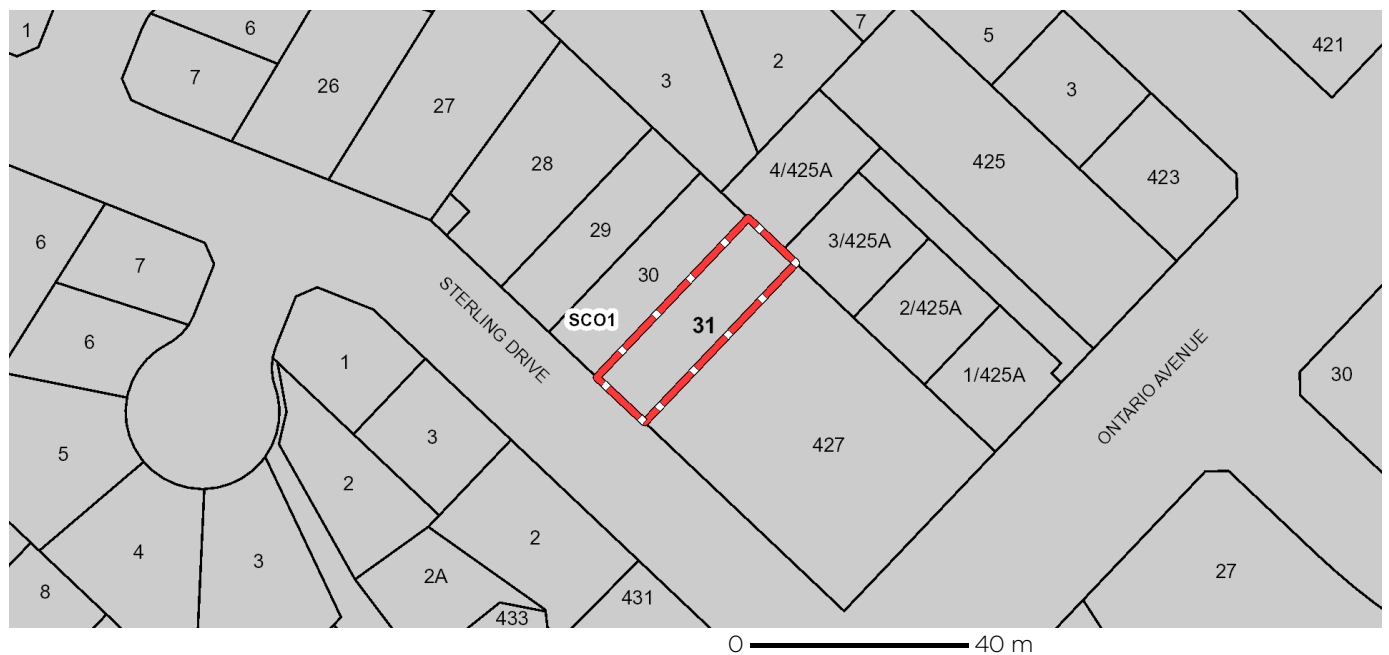
[DEVELOPMENT PLAN OVERLAY - SCHEDULE 1 \(DPO1\)](#)



Planning Overlays

[SPECIFIC CONTROLS OVERLAY \(SCO\)](#)

[SPECIFIC CONTROLS OVERLAY - SCHEDULE 1 \(SCO1\)](#)



OTHER OVERLAYS

Other overlays in the vicinity not directly affecting this land

[SALINITY MANAGEMENT OVERLAY \(SMO\)](#)



Further Planning Information

Planning scheme data last updated on 23 February 2022.

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 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>

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 his property and the application of Clause 52.17 please visit the Native Vegetation Information Management system <https://nvim.delwp.vic.gov.au/> and [Native vegetation \(environment.vic.gov.au\)](https://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 \(environment.vic.gov.au\)](https://environment.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 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