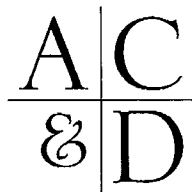


DATED

2023



ESTABLISHED 1867

**KEITH WILLIAM YOUNG HENDRY AND KATHLEEN CECILIA
HENDRY**

to

VENDOR'S SECTION 32 STATEMENT

Property: 155 Verekers Lane, Kyneton 3444

Armstrong Collins & DeLacy
140 Mollison Street
Kyneton Victoria 3444
Email: conveyancing@acdlawyers.com.au
Tel: 03 5422 1677
Fax: 03 5422 3357
Ref: RJD:111230

Vendor Statement

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

This statement must be signed by the vendor and given to the purchaser before the purchaser signs the contract.

The vendor may sign by electronic signature.

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

Land	155 Verekers Lane, Kyneton 3444 being the land contained in Certificate of Title Volume 11374 Folio 134
-------------	---

Vendor's name	Keith William Young Hendry	Date / /
----------------------	----------------------------	--------------------

Vendor's signature		
---------------------------	--	--

Vendor's name	Kathleen Cecilia Hendry	Date / /
----------------------	-------------------------	--------------------

Vendor's signature		
---------------------------	--	--

Purchaser's name		Date / /
-------------------------	--	--------------------

Purchaser's signature		
------------------------------	--	--

Purchaser's name		Date / /
-------------------------	--	--------------------

Purchaser's signature		
------------------------------	--	--

1. FINANCIAL MATTERS

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

- (a) Are contained in the attached certificates; and
- (b) Their total does not exceed: \$4,000.00

BUT NOTE:

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

Nil, unless set out in the attached certificates (if any) the total of which are included in the amount in 1.1(b), such charges can include:

- State Revenue Office – Land Tax (shown on the Land Tax Clearance Certificate)
- Melbourne Water – Waterways Charge (shown on the Water Information Statement if applicable)
- Fire Services Levy or State Government or EPA Victoria Landfill Levy (shown on the Land Information Certificate if 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): -

Is in the attached copies of title documents.

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

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

The Purchaser should note that there may be sewers, drains, water pipes, underground and/or overhead electricity cables, underground and/or overhead telephone cables, and underground gas pipes laid outside any registered easements and which are not registered or required to be registered on the Certificate of Title.

3.2 Road Access

There is access to the property by road

3.3 Designated Bushfire Prone Area

The land is in a designated bushfire prone area under section 192A of the *Building Act 1993*

3.4 Planning Scheme

Attached is a certificate with the required specified information.

4 NOTICES

4.1 Notice, Order, Declaration, Report or Recommendation

Particulars of any notice, order, declaration, report or recommendation of a public authority or government department or 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:

None to the Vendor's knowledge unless set out in the attached documents and/or certificates.
BUT NOTE
The Vendor has no means of knowing all decisions of Public Authorities and Government Departments affecting the property unless communicated to the Vendor. There may be proposed amendments to the Planning Scheme which may affect the property and the Purchaser should make their own enquiries.

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:

None to the Vendor's knowledge unless set out in the attached documents and/or certificates.

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:

None to the Vendor's knowledge unless set out in the attached documents and/or certificates

5 BUILDING PERMITS

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

Not Applicable

6 OWNERS CORPORATION

This section 6 only applies if the land is affected by an owners corporation within the meaning of the *Owners Corporations Act 2006*.

Not Applicable.

7 GROWTH AREAS INFRASTRUCTURE CONTRIBUTION ("GAIC")

Not applicable.

8 SERVICES

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

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

NOTE: The Purchaser should note that the Vendor may disconnect service(s) between the day of sale and settlement and the Purchaser will be responsible for any re-connection costs. Telephone services may not be NBN compatible and the Purchaser should make their own enquiries as to the type of telephone service connected

9 TITLE

Attached are copies of the following documents:

9.1 (a) Registered Title

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

10 SUBDIVISION

10.1 Unregistered Subdivision

This section 10.1 only applies if the land is subject to a subdivision which is not registered.

Not Applicable.

10.2 Staged Subdivision

This section 10.2 only applies if the land is part of a staged subdivision within the meaning of section 37 of the *Subdivision Act 1988*.

Not Applicable.

10.3 Further Plan of Subdivision

This section 10.3 only applies if the land is subject to a subdivision in respect of which a further plan within the meaning of the *Subdivision Act 1988* is proposed.

Not Applicable.

11. DISCLOSURE OF ENERGY INFORMATION

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

Details of any energy efficiency information required to be disclosed regarding a disclosure affected building or disclosure area affected area of a building as defined by the *Building Energy Efficiency Disclosure Act 2010* (Cth)

- (a) to be a building or part of a building used or capable of being used as an office for administrative, clerical, professional or similar based activities including any support facilities; and
- (b) which has a net lettable area of at least 1000m²; (but does not include a building under a strata title system or if an occupancy permit was issued less than 2 years before the relevant date):

Not Applicable.

12. DUE DILIGENCE CHECKLIST

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

Is attached

13. ATTACHMENTS

- 13.1 Due Diligence Checklist
- 13.2 Register Search Statement - Certificate of Title Volume 11374 Folio 134
- 13.3 Plan of Subdivision & Covenant – PS704889W
- 13.4 Section 173 Agreement – AJ384956M
- 13.5 Department of Environment, Land, Water and Planning – Planning Certificate
- 13.6 Land.vic.gov.au - Property Report
- 13.7 Department of Environment, Land, Water and Planning - Planning Property Report
- 13.8 Macedon Ranges Shire Council – Land Information Certificate
- 13.9 State Revenue Office – Land Tax Certificate
- 13.10 Vic Roads – Roads Property Certificate

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).

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



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

VOLUME 11374 FOLIO 134

Security no : 124103338876N
Produced 20/01/2023 11:42 AM

LAND DESCRIPTION

Lot 4 on Plan of Subdivision 704889W.
PARENT TITLE Volume 08896 Folio 794
Created by instrument PS704889W 31/08/2012

REGISTERED PROPRIETOR

Estate Fee Simple
Joint Proprietors
KEITH WILLIAM YOUNG HENDRY
KATHLEEN CECILIA HENDRY both of "SWINTON" 283 BLACKHILL ROAD KYNETON VIC
3444
PS704889W 31/08/2012

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE R753510X 30/01/1992
NATIONAL AUSTRALIA BANK LTD

COVENANT PS704889W 31/08/2012

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
AJ384956M 20/12/2011

DIAGRAM LOCATION

SEE PS704889W 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: 155 VEREKERS LANE KYNETON VIC 3444

ADMINISTRATIVE NOTICES

NIL

eCT Control 16089P NATIONAL AUSTRALIA BANK LTD
Effective from 23/10/2016

DOCUMENT END



Imaged Document Cover Sheet

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


Document Type	Plan
Document Identification	PS704889W
Number of Pages (excluding this cover sheet)	3
Document Assembled	20/01/2023 11:47

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PS704889W

PLAN OF SUBDIVISION	STAGE No. <hr/>	LRS USE ONLY EDITION 1	PLAN NUMBER PS 7C	27/08/2012 \$1558.20 PS 
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LOCATION OF LAND

PARISH: CARLSRUHE
 TOWNSHIP: _____
 SECTION: _____
 CROWN ALLOTMENTS: 42C (PART)
 CROWN PORTION: _____
 LRS BASE RECORD: VICMAP PROPERTY
 TITLE REFERENCES: VOL 8896 FOL 794

LAST PLAN REFERENCE/S: LOT 2 LP 92845
 POSTAL ADDRESS: 283 BLACKHILL ROAD
 (At time of subdivision) KYNETON, 3444

MGA Co-ordinates E 276 840
 (of approx centre of land in plan) N 5 878 370
 ZONE: 55

COUNCIL CERTIFICATION AND ENDORSEMENT

COUNCIL NAME: MACEDON RANGES SHIRE COUNCIL REF: 782011

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 ~~not~~ been made.
~~(ii) The requirement has been satisfied.~~
~~(iii) The requirement is to be satisfied in Stage:~~

Council Delegate *C. Leggo*
 Council Seal
 Date 15/12/2011

~~Re-certified under Section 11(7) of the Subdivision Act 1988.~~
 Council Delegate
 Council Seal
 Date / /

VESTING OF ROADS AND/OR RESERVES

IDENTIFIER	COUNCIL/BODY/PERSON
NIL	NIL

NOTATIONS

STAGING This is/is not a staged subdivision.
 Planning permit No. 2090520

DEPTH LIMITATION: DOES NOY APPLY

SURVEY. THIS PLAN IS ~~IS NOT~~ BASED ON SURVEY
 THIS SURVEY HAS BEEN CONNECTED TO PERMANENT MARKS No.(s)
 IN PROCLAIMED SURVEY AREA No.

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	POWER LINE	SEE PLAN	THIS PLAN SECTION 88 OF THE ELECTRICITY INDUSTRY ACT 2000.	POWERCOR AUSTRALIA LIMITED

LRS USE ONLY

STATEMENT OF COMPLIANCE/
 EXEMPTION STATEMENT

RECEIVED

DATE: 27/08/2012

LRS USE ONLY

PLAN REGISTERED
 TIME 12.35 PM
 DATE 31/08/2012

Mark Cagdas
 Assistant Registrar of Titles

SHEET 1 OF 3 SHEETS

BSI TM **Adrian Cummins & Associates Pty Ltd**
 LICENSED SURVEYORS & PLANNING CONSULTANTS

105 WILLIAMSON STREET BENDIGO 3550
 Tel 03 5442 5133 Fax 03 5442 2030

ISO 9001
 FS 528895

LICENSED SURVEYOR (PRINT) ADRIAN JOHN CUMMINS

SIGNATURE *Adrian Cummins* DATE 12/12/11

REF: AB6795-11-01 FILE 6795 GC 05 VERSION 1

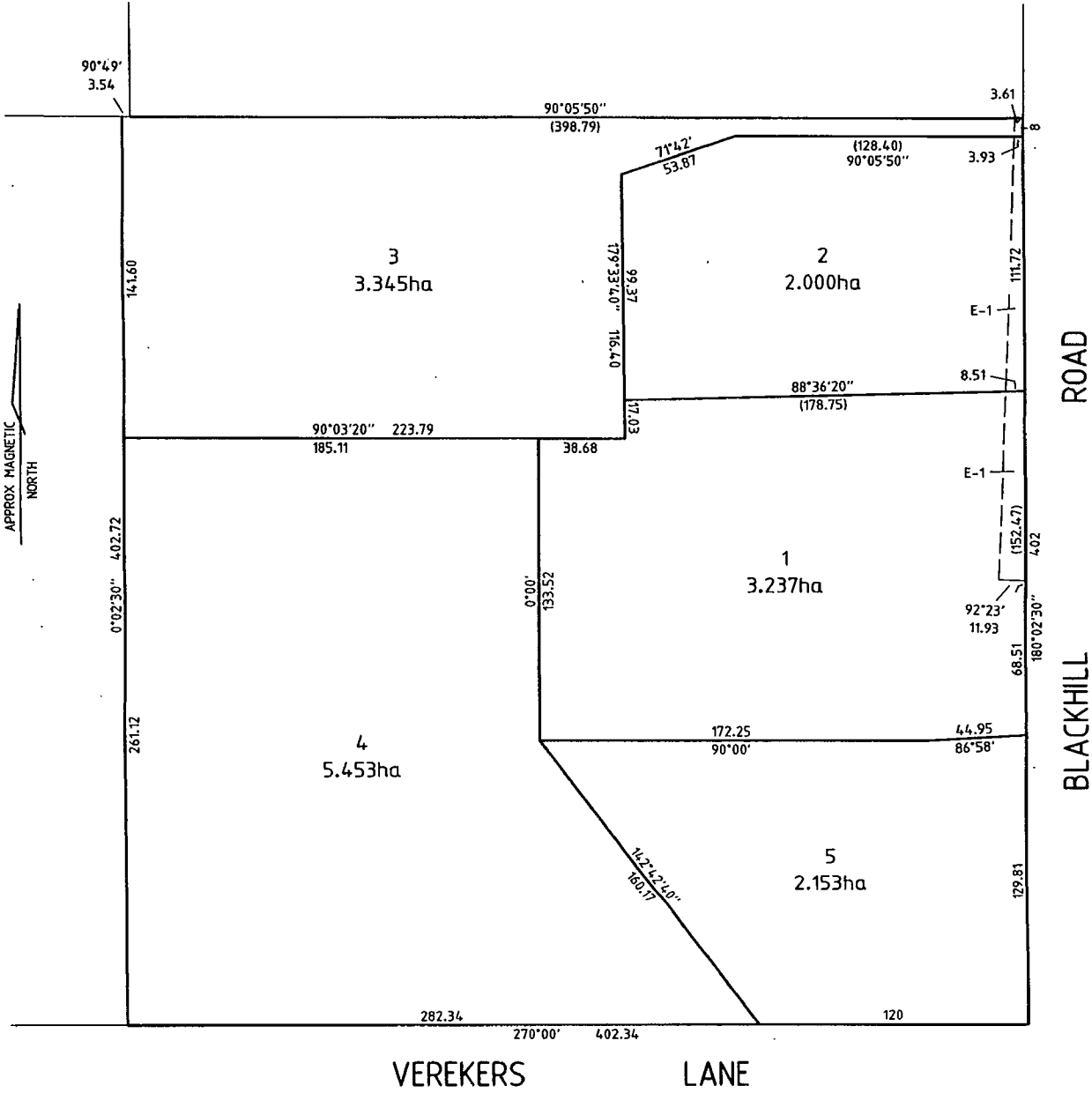
C. Leggo

DATE 15/12/2011

COUNCIL DELEGATE SIGNATURE

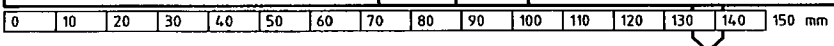
ORIGINAL SHEET SIZE A3

PLAN OF SUBDIVISION	Stage No. /	Plan Number PS 704889W
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Adrian Cummins & Associates Pty Ltd
 Licensed Surveyors & Planning Consultants
 105 Williamson Street Bendigo 3550
 Tel. 03 54425133 Fax. 03 54422030

<p>SCALE</p> <p>LENGTHS ARE IN METRES</p>	<p>ORIGINAL SCALE</p> <p>1: 2000</p>	<p>SHEET SIZE</p> <p>A3</p>	<p>LICENSED SURVEYOR (PRINT) <u>ADRIAN JOHN CUMMINS</u></p> <p>SIGNATURE <i>Adrian Cummins</i> DATE <u>12/12/11</u></p> <p>REF AB6795-11-01 FILE 6795 GC 06 VERSION 1</p>	<p>SHEET 2 OF 3 SHEETS</p> <p><i>C. Lago</i></p> <p>DATE <u>15/12/2011</u></p> <p>COUNCIL DELEGATE SIGNATURE</p>
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PLAN OF SUBDIVISION

Stage No.

Plan Number

PS 704889W

CREATION OF RESTRICTION

UPON REGISTRATION OF THIS PLAN THE FOLLOWING RESTRICTION IS CREATED.

LAND TO BENEFIT

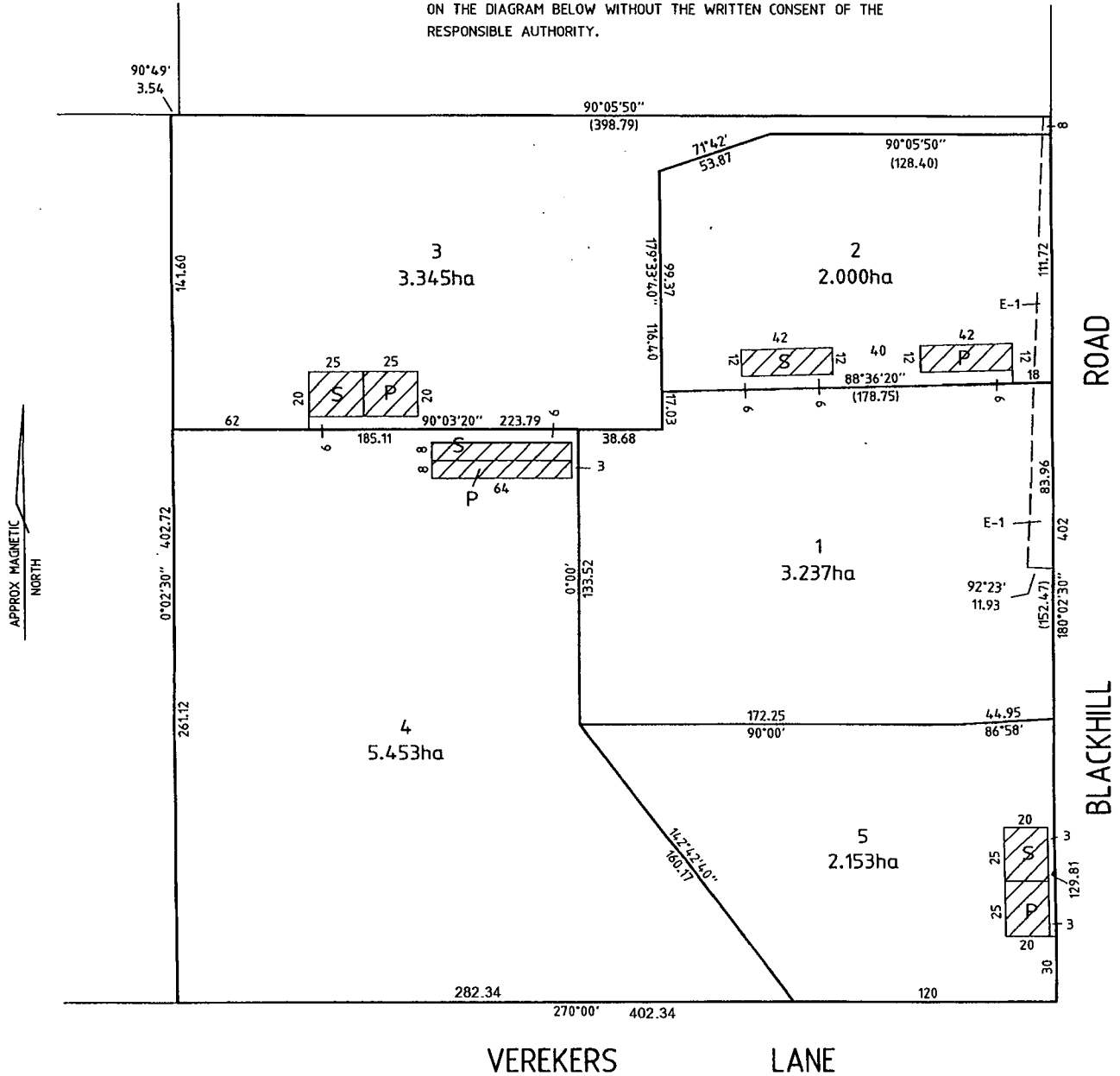
LOTS 1 TO 5 ON THIS PLAN OF SUBDIVISION.

LAND TO BE BURDENED

LOTS 2, 3, 4 & 5 ON THIS PLAN OF SUBDIVISION.

DESCRIPTION OF RESTRICTION

THE REGISTERED PROPRIETOR OR PROPRIETORS FOR THE TIME BEING OF LOTS 2, 3, 4 OR 5 ON THIS PLAN SHALL NOT STORE, TREAT OR DISCHARGE ANY SEWAGE EFFLUENT ON THE SITE EXCEPT IN THE DESIGNATED EFFLUENT ENVELOPES (P PRIMARY, S SECONDARY) SHOWN ON THE DIAGRAM BELOW WITHOUT THE WRITTEN CONSENT OF THE RESPONSIBLE AUTHORITY.

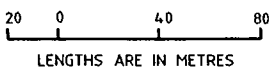


Adrian Cummins & Associates Pty Ltd



Licensed Surveyors & Planning Consultants
 105 Williamson Street Bendigo 3550
 Tel. 03 54425133 Fax. 03 54422030

SCALE



ORIGINAL

SCALE 1:2000
 SHEET SIZE A3

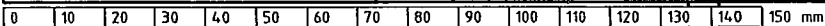
LICENSED SURVEYOR (PRINT) ADRIAN JOHN CUMMINS

SIGNATURE *Adrian Cummins* DATE 12/12/11

REF AB6795-11-01 FILE 6795 GC 06 VERSION 1

SHEET 3 OF 3 SHEETS

DATE 15/12/2011
 COUNCIL DELEGATE SIGNATURE



AJ384956M



Section 181

**APPLICATION BY A RESPONSIBLE AUTHORITY
FOR THE MAKING OF A RECORDING OF AN AGREEMENT**

Planning and Environment Act 1987

Lodged by:-

Name: Armstrong, Collins & DeLacy
Phone: 5422 1677
Address: DX 34032 Kyneton
Ref: PJMT:lp:104924 Customer Code: 425P

Privacy Collection Statement

The information under this form is collected under statutory authority and is used for the purpose of maintaining publicly searchable registers and indexes in the Victorian Land Registry

The Authority having made an agreement referred to in *Section 181(1)* of the **Planning and Environment Act 1987** requires a recording to be made in the Register for the land.

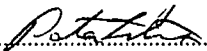
Land: Lot 2 on Plan of Subdivision No. 092845 Parish of Carlsruhe
Certificate of Title Volume 8896 Folio 794

Authority: Macedon Ranges Shire Council
of 129 Mollison Street, Kyneton, 3444

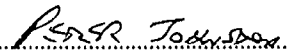
Section and Act under
which agreement made: Section 173 of the Planning and Environment Act 1987

A copy of the Agreement is attached to this application.

Signature for the Authority:

..... 

Name of Officer:

..... 

[full name]

Date: 20/12/11

0014019

AJ384956M



MACEDON RANGES SHIRE COUNCIL

- and -

**KEITH WILLIAM YOUNG HENDRY and
KATHLEEN CECILIA HENDRY**

SECTION 173 AGREEMENT

**Lot 2 on Plan of Subdivision 092845 Parish of Carlsruhe
Certificate of Title Volume 8896 Folio 794**

283 Blackhill Road, Kyneton

AJ384956M



Section 173 Agreement

This Agreement is made on the 8th day of December 2011.

BETWEEN:

MACEDON RANGES SHIRE COUNCIL of 129 Mollison Street, Kyneton, Victoria ("the Council")

And

KEITH WILLIAM YOUNG HENDRY and KATHLEEN CECILIA HENDRY of 283 Blackhill Road, Kyneton, Victoria ("the Owner")

Recitals

- A. The Owner is the registered proprietor of Lot 2 on Plan of Subdivision 092845, Parish of Karlsruhe being the land described in Certificate of Title Volume 8896 Folio 794 ("the land").
- B. The Council is the Responsible Authority pursuant to the Act for the Scheme.
- C. The Owner has obtained a Planning Permit from the Council for subdivision of the land into five (5) lots.
- D. As a condition of the Planning Permit, the Owner must enter into an agreement pursuant to Section 173 of the Act to be registered on title which addresses the issues stated in condition 2 of the Planning Permit.

Operative Provisions

1. Definitions

In this Agreement the terms and words set out in this clause shall have the following meanings unless otherwise indicated by the context:

- 1.1 "the Act" means the *Planning and Environment Act 1987*;
- 1.2 "the Agreement" or "this Agreement" means this agreement and any agreement executed by the parties expressed to be supplemental to this agreement;
- 1.3 "approved" means approved by Council;
- 1.4 "complete" in respect of any works or any part of any works means the completion of those works or the specified part of those works in accordance with plans and specifications approved by the Council to the satisfaction of the Council;
- 1.5 "endorsed plans" means the Development Plan and Subdivision Plan prepared by Banon Consultants and endorsed by Council on 28 June 2011, copies of which are annexed to this Agreement;

AJ384956M



St

-
- 1.6 **“Land Capability Assessment”** means the Land Capability Assessment prepared by Northern LCA’s Pty Ltd and dated 16 November 2009 and endorsed by Council on 28 June 2011, a copy of which is annexed to this Agreement;
 - 1.7 **“the land”** means the land described in recital A;
 - 1.8 **“Lot”** means a lot shown on the endorsed plans.
 - 1.9 **“Owner”** means Keith William Young Hendry and Kathleen Cecilia Hendry and any persons entitled from time to time to be registered as proprietor or proprietors of any estate in fee simple to the land or any part of it;
 - 1.10 **“Planning Permit”** means Planning Permit No. 2090520 issued by the Council on 28 June 2011.
 - 1.11 **“the Scheme”** means the Macedon Ranges Planning Scheme as amended from time to time.

2. Interpretation

All provisions of this Agreement are to be interpreted in the following manner unless otherwise indicated by the context:

- 2.1 Undefined terms or words shall have the meanings given in the Act or the Scheme.
- 2.2 The singular includes the plural and the plural includes the singular.
- 2.3 A reference to a gender includes a reference to each other gender.
- 2.4 A reference to a person includes a reference to a firm, corporation or other corporate body.
- 2.5 If a party consists of more than one person this Agreement binds them jointly and each of them severally.
- 2.6 A reference to a “planning scheme” or “the Scheme” shall include any amendment, consolidation, or replacement of such Scheme and any document incorporated by reference into such Scheme.
- 2.7 A reference to a statute shall include any statutes amending, consolidating or replacing same and any regulations made under such statutes.
- 2.8 Where in this Agreement the Council may exercise any power, duty or function, that power may be exercised on behalf of the Council by an authorised or delegated officer.
- 2.9 All headings are for ease of reference only and shall not be taken into account in the construction or interpretation of this Agreement.
- 2.10 The introductory clauses to the Agreement are and will be deemed to form part of this Agreement.

3. Agreement Under Section 173 of the Act

The Council and the Owner agree that without limiting or restricting their respective powers to enter into this Agreement and in so far as it can be so treated, this Agreement is made pursuant to Section 173 of the Act.

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4. Effect of Agreement

This Agreement shall come into force and effect from the date of this Agreement.

5. Disclosure of Agreement

The Owner must not sell, transfer, dispose of, assign, mortgage, lease, licence or otherwise part with possession of the land or any part of it without first disclosing the existence and nature of this Agreement.

6. Successors in Title

It is intended that the covenants hereafter shall run with the land and Council shall have the power to enforce the covenants against any person or persons deriving title from the Owner.

7. Owner's covenants

The Owner covenants and agrees as follows:

7.1. Buildings and Works

- (a) No buildings and works shall be undertaken within the building exclusion areas on Lots 3 and 5 shown on the endorsed plans unless with the prior written consent of the Council.
- (b) No buildings and works shall be constructed outside the housing envelope on Lot 4 shown on the endorsed plans unless with the prior written consent of the Council.

7.2. Vehicle Crossing

The vehicle crossing to each lot must only be constructed at the locations shown on the endorsed plans unless with the prior written consent of the Council.

7.3. Driveway Access

The driveway access to Lots 3 and 4 must be constructed in accordance with the alignments shown on the endorsed plans unless with the prior written consent of the Council.

7.4. Effluent Treatment

All effluent treatment must be carried out within the effluent disposal envelopes shown on the endorsed plans and in accordance with the endorsed Land Capability Assessment, unless with the prior written consent of the

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Council. The Land Capability Assessment may be varied from time to time subject to the written consent of the Council.

7.5 Subdivision

Lot 4 must not be further subdivided.

7.6 Notice

To bring this Agreement to the attention of any mortgagee of the land and any assignee, transferee, lessee or licensee of the land.

7.7 Compliance

- (a) To carry out and comply with the requirements of all statutory authorities and comply with all statutes, regulations, local laws and planning controls in relation to the land.
- (b) To take all necessary steps to comply with the obligations of each and every clause in this Agreement.

7.8 Registration

To do all things necessary to enable the Council to register notification of this Agreement against the title or titles to the land in accordance with Section 181 of the Act.

7.9 Mortgagee to be Bound

To obtain the acknowledgment of and consent to this Agreement of any mortgagee, to be witnessed by its written endorsement on the Agreement.

7.10 Council's Costs to be Paid

To pay the Council's reasonable costs and expenses of and incidental to the preparation, execution, registration and (if later sought) cancellation of this Agreement.

7.11 Indemnity

To indemnify and keep indemnified the Council and its officers, employees, agents, workmen and contractors from and against all costs, expenses, losses or damages whatsoever which they or any of them may sustain incur or suffer to be or become liable for or in respect of any suit action proceeding judgment or claim brought by any person whatsoever arising from or referable to this Agreement or any non-compliance with this Agreement.

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7.12 Council Access

To allow the Council and/or its officers, employees, contractors or agents (at any reasonable time) to enter the land to assess compliance with this Agreement.

8. Notices

8.1 Service of Notice

A notice or other communication required or permitted to be served by a party on another party shall be in writing and may be served:

- (a) personally on the party; or
- (b) by sending it by pre-paid post, addressed to that party at the address specified in this document or subsequently notified to each party; or
- (c) by facsimile to the person's number for service specified in this document or subsequently notified to each party.

8.2 Time of Service

A notice or other communication is deemed served:

- (a) if served personally, upon service;
- (b) if posted within Australia to an Australian address, two business days after posting and in any other case, seven business days after posting; or
- (c) if served by facsimile, at the time indicated on the transmission report produced by the sender's facsimile machine indicating that the facsimile was sent in its entirety to the addressee's facsimile;
- (d) if received after 6.00pm in the place of receipt or on a day which is not a business day, at 9.00 am on the next business day.

9. General

9.1 Further Assurance

Each party must promptly execute and deliver all documents and take all other action necessary or desirable to effect, perfect or complete the transactions contemplated by this Agreement.

9.2 No Waiver

Any time or other indulgence granted by the Council to the Owner or any variation of the terms and conditions of this Agreement or any judgment or order obtained by the Council against the Owner will not in any way amount to a waiver of any of the rights or remedies of the Council in relation to the terms of this Agreement.

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9.3 Severability

If a court, arbitrator or tribunal determines that a word, phrase, sentence, paragraph or clause of this Agreement is unenforceable, illegal or void then it shall be severed and the other provisions of this Agreement shall remain operative.

9.4 Disputes

If any disputes arise between the Owner and the Council in respect of anything to be ascertained, done or agreed pursuant to this Agreement ("the Dispute"), and that Dispute is not resolved by agreement between the parties within 14 days of it arising (or any later period mutually agreed to by the parties), either the Owner, or the Council may refer the Dispute for determination to the Victorian Civil and Administrative Tribunal pursuant to Section 149A of the Act.

9.5 Alteration of Agreement

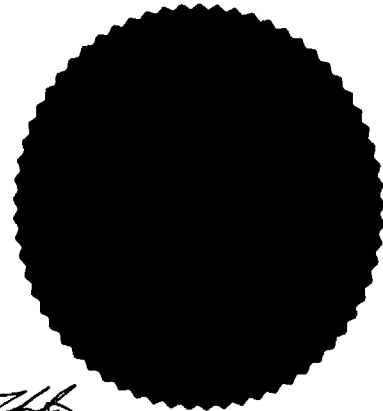
This Agreement may only be altered or modified by a subsequent agreement in writing executed under seal of the Council and signed by the Owner.

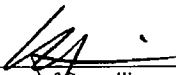
9.6 Ending of Agreement

- (a) Clauses 7.2 and 7.3 shall end when the obligations therein are fully discharged, to the written satisfaction of the Council.
- (b) This Agreement shall end in accordance with Section 177 of the Act upon agreement by the parties to this Agreement.

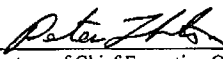
Executed as a Deed

THE COMMON SEAL of the MACEDON RANGES SHIRE COUNCIL was hereto affixed on the...8/12/11 in the presence of:





Signature of Councillor



Signature of Chief Executive Officer

Henry McLaughlin
Name of Councillor (please print)

Peter Johnson
Name of Chief Executive Officer (please print)

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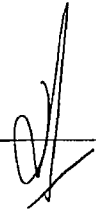
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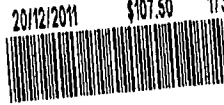
SIGNED SEALED and DELIVERED by
KEITH WILLIAM YOUNG HENDRY
and **KATHLEEN CECILIA HENDRY**
in the presence of:

) *Keith W. Hendry*
)
) *Kathleen C. Hendry*
)

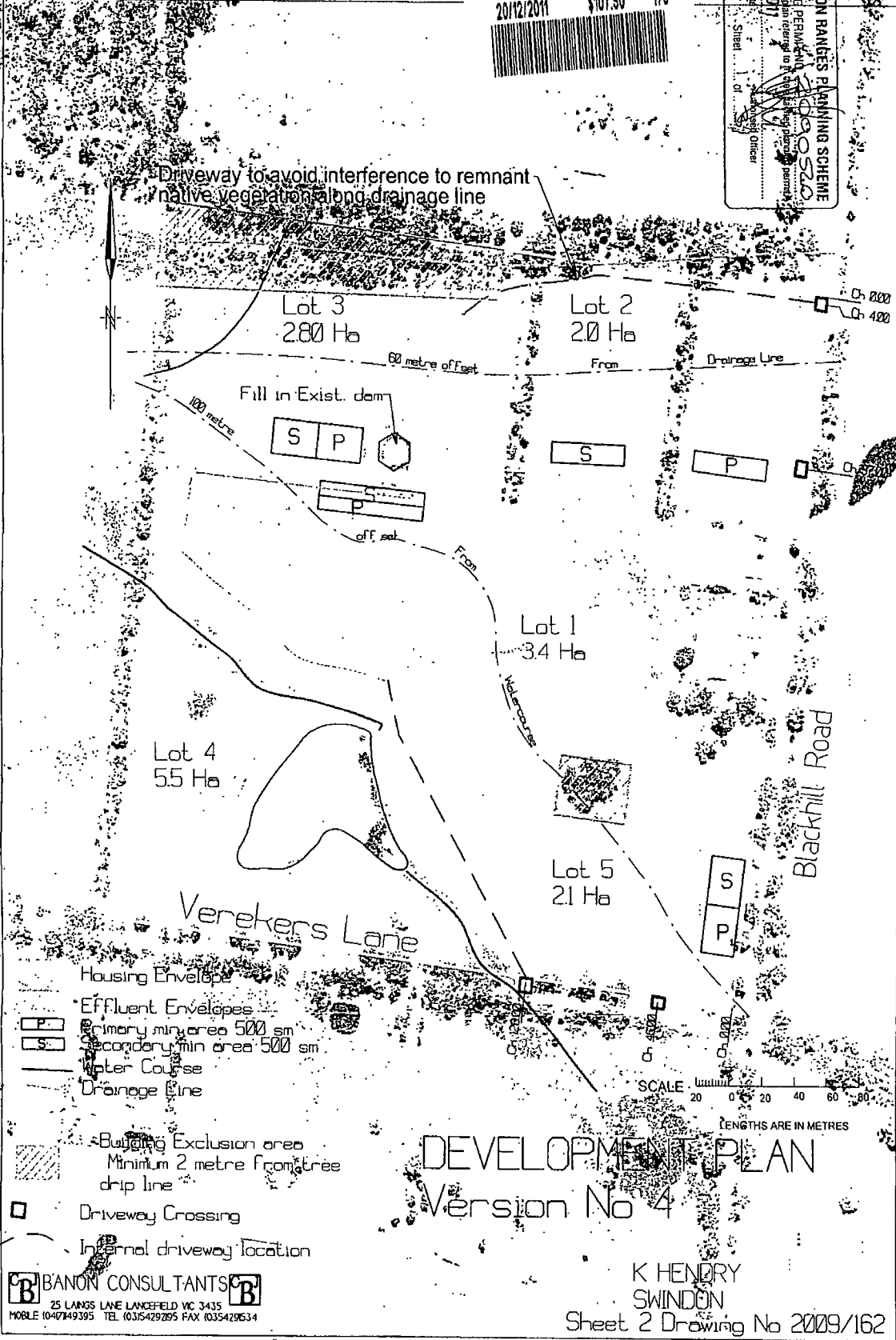
Witness



AJ384956M



MACEDON RANGES PLANNING SCHEME
PLANNING PERMIT
This is the plan referred to in the Planning permit
2 JUN 2011
Local Council Officer

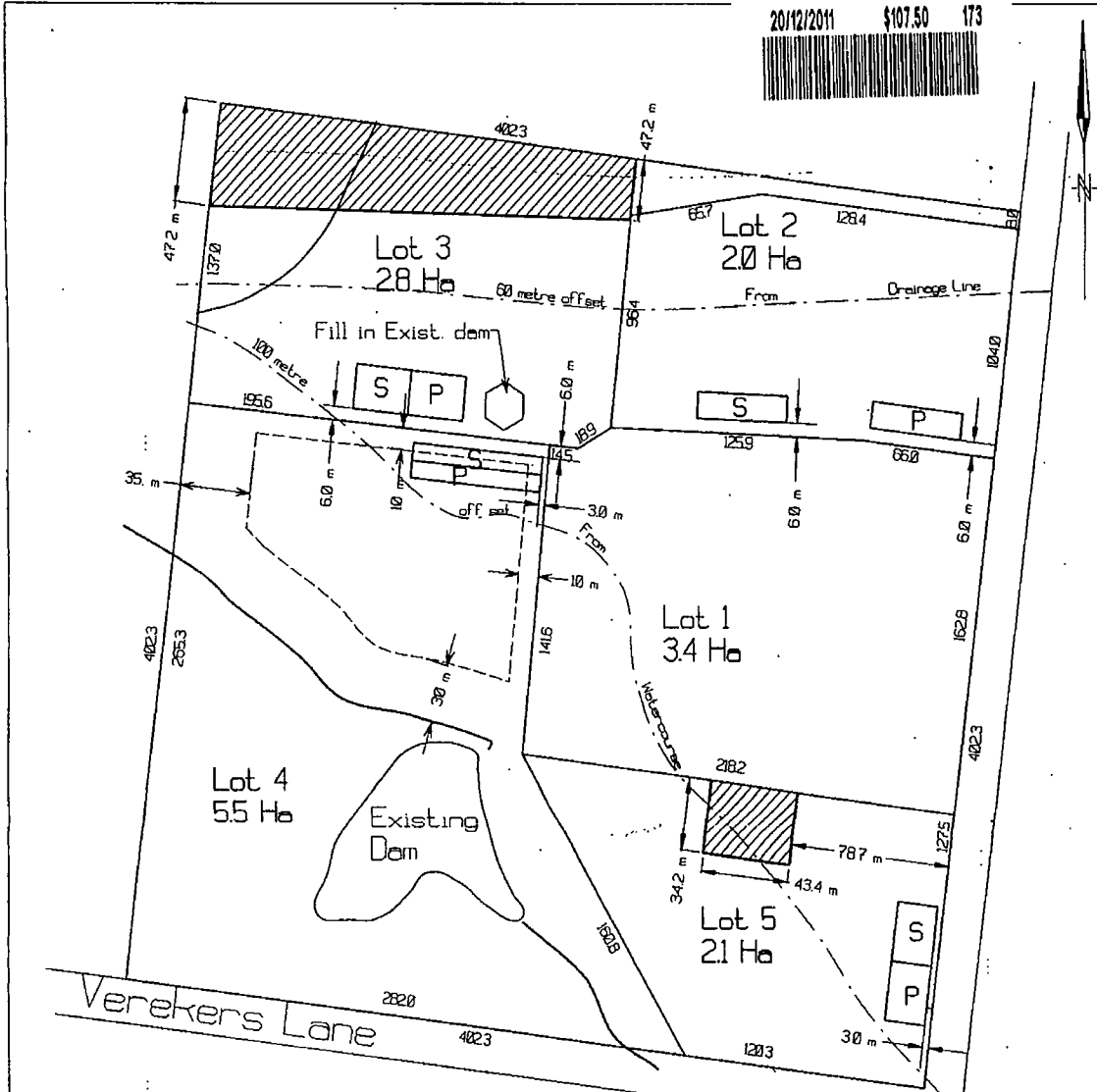


BANON CONSULTANTS
25 LANGS LANE LANGFELD VIC 3435
MOBILE 1047149395 TEL 0335429295 FAX 0335429534

K HENRY
SWINDON
Sheet 2 Drawing No 2009/162

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20/12/2011 \$107.50 173

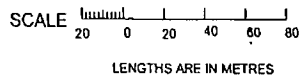


- Housing Envelope
- Effluent Envelopes
 P Primary min area 500 sm
 S Secondary min area 500 sm
- Water Course
- Drainage Line
- Building Exclusion area
Minimum 2 metre from tree drip line
- Driveway Crossing
- Internal driveway location

NOTES
 All areas and dimensions subject to final survey
 The Effluent provided by NLCA Pty Ltd

SUBDIVISION PLAN
 Version No 4

LOT 2 LP 92845




BANON CONSULTANTS
 25 LANGS LANE LANCEFIELD VIC 3435
 MOBILE 044749395 TEL. 035429285 FAX 035429634

This is the plan referred to in the planning permit.
 Date: _____ Authorised Officer: _____

K HENDRY SWINDON
 Sheet 3 Drawing No 2009/162

MACEDON RANGES PLANNING SCHEME
 PLANNING PERMIT NO. 2009/162
 This is the plan referred to in the attached planning permit.
 Date: 28 Jun 2011
 Authorised Officer: _____
 Sheet 2 of 3

AJ384956M

20/12/2011 \$107.50 173


NORTHERN LCA'S PTY LTD

**LAND CAPABILITY ASSESSMENT FOR
A SUBDIVISION OF 283 BLACKHILL ROAD,
KYNETON**



MACEDON RANGES PLANNING SCHEME
PLANNING PERMIT NO. 2090520
This is the plan referred to in the attached planning permit.
28 JUN 2011
Date [Signature] Authorised Officer
Sheet 3 of 3 (15pgs)



CONTENTS

- 1.0 Proposal and Brief
 - 2.0 Land capability assessment guidelines and references
 - 3.0 Site information
 - 3.1 Locality
 - 3.2 Geology of the area
 - 3.3 Stormwater run-on and upslope seepage
 - 3.4 Site drainage and flood potential
 - 3.5 Landslip and slope
 - 3.6 Seasonal water table
 - 3.7 Rock outcrop
 - 3.8 Erosion potential
 - 3.9 Exposure
 - 3.10 Landform
 - 3.11 Vegetation
 - 3.12 Rainfall and evaporation
 - 3.13 Fill
 - 3.14 Recommended buffer distances
 - 3.15 Available land application area
 - 4.0 Soil Survey
 - 4.1 Test holes
 - 4.2 Soil feature and description
 - 4.3 Depth to water table
 - 5.0 Land capability assessment matrix
 - 6.0 Design of an effluent disposal system
 - 6.1 Design based on loading rates
 - 6.2 Design summary.
 - 7.0 Installation requirements
 - 7.1 The aerated wastewater treatment plant
 - 7.2 Maintenance and long term maintenance
 - 7.3 Installation of effluent fields
 - 7.4 Inspection procedure for effluent fields
 - 8.0 Summary
-

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NORTHERN LCA'S PTY LTD

ABN 37135300631
HAMILTON HOUSE
5 HAMILTON STREET,
GISBORNE 3437.

MOBILE : 0417 546 462
E-mail :johnrandles@bcseengineers.com.au

REF No: 24002
DATE: 16/11/09
Amended 1/2/2011

LAND CAPABILITY ASSESSMENT FOR A HOUSE A SUBDIVISION OF 283 BLACKHILL ROAD, KYNETON.

1.0 PROPOSAL AND BRIEF:

The proposal and brief was to determine the suitability of the land for a five lot subdivision and compliance with EPA standards.

2.0 LAND CAPABILITY ASSESSMENT GUIDELINES AND REFERENCES:

Northern LCA's Pty Ltd has undertaken Land Capability Assessments for over 7 years under the name of John Randles & Associates Pty Ltd. The testing was carried out by John Randles who is a Chartered Professional Engineer (ret), a Member of the Institution of Engineers and has completed the Land Capability Assessment for On-site Wastewater Management Training Course conducted by Centre for Environmental Training. Northern LCA'S Pty Ltd has current Professional Liability Insurance.

The EPA Victoria publication 746.1 2003 sets out the requirements for a Land Capability Assessment for unsewered residential allotments. The objectives are to assess the capability of the site to sustainably manage wastewater within the allotment boundaries and to identify a management program that should be put into place to minimize the health and environmental impacts of on-site wastewater management. The publication should be read in conjunction with the Code of Practice – On Site Waste Water Management Publication 891.2, 2008. The Code of Practice sets out the criteria for the minimum buffer distances between the wastewater disposal field and other specific sites.

The references used are:

Land Capability Assessment for Onsite Domestic Waste water Management, EPA Publication 746.1, 2003

Code of Practice -- On Site Waste Water Management, EPA Publication 891.2, 2008

Australian Standard AS 1547:2000 On-site domestic-wastewater management.

M A V Model LCA Report

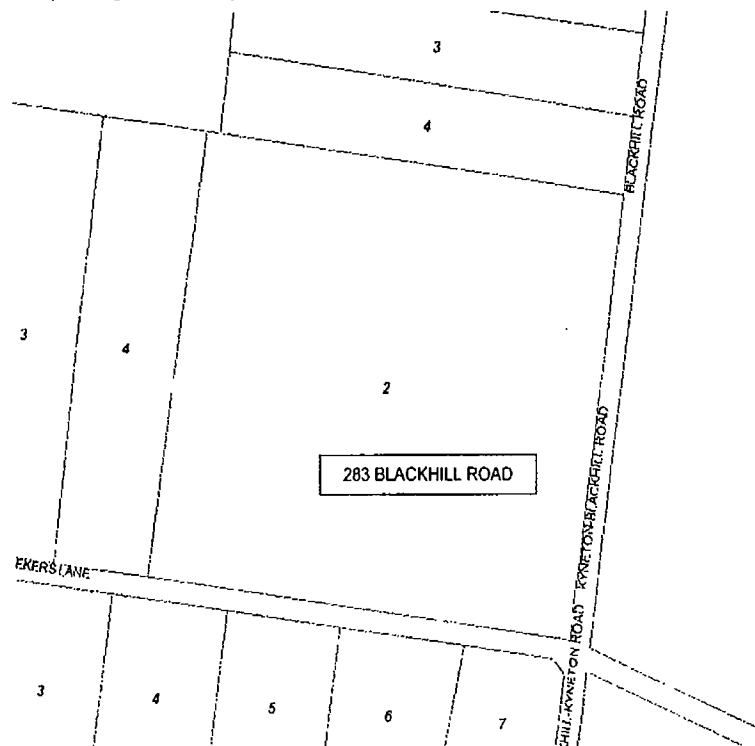
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3.0 SITE INFORMATION

3.1 Locality:

The property was in Macedon Ranges Shire on the western side of Blackhill Road and north of Verekers Lane, Kyneton. There was a house on the land and the effluent disposal appeared to be operating satisfactorily so no alteration to the house disposal system was proposed.



3.2 Geology of the area:

The geology of the area, derived from the 1:250,000 Geological Survey of Victoria maps was Upper Devonian residual granitic sand and clays.

3.3 Stormwater run-on and upslope seepage

At the time of the site examination the weather had been dry. There were no obvious features that indicated either seepage into the property or from the property. There were water courses passing through the property in the south western corner and on the northern boundary.

3.4 Site drainage and Flood potential

There was no potential for flooding.

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3.5 Landslip and Slope:

There was no potential for landslip. The slopes of the land ranged between 5 and 9%.

3.6 Seasonal water table

The seasonal water table was not identified in the 1.5 m deep bore logs. It was assumed that the water table would be greater than 2.0 m deep.

3.7 Rock out crop

There was an outcrop of granite on the highest part of Lot 5. Apart from that one area, there were no other rock outcrops.

3.8 Erosion Potential

The property was well vegetated with grasses and the grassed slopes were stable. Localized erosion may occur if excavated sites are left without stabilization.

3.9 Exposure:

The property was fully exposed to sunlight and prevailing winds.

3.10 Landform

The land was linear planer landform.

3.11 Vegetation:

The land was pasture grasses with tree plantations on the northern boundary and between lots 2 and 3.

3.12 Rainfall and evaporation:

The average annual rainfall adopted was 781 mm measured at Kyneton. The average annual pan evaporation at Malmbsbury Reservoir is 1,237 mm.

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3.13 Fill

There was no cut or fill on the proposed effluent disposal area.

3.14 Recommended buffer distances

The setback distances listed in Table 4.6 of Septic Tank Code of Practice should be adopted.

3.15 Available land application area.

The restrictions for the development of the land for effluent disposal were the offsets from the boundaries of the lots, the water courses, the dams, the existing house and the drainage gullies. **The offset distances may be reduced by 50% although Goulburn Murray Water do not consider this to be best practice particularly because the site category was 4. Therefore, the setback reduction has not been applied. Refer to the attached site plan.**



Lot 2. Looking to the north east.

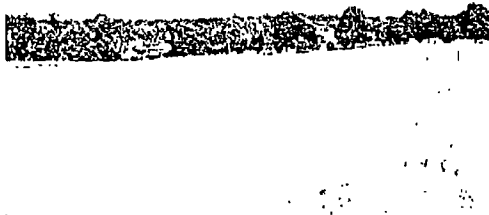


Lot 2. Looking to the north across the effluent disposal area.

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Lot 3. Looking to the north from the high point of the land



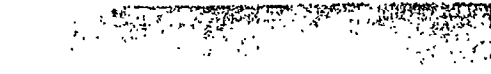
Building envelope and effluent disposal area of Lot 3



Treed area and gully running east to west on the northern boundary of Lot 3

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Lot 4 Looking to the south across the building envelope and effluent envelope. The dam and the watercourse can be seen.



Lot 5. Looking to the north and the effluent disposal area.



Lot 5. Looking from Blackhill Road to the west.

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4.0 SOIL SURVEY:

4.1 Test holes

The soil survey was conducted to determine its suitability for the application for treated effluent.

Five test holes were dug to determine the consistency of the soil type. The soil type was similar over the effluent disposal area but with variations in the depth of the sandy loam from 600 mm to 900 mm and the depth to the decomposed granite at 1300 mm to a depth greater than 1500 mm. The table below was averaged from the samples taken.

The horizon B sandy clay soils were mottled which indicated poor drainage.

Each of the test holes were obtained in the areas of the effluent disposal areas.

The other characteristics were the same

Test Hole	Horizon	Depth mm	pH	Dispersion Index	Salinity	Colour	Texture
1- 5	A1	00 – 300	5 – 5.5	5	0.04	Pale grey	Sandy loam
1- 5	A2	300 – 600	5 – 5.5	5	0.04	Grey/brown	Sandy loam
1- 5	B1	600 – 1400		5	0.04	Brown/Yellow	Sandy clay
1- 5	B2	1400 – 1500				Yellow	Decomposed granite

The pH was determined by a water test.

The dispersion was determined by observing a sample of soil in water.

There was no mottling of the soil.

The electrical conductivity was measured with a "Hanna" hand held meter in a solution of 1:5 sample to water.

Soil Permeability and design loading rates: The soil permeability was not directly measured but can be inferred from tables 4.2A1 to 4.2A4 in AS 1547:2000. Texture, structure, colour and degree of mottling are used to determine the indicative loading rates.



Test hole on Lot 2



Test hole on Lot 3

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Test hole on Lot 4



Test hole on Lot 5

4.2 Soil feature and description:

Soil feature: The soil to the depth of 600 mm was friable sandy loam (Horizon A) while the sandy clay was cohesive (Horizon B)

Description	Horizon A	Horizon B	Design
Soil Category (AS 1547:2000)	2	5	
Design Irrigation Rate DIR mm/week	35	20	35

The Design Irrigation rate was based on absorption depth of 500 mm.

4.3 Depth to water table:

Ground water was not encountered but the seasonal (perched) water table would be expected to be on the sandy clay at an average depth of 600 to 900 mm.

5.0 LAND CAPABILITY ASSESSMENT MATRIX

Refer to Appendix A. The rating result from the matrix was 4 because of the rainfall and the seasonal water table. The depth of the sandy loam was 600 mm so the values of absorption were designed based on the Horizon A soils.

5.1 Design considerations:

The constraints of the site were the water courses and the sandy soil over mottled sandy clay. An aerated wastewater treatment plant or a biodynamic treatment plant with subsurface irrigation is proposed. The absorption would be expected to be to a depth no greater than 500 mm. Additional plant growth in the area of effluent disposal will aid the uptake of the effluent.

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6.0 DESIGN OF AN EFFLUENT DISPOSAL SYSTEM

6.1 Design based on loading rates

House plans are not available for any of the lots so a typical design for a four bedroom house has been prepared. A four bedroom dwelling would be designed for 5 people at 140 litres/day with a daily total loading of 700 litres. This is determined based on a house on tank water supply and standard fixtures.

An aerated wastewater treatment plant with effluent disposed through subsurface irrigation is proposed.

The area of the irrigation bed would be:

$$A = Q/DIR$$

$$A = 700 \times 7 \text{ days}/35$$

$$A = 140 \text{ sq m.}$$

Adopt an effluent disposal envelope area of 250 sq m.

6.2 Design summary

A 4 bedroom house with an aerated wastewater treatment plant would require 140 sq m of irrigation area. The effluent disposal area required for planning purposes is 250 sq m with a secondary area of 250 sq m if the primary area should fail or need periodic resting.

Standard house water fixtures have been allowed for in the design.

7.0 INSTALLATION REQUIREMENTS:

7.1 The wastewater treatment plant:

The wastewater treatment plant should be installed according to the manufacturers specifications.

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7.2 Management and long term maintenance of the wastewater treatment plant.

The following notes are provided for the guidance of the owners to ensure that the system adopted will operate satisfactorily:

- Read the manufacturers instructions regarding the materials that may and what should not be put into the system.
- Have the treatment plant maintained at the frequency specified by the manufacturer.

7.3 Installation of the Effluent Fields

The Australian Standard details the installation requirements for the effluent disposal in each of the options. Refer to AS 1547:2000. The detailed design of the systems is outside the boundaries of this report.

Additional comments about the systems:

Subsurface irrigation: Comprises of a network of drip irrigation pipes operating under pressure. The size of the pump needs to be sized correctly to ensure that adequate pressure is maintained for the delivery through the network.

7.4 Inspection procedure for the effluent fields:

It is the owner's responsibility to inspect the system to detect any malfunction. Periodically inspect the disposal areas to check for leakages, wet areas and odours. If malfunction is detected have the effluent field maintained by a plumber. The secondary area may need to be activated to rest the primary area.

8.0 SUMMARY:

The result of the land capability assessment was that wastewater may be retained on site for each of the lots.

The wastewater system is to be an aerated wastewater treatment system with effluent disposal in subsurface irrigation beds.

A handwritten signature in black ink that reads 'J. R. Randles'.

J. R. Randles C P Eng (ret).

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APPENDIX A

LAND CAPABILITY RATING

General Characteristics	Very Good (1)	Good (2)	Fair (3)	Poor (4)	Very Poor (5)	Rating
Site drainage	Very Slow	Slow	Moderate	Rapid	Very Rapid	3
Flood inundation potential AEP	Never		<1 in 100	<1 in 20	>1 in 20	2
Slope of Land	0 to 2%	2 to 8%	8 - 12%	12 - 20	>20	2
Landslip					Present or past failure	1
Seasonal water table (m)	>5	5 - 2.5	2.5 - 2.0	2.0 - 1.5	<1.5	4
Rock outcrop (% of land surface containing rocks >200 mm)	0	<10%	10 - 20%	20 - 50%	>50%	2
Erosion potential	None	Minor	Moderate	High	Severe	2
Exposure	High sun and wind		Moderate	Low sun and wind		1
Landform	Hillcrests, convex side slopes and plains		Concave sideslopes and footslopes		Floodplains and incised channels	1
Vegetation Type	Pasture				Dense forest with no understory	1
Rainfall (mm/yr)	<450	450 - 650	650 - 750	750 - 1000	>1000	4
Pan evaporation mm/yr	>1500	1250 - 1500	1000 - 1250		<1000	2
Fill	No fill		Fill present			1

General Soil Profile		Very Good (1)	Good (2)	Fair (3)	Poor (4)	Very Poor (5)	Rating
Soil permeability category		2 or 3	4		5	1 and 6	1
Profile depth		>2 m	1.5 – 2 m	1.5 – 1	1 – 0.5	> 0.5	3
Presence of mottling		None				Extensive	3
Course fragments %		<10	10 – 20	20 – 40		>40	1
pH		6 – 8		4.5 – 6		<4.5, >8	3
Emerson Aggregate		4, 6, 8	5	7	2, 3	1	2
Electrical conductivity (dS/m)		<0.3	0.3 – 0.8	0.8 - 2	2 – 4	>4	1

Note:

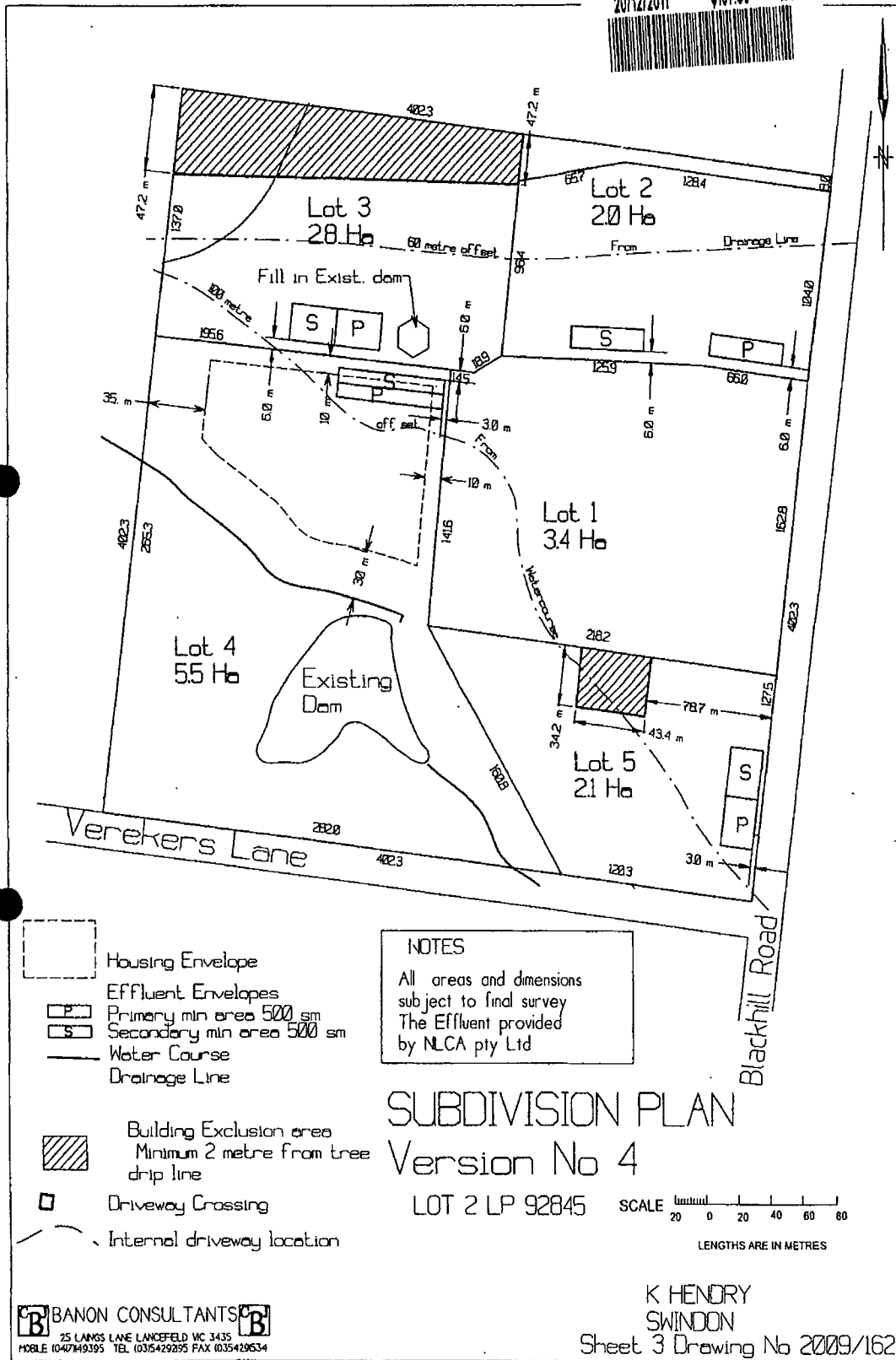
The rating of 4 was adopted because of the rainfall and seasonal water table.

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20/12/2011 \$107.50 173



National Australia Bank Ltd as Mortgagee under Instrument of Mortgage No. R753510X which encumbers the subject land consents to the Owner entering into this Agreement and agrees to be bound by the terms and conditions of this Agreement.

DATED: 25 NOVEMBER 2011

Executed on behalf of NATIONAL
AUSTRALIA BANK LIMITED
by its Attorney
TRUDI LEARNE DENHAM
under Power of Attorney dated
(a certified copy of which is filed in
Permanent Order Book 17 at Page 3)
who states that he/she holds the office
in the Bank indicated under his/her
signature in the Presence of


.....
Manager
National Australia Bank Limited



PLANNING CERTIFICATE

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

CERTIFICATE REFERENCE NUMBER

900659

APPLICANT'S NAME & ADDRESS

ARMSTRONG COLLINS & DELACY C/- INFOTRACK (LEAP) C/
- LANDATA
DOCKLANDS

VENDOR

HENDRY, KEITH WILLIAM Y

PURCHASER

NA, NA

REFERENCE

929

This certificate is issued for:

LOT 4 PLAN PS704889 ALSO KNOWN AS 155 VEREKERS LANE KYNETON
MACEDON RANGES SHIRE

The land is covered by the:

MACEDON RANGES PLANNING SCHEME

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

The land:

- is included in a RURAL LIVING ZONE - SCHEDULE 2
- is within a BUSHFIRE MANAGEMENT OVERLAY
- and a ENVIRONMENTAL SIGNIFICANCE OVERLAY - SCHEDULE 4

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

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

20 January 2023

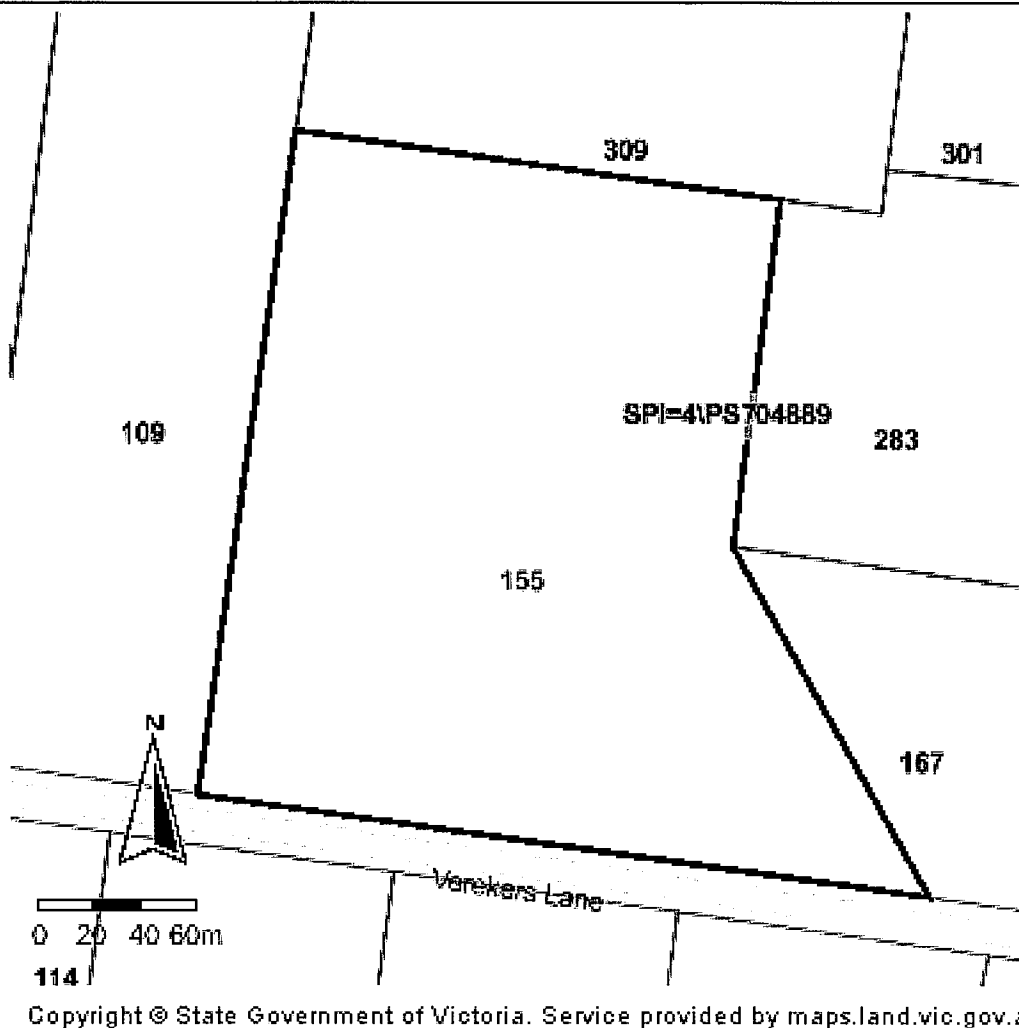
Sonya Kilkenny
Minister for Planning

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

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



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.



From www.planning.vic.gov.au at 29 January 2023 06:38 PM

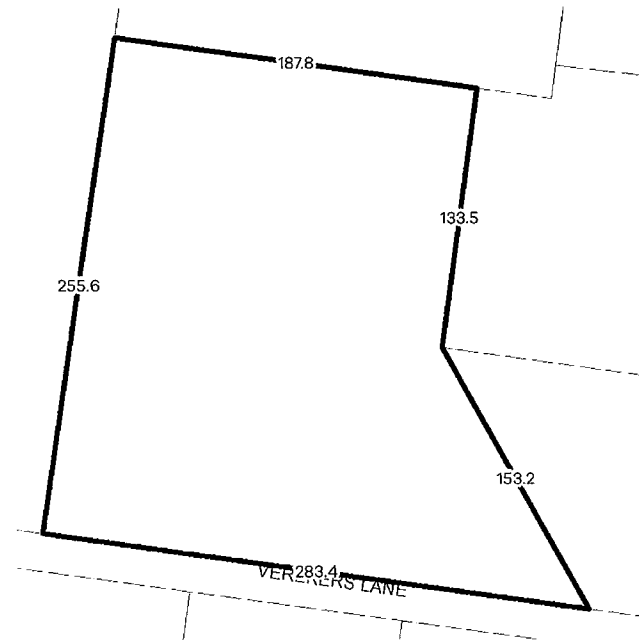
PROPERTY DETAILS

Address: **155 VEREKERS LANE KYNETON 3444**
 Lot and Plan Number: **Lot 4 PS704889**
 Standard Parcel Identifier (SPI): **4\PS704889**
 Local Government Area (Council): **MACEDON RANGES**
 Council Property Number: **1190155**
 Directory Reference: **Vicroads 59 J5**

www.mrsc.vic.gov.au

SITE DIMENSIONS

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



Area: 53990 sq. m (5.40 ha)

Perimeter: 1013 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: **Goulburn-Murray Water**
 Urban Water Corporation: **Coliban Water**
 Melbourne Water: **Outside drainage boundary**
 Power Distributor: **POWERCOR**

STATE ELECTORATES

Legislative Council: **NORTHERN VICTORIA**
 Legislative Assembly: **MACEDON**

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.

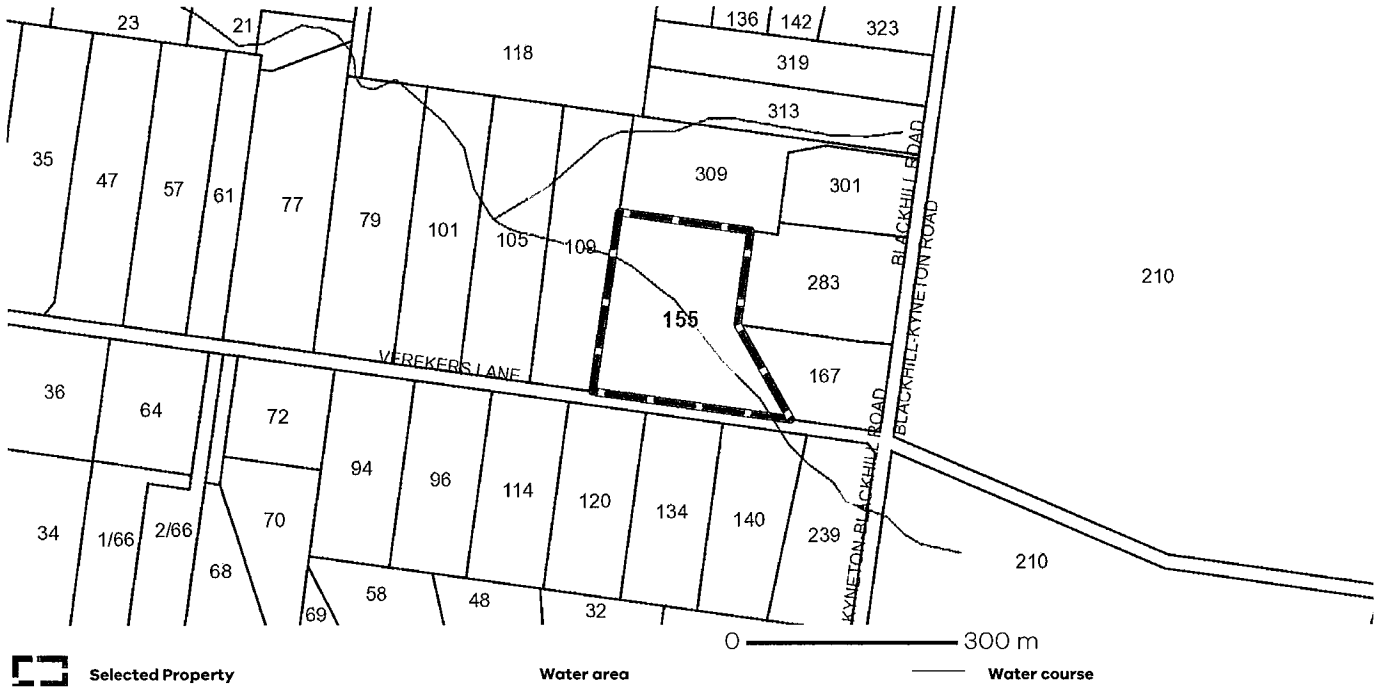
The Planning Property Report for this property can found here - [Planning Property Report](#).

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



From www.planning.vic.gov.au at 29 January 2023 06:39 PM

PROPERTY DETAILS

Address: **155 VEREKERS LANE KYNETON 3444**
 Lot and Plan Number: **Lot 4 PS704889**
 Standard Parcel Identifier (SPI): **4\PS704889**
 Local Government Area (Council): **MACEDON RANGES**
 Council Property Number: **1190155**
 Planning Scheme: **Macedon Ranges**
 Directory Reference: **Vicroads 59 J5**

www.mrsc.vic.gov.au

[Planning Scheme - Macedon Ranges](#)

UTILITIES

Rural Water Corporation: **Goulburn-Murray Water**
 Urban Water Corporation: **Coliban Water**
 Melbourne Water: **Outside drainage boundary**
 Power Distributor: **POWERCOR**

STATE ELECTORATES

Legislative Council: **NORTHERN VICTORIA**
 Legislative Assembly: **MACEDON**

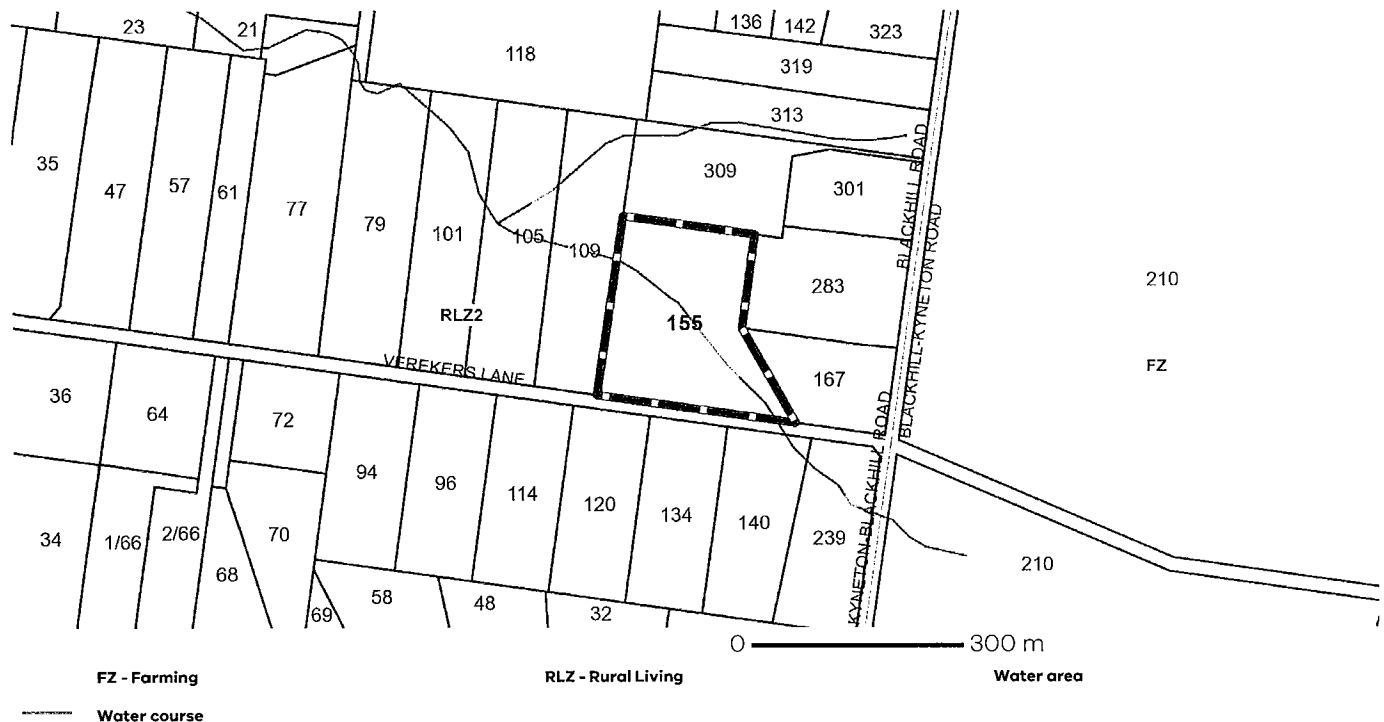
OTHER

Registered Aboriginal Party: **Taungurung Land and Waters
 Council Aboriginal Corporation**

[View location in VicPlan](#)

Planning Zones

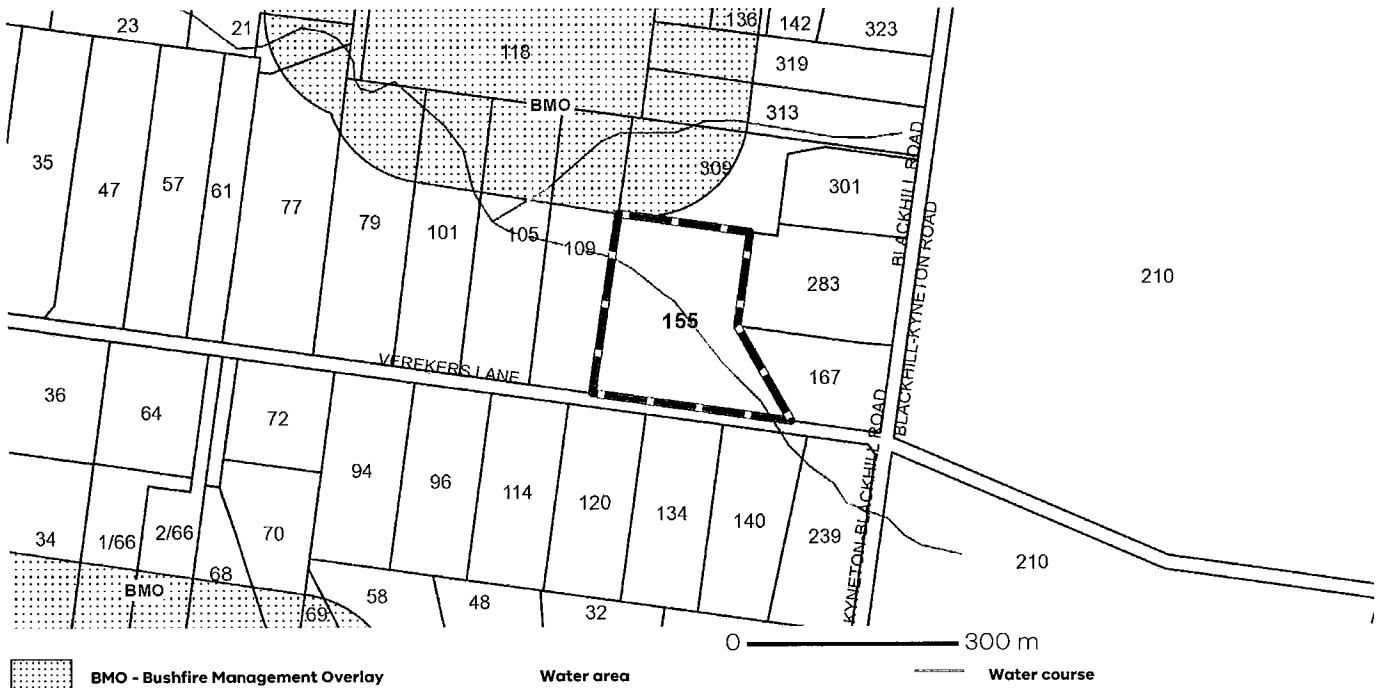
RURAL LIVING ZONE (RLZ)
RURAL LIVING ZONE - SCHEDULE 2 (RLZ2)



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

Planning Overlays

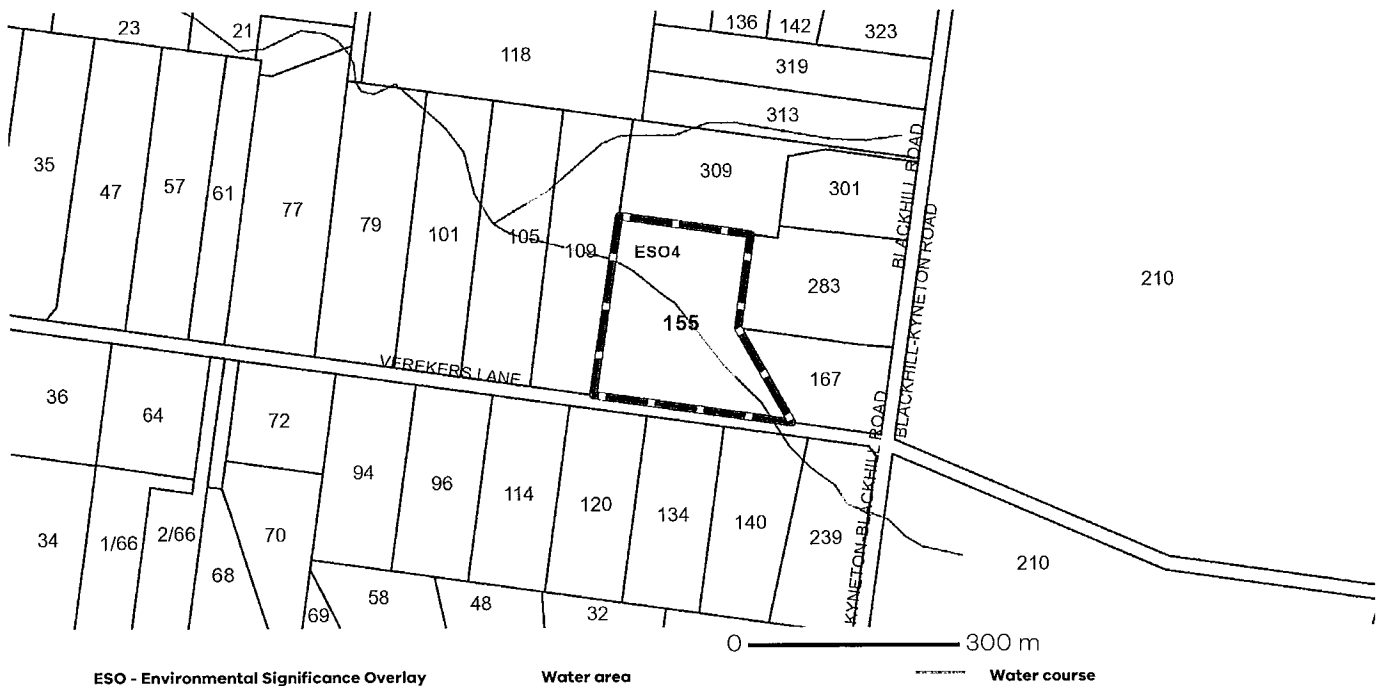
BUSHFIRE MANAGEMENT OVERLAY (BMO)



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

ENVIRONMENTAL SIGNIFICANCE OVERLAY (ESO)

ENVIRONMENTAL SIGNIFICANCE OVERLAY - SCHEDULE 4 (ESO4)



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

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Read the full disclaimer at <https://www.delwp.vic.gov.au/disclaimer>

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).

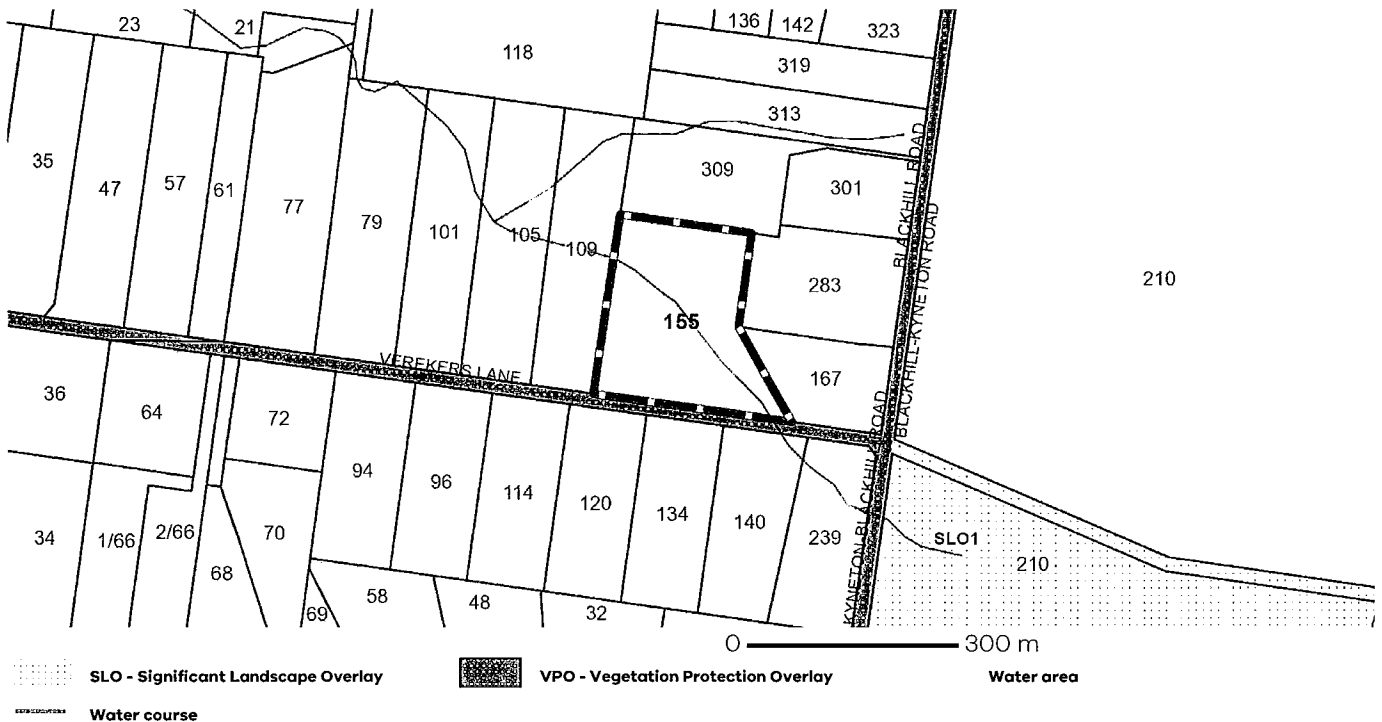
Planning Overlays

OTHER OVERLAYS

Other overlays in the vicinity not directly affecting this land

SIGNIFICANT LANDSCAPE OVERLAY (SLO)

VEGETATION PROTECTION OVERLAY (VPO)



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

Further Planning Information

Planning scheme data last updated on 24 January 2023.

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

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

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

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

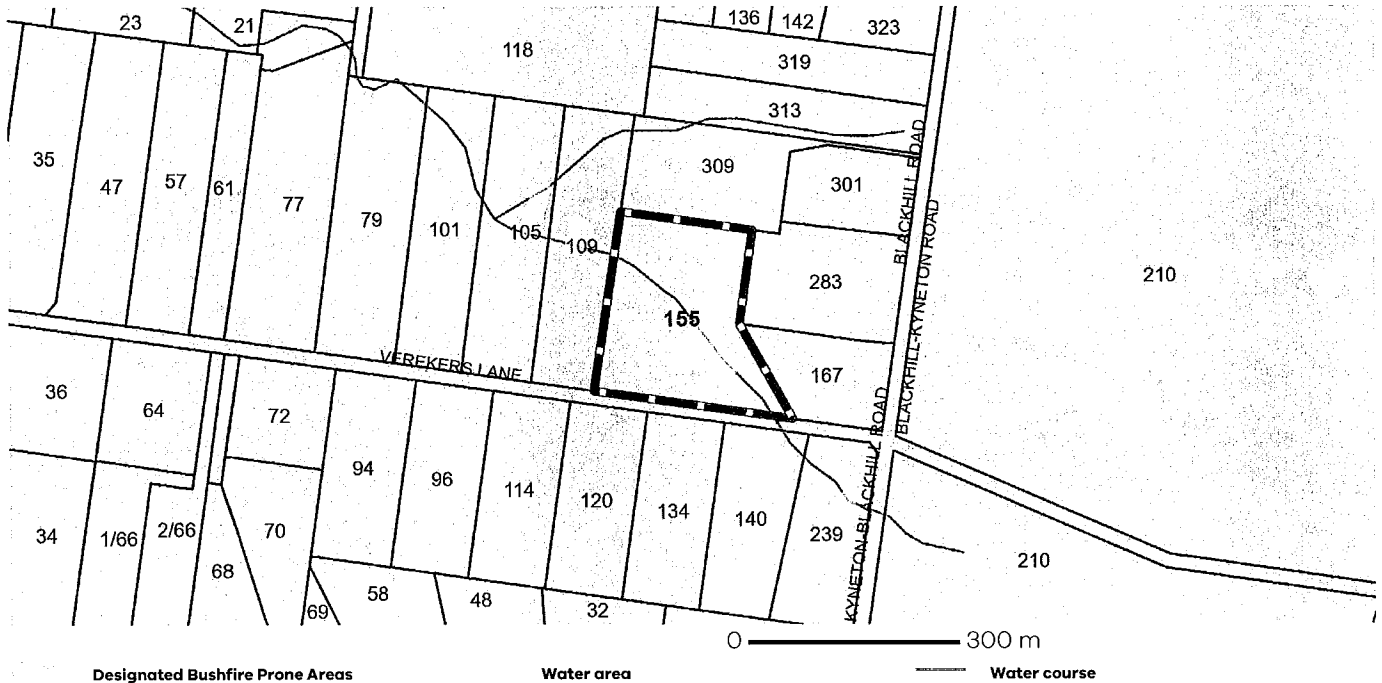
For other information about planning in Victoria visit <https://www.planning.vic.gov.au>

Designated Bushfire Prone Areas

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

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

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



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

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

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

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

Further information about the building control system and building in bushfire prone areas can be found on the Victorian Building Authority website <https://www.vba.vic.gov.au>. Copies of the Building Act and Building Regulations are available from <http://www.legislation.vic.gov.au>. For Planning Scheme Provisions in bushfire areas visit <https://www.planning.vic.gov.au>.

Native Vegetation

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

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

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

ABN 42 686 389 537
PO BOX 151 KYNETON VIC 3444
EMAIL for updates to certificates: rates@mrsc.vic.gov.au

LAND INFORMATION CERTIFICATE
Local Government Act 2020
Local Government (Land Information) Regulations 2021

Info Track
C/- Landata, GPO BOX 527,
MELBOURNE VIC 3001

Cert No: 23464
Assessment Number: 33352-6
Property Key: 1190155
Your Ref: 67618319-013-7
Date: 23 January 2023

Property Details:

Swinton, 155 Verekers Lane KYNETON VIC 3444

Site Value	\$ 800,000
Capital Improved Value	\$ 825,000
Net Annual Value	\$ 41,250
Valuation Year	2022
Rating Year	2022/2023

Property Land Use Classification:

Land Use: 530.2 - Mixed Farming & Grazing with structural improvemnt Current

Title Details:

LOT 4 PS 704889W P/Carlsruhe COT-11374/134

Land Area:

5.453HA

The valuations, which appear on this certificate, have been prepared for rating and taxing purposes only and are not intended for any other purpose. PLEASE NOTE: The valuation of this property may be subject to review via a general revaluation or a supplementary valuation in accordance with Section 13DF of the Valuation of Land Act 1960.

PROPERTY RATES & CHARGES

Rates, charges and other monies due and payable for the year ending 30 June 2023, due and payable on 1 July 2022. Please note rates and charges are payable by instalments on the dates indicated: 30 September, 30 November, 28 February & 31 May.

Rates & Charges

	<u>Levied</u>	<u>Balance</u>
General Rates (differential rate)	\$ 1,255.16	\$ 627.04
State Government Levies	\$ 378.25	\$ 188.96
Interest (\$0.00)		
Legal Charges - Arrears		\$ 0.00
Legal Charges - Current		\$ 0.00
SUB TOTAL RATES & CHARGES DUE	<u>\$ 1,633.41</u>	<u>\$ 816.00</u>

Debtor

Schemes Special Rates & Charges \$ 0.00

SUB TOTAL DEBTOR AND SPECIAL CHARGES **\$ 0.00**

TOTAL RATES & CHARGES DUE **\$ 816.00**

Please Note if making a settlement payment via PEXA please use biller code: 16295 and Ref: 333526

The Council uses CIV to determine the value of the property for rating purposes.

This Certificate PROVIDES information regarding valuations, rates, charges, other monies owing and any orders and notices made under the Local Government Act 2020, Local Government Act 1989, Local Government Act 1958 or under a local law or by law of the Council.

LAND INFORMATION CERTIFICATE
Local Government Act 2020
Local Government (Land Information) Regulations 2021

This Certificate IS NOT REQUIRED to include information regarding planning, building, health, land fill, land slip, other flooding information or service easements. Information regarding these matters may be available from Council or the relevant Authority. A fee may be charged for such information.

- ** There are no monies owed under Sec 227, Local Government Act 1989.
- ** There is NO potential liability for rates under the Cultural & Recreational Lands Act 1963.
- ** There is NO potential liability for the land to become rateable under Sections 173, or 174A of the Local Government Act 1989.
- ** There are NO outstanding amounts required to be paid for recreational purposes or any transfer of land required to be made to Council for recreational purposes under Section 18 of the Subdivision Act 1988, or the Local Government Act 1958.
- ** There are NO Notices or Orders on the land which have a continuing application under the Local Government Act 1958, Local Government Act 1989 or under a Local Law or by-law of Council.

I hereby certify that at the date of issue, the information given in this Certificate is a true and correct disclosure of the rates, other monies and interest payable to the Macedon Ranges Shire Council, together with any notices or orders referred to in this Certificate.

After the issue of this certificate, Council may be prepared to provide an update to information to the applicant about matters disclosed in this certificate, but if it does so, Council accepts no responsibility whatsoever for the accuracy of this information given, and no employee of the Council is authorised to bind the Council by the giving of such information. Certificates will only be updated to the applicant and confirmation will be provided to non-applicants. EMAIL for updates to certificates: rates@mrsc.vic.gov.au

No updating of Certificate details will be given if the date of issue of the Certificate exceeds three months (90 days). New certificates must be applied for.

ADDITIONAL INFORMATION

Purchaser: N/A

Remarks: This property is rated on agricultural land rate. The new owner will be required to apply within two months of settlement otherwise general rates will apply.

Property Conditions:

I acknowledge having received the sum of \$27.80 being the fee for this certificate.

Authorised Officer: 

Date of Issue: 23 January 2023

Cert No: 23464

CONFIRMATION OF ANY VARIATION TO THIS CERTIFICATE WILL ONLY BE GIVEN TO THE APPLICANT AND UP TO 90 DAYS AFTER ISSUE DATE. PAYMENTS MADE BY CHEQUE ARE SUBJECT TO CLEARANCE FROM THE BANK. THIS CERTIFICATE WILL EXPIRE ON **23 April 2023**.

Property Clearance Certificate

Taxation Administration Act 1997



INFOTRACK / ARMSTRONG COLLINS & DELACY

Your Reference: 111230
Certificate No: 58874510
Issue Date: 20 JAN 2023
Enquiries: ESYSPROD

Land Address: 155 VEREKERS LANE KYNETON VIC 3444

Land Id	Lot	Plan	Volume	Folio	Tax Payable
40066153	4	704889	11374	134	\$0.00

Vendor: KATHLEEN CECILI HENDRY & KEITH WILLIAM Y HENDRY
Purchaser: FOR INFORMATION PURPOSES

Current Land Tax	Year	Taxable Value	Proportional Tax	Penalty/Interest	Total
MR KEITH WILLIAM HENDRY	2023	\$800,000	\$0.00	\$0.00	\$0.00

Comments: Property is exempt: LTX primary production land.

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

Arrears of Land Tax	Year	Proportional Tax	Penalty/Interest	Total
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This certificate is subject to the notes that appear on the reverse. The applicant should read these notes carefully.

Paul Broderick
Commissioner of State Revenue

CAPITAL IMP VALUE:	\$825,000
SITE VALUE:	\$800,000
AMOUNT PAYABLE:	\$0.00

Notes to Certificates Under Section 95AA of the *Taxation Administration Act 1997*

Certificate No: 58874510

Power to issue Certificate

1. The Commissioner of State Revenue can issue a Property Clearance Certificate (Certificate) to an owner, mortgagee or bona fide purchaser of land who makes an application specifying the land for which the Certificate is sought and pays the application fee.

Amount shown on Certificate

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

Land tax is a first charge on land

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

Information for the purchaser

4. If a purchaser of the land described in the Certificate has applied for and obtained a Certificate, the amount recoverable from the purchaser cannot exceed the 'amount payable' shown. A purchaser cannot rely on a Certificate obtained by the vendor.

Information for the vendor

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

General information

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

For Information Only

LAND TAX CALCULATION BASED ON SINGLE OWNERSHIP

Land Tax = \$1,975.00

Taxable Value = \$800,000

Calculated as \$975 plus (\$800,000 - \$600,000) multiplied by 0.500 cents.

Property Clearance Certificate - Payment Options

BPAY



Billers Code: 5249
Ref: 58874510

Telephone & Internet Banking - BPAY®

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

www.bpay.com.au

CARD



Ref: 58874510

Visa or Mastercard

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

sro.vic.gov.au/paylandtax

ROADS PROPERTY CERTIFICATE

The search results are as follows:

Armstrong Collins & Delacy C/- InfoTrack (LEAP)
135 King St
SYDNEY 2000
AUSTRALIA

Client Reference: 929

NO PROPOSALS. As at the 20th January 2023, VicRoads has no approved proposals requiring any part of the property described in your application. You are advised to check your local Council planning scheme regarding land use zoning of the property and surrounding area.

This certificate was prepared solely on the basis of the Applicant-supplied address described below, and electronically delivered by LANDATA®.

155 VEREKERS LANE, KYNETON 3444
SHIRE OF MACEDON RANGES

This certificate is issued in respect of a property identified above. VicRoads expressly disclaim liability for any loss or damage incurred by any person as a result of the Applicant incorrectly identifying the property concerned.

Date of issue: 20th January 2023

Telephone enquiries regarding content of certificate: 13 11 71

[Vicroads Certificate] # 67618319 - 67618319114224 '929'