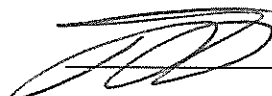





Vendor Statement

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	Unit 10, 144 Disney Street, Crib Point VIC 3919	
Vendor's name	James Anthony Young & Phonepraseuth Young	Date 15/4/2020
Vendor's signature	 	
Purchaser's name		Date / /
Purchaser's signature		
Purchaser's name		Date / /
Purchaser's signature		

Vendor: James Anthony Young & Phonepraseuth Young
Property: Unit 10, 144 Disney Street, Crib Point VIC 3919

1. Financial matters in respect of the land

Information concerning the amount of Rates, Taxes, Charges and other similar outgoings affecting the property and interest (if any) payable thereon (including any Owners Corporation Charges and Interest):

(a) are as follows :

- | | |
|--------------------------------|---------------------|
| 1. Mornington Peninsula Shire | \$750.55 per annum |
| 2. South East Water (parks) | \$79.02per annum |
| 3. South East Water (Drainage) | \$25.52 per quarter |
| 4. South East Water (water) | \$29.18 per quarter |
| 5. South East Water (sewerage) | \$91.67 per quarter |
| 6. Owners Corporation 634676D | \$880.00 per annum |

Any further amounts (including any proposed Owners Corporation Levy) for which the Purchaser may become liable as a consequence of the purchase of the property are as follows: None to the vendors knowledge

- a. Their total does not exceed \$3,000.00
- b. The particulars of any Charge (whether registered or not) over the property imposed by or under any Act to secure an amount due under that Act are as follows: None to the vendors knowledge

2. Insurance details in respect of the land

- (a) if the contract provides that the land does not remain at the vendor's risk before the purchaser is entitled to possession or receipt of rents and profits:

No such insurance has been effected

Particulars of vendor's required insurance:

- (b) if there is a residence on the land which was constructed within the preceding 6 years and section 137B of the ***Building Act 1993*** applies to the residence:

No such insurance has been effected.

3. Matters relating to land use

- (a) Information concerning any easement, covenant or similar restriction affecting the property, registered or unregistered, are as follows:
- Description: As per attached documents
 - Particulars of any existing failure to comply with the terms of that easement, covenant and/or restriction are as follows: None to the Vendors knowledge
- (b) This land is not within a bushfire prone area within the meaning of the regulations made under the ***Building Act 1993***
- (c) There is access to the property by road.
- (d) in the case of land to which a planning scheme applies a statement specifying—

(i) name of the planning scheme: Mornington Peninsula Planning Scheme

(ii) name of the responsible authority: Mornington Peninsula Shire Council

(iii) zoning of the land: General residential zone -schedule 12 (GRZ1)

(iv) name of any planning overlay affecting the land:

-Design & Development Overlay-schedule 19(DDO19)

-Vegetation Protection Overlay-schedule 1 (VPO1)

Area of aboriginal cultural
Sensitivity

Not applicable.

4. Notices made in respect of land

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

Is as follows: None, to the Vendors knowledge

- (b) whether there are any 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:

Is as follows: None, to the Vendors knowledge

- (c) particulars of any notice of intention to acquire served under section 6 of the *Land Acquisition and Compensation Act 1986*.

Is as follows: None, to the Vendors knowledge

5. Building permits

Particulars of any building permit issued during the past seven years under the *Building Act 1993* (where the property includes a Residence):

No such Building permit has been granted to the Vendor's knowledge

6. Information relating to any owners corporation

The land is affected by an Owners Corporation within the meaning of the *Owners Corporations Act 2006*. And attached are copies of the current owners corporation certificate issued in respect of the land under section 151 of the *Owners Corporations Act 2006*; and attached are copies of the documents specified in section 151(4)(b)(i) and (iii) of the *Owners Corporations Act 2006* that are required to accompany an owners corporation certificate under that Act

7. Growth areas infrastructure contribution

There is not a work-in-kind agreement (within the meaning of Part 9B of the *Planning and Environment Act 1987*) – (*delete as appropriate)

Particulars of work-in-kind agreement: None to the vendors knowledge

8. Disclosure of non-connected services

The following services are **not** connected to the land— Nil

9. Evidence of title

Attached are copies of the following document/s concerning Title:

- (a) in the case of land under the *Transfer of Land Act 1958*, a copy of the 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;
- (b) in any other case, a copy of—
 - (i) the last conveyance in the chain of title to the land; or
 - (ii) any other document which gives evidence of the vendor's title to the land;
- (c) if the vendor is not the registered proprietor of the land or the owner of the estate in fee simple in the land, evidence of the vendor's right or power to sell the land;
- (d) in the case of land that is subject to a subdivision—
 - (i) if the plan of subdivision has not been registered, a copy of the plan of subdivision which has been certified by the relevant municipal council; or
 - (ii) if the plan of subdivision has not yet been certified, a copy of the latest version of the plan;
- (e) In the case of land that is part of a staged subdivision within the meaning of Section 37 of the **Subdivision Act 1988** –
 - (i) If the land is in the second or a subsequent stage, a copy of the plan for the first stage; and
 - (ii) Details of any requirements in a statement of compliance relating to the stage in which the land is included that have not been complied with; and
 - (iii) Details of any proposals relating to subsequent stages that are known to the vendor; and
 - (iv) A statement of the contents of any permit under the **Planning and Environment Act 1987** authorising the staged subdivision.
- (f) In the case of land that is subject to a subdivision and in respect of which a further plan within the meaning of the **Subdivision Act 1988** is proposed -
 - (i) If the later plan has not been registered, a copy of the plan which has been certified by the relevant municipal council; or
 - (ii) If the later plan has not yet been certified, a copy of the latest version of the plan.

IMPORTANT NOTICE – ADDITIONAL DISCLOSURE REQUIREMENTS:

Where the property is to be sold subject to a Mortgage that is not to be discharged by the date of possession (or receipt of rents and profits) of the property and/or sold on Terms – the Vendor must provide an additional Statement containing the particulars specified in Schedules 1 and 2 of the Act.

Where the land is to be sold pursuant to a terms contract which obliges the purchaser to make two or more payments to the vendor after the execution of the contract and before the purchaser is entitled to a conveyance or transfer of the land, then the vendor must provide an additional statement containing the information specified in Schedule 2 of the Sale of Land Act 1962.

NOTICE TO PURCHASER

Property: Unit 10, 144 Disney Street, Crib Point VIC 3919
Vendor: James Anthony Young

1. The above property is either an existing residential premises or commercial residential premises and therefore the purchaser is not required to withhold GST.



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VOLUME 11268 FOLIO 501

Security no : 124082582951C
Produced 15/04/2020 09:46 AM

LAND DESCRIPTION

Lot 10 on Plan of Subdivision 634676D.
PARENT TITLE Volume 03359 Folio 708
Created by instrument PS634676D 05/05/2011

REGISTERED PROPRIETOR

Estate Fee Simple
Joint Proprietors
JAMES ANTHONY YOUNG
PHONEPRASEUTH YOUNG both of 7A PEDDLE STREET BITTERN VIC 3918
AM224280R 01/10/2015

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AM224281P 01/10/2015
COMMONWEALTH BANK OF AUSTRALIA

CAVEAT AS942345G 30/01/2020
Caveator
LAWYERS BY THE BAY PTY LTD ACN: 608823178
Grounds of Claim
CHARGE CONTAINED IN AN AGREEMENT WITH THE FOLLOWING PARTIES AND DATE.
Parties
JAMES ANTHONY YOUNG
Date
28/01/2020
Estate or Interest
INTEREST AS CHARGE
Prohibition
ABSOLUTELY
Lodged by
LAWYERS BY THE BAY
Notices to
DAVID ALTHAUS of 11 RAILWAY GROVE MORNINGTON VIC 3931

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 PS634676D FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NUMBER	CAVEAT	STATUS	DATE
AS942345G (E)		Registered	30/01/2020

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

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



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Street Address: UNIT 10 144 DISNEY STREET CRIB POINT VIC 3919

ADMINISTRATIVE NOTICES

NIL

eCT Control 15940N CBA - COMMONWEALTH BANK OF AUSTRALIA
Effective from 23/10/2016

OWNERS CORPORATIONS

The land in this folio is affected by
OWNERS CORPORATION 1 PLAN NO. PS634676D

DOCUMENT END



Imaged Document Cover Sheet


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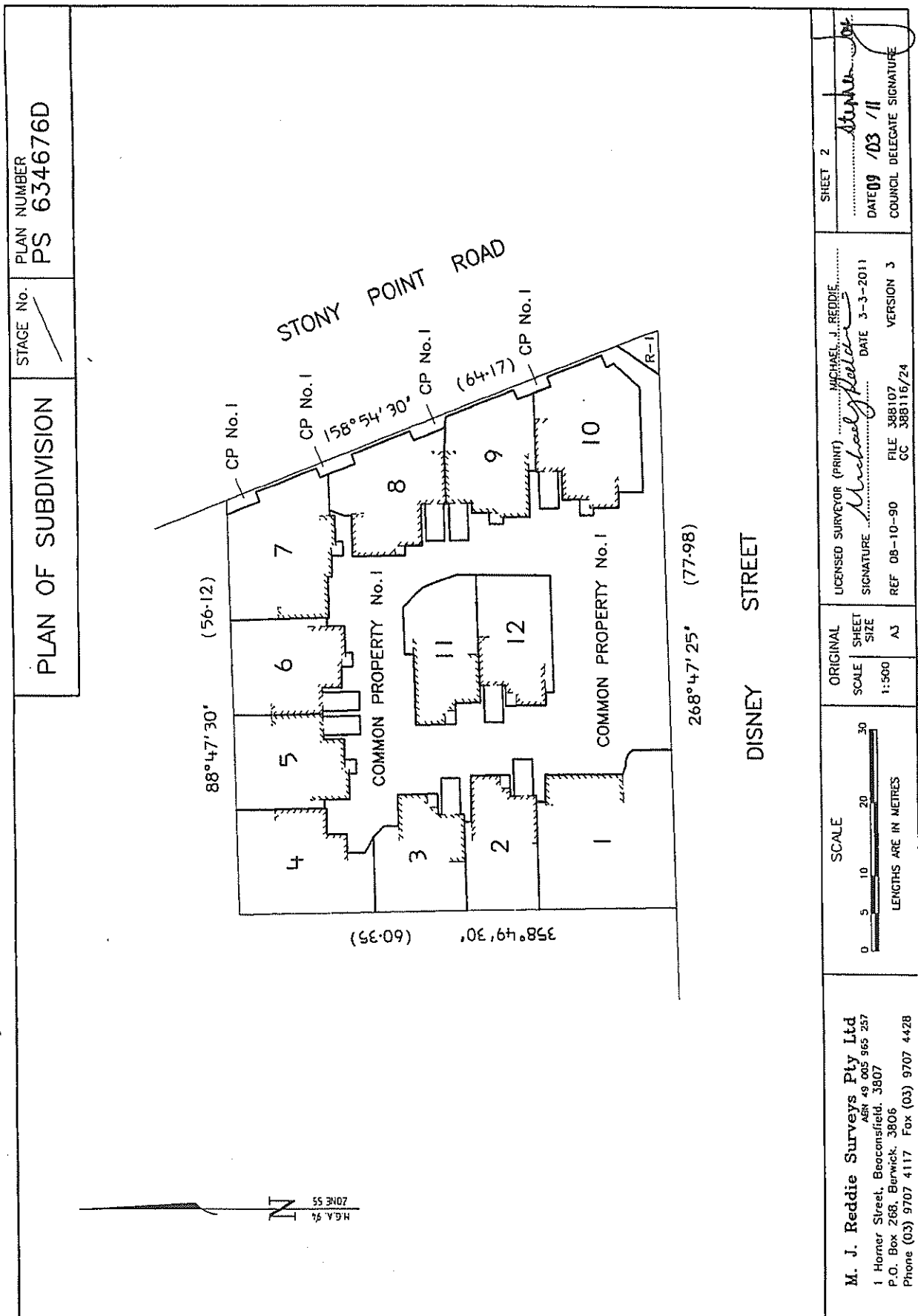
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Document Identification	PS634676D
Number of Pages (excluding this cover sheet)	5
Document Assembled	15/04/2020 09:47

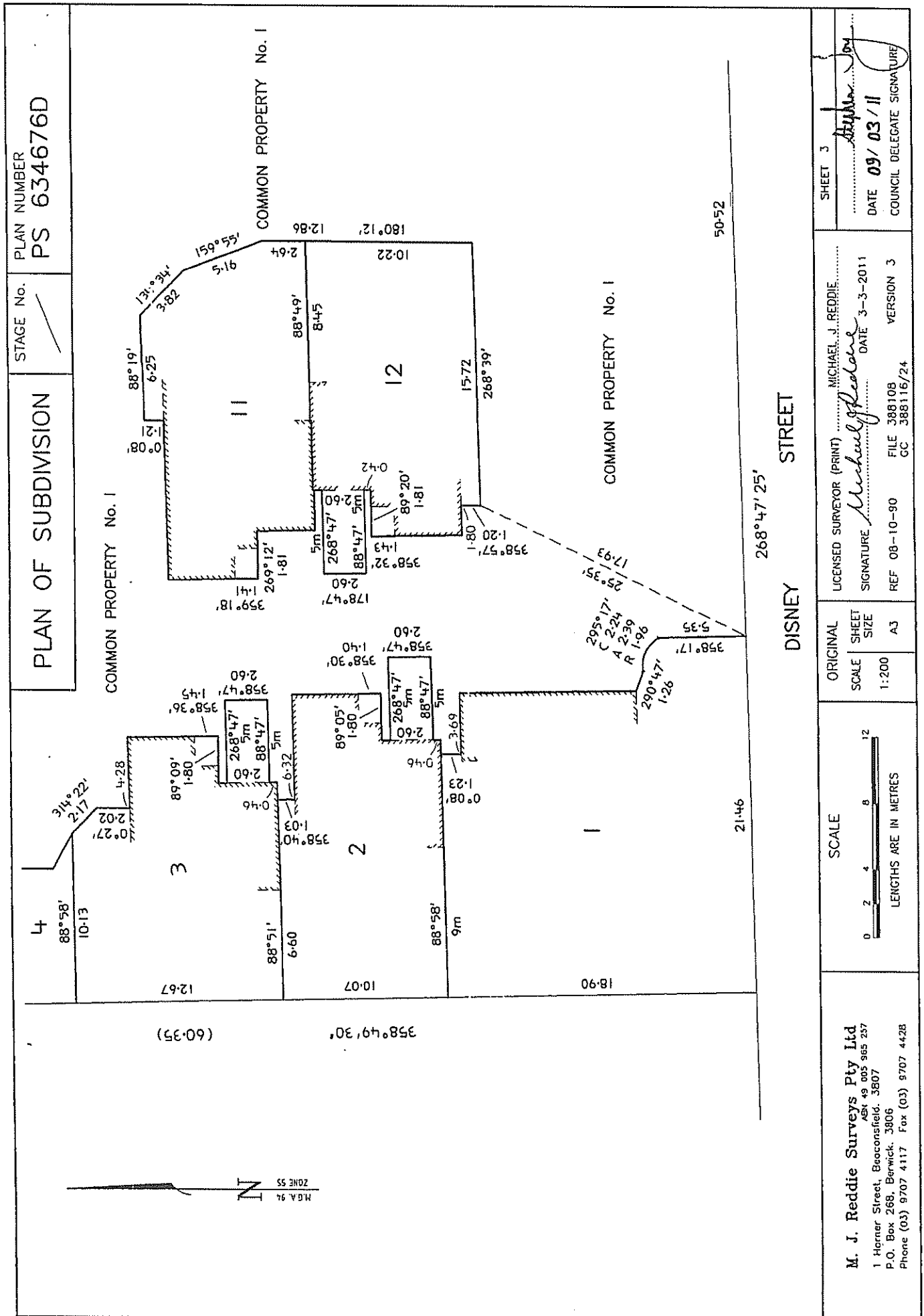
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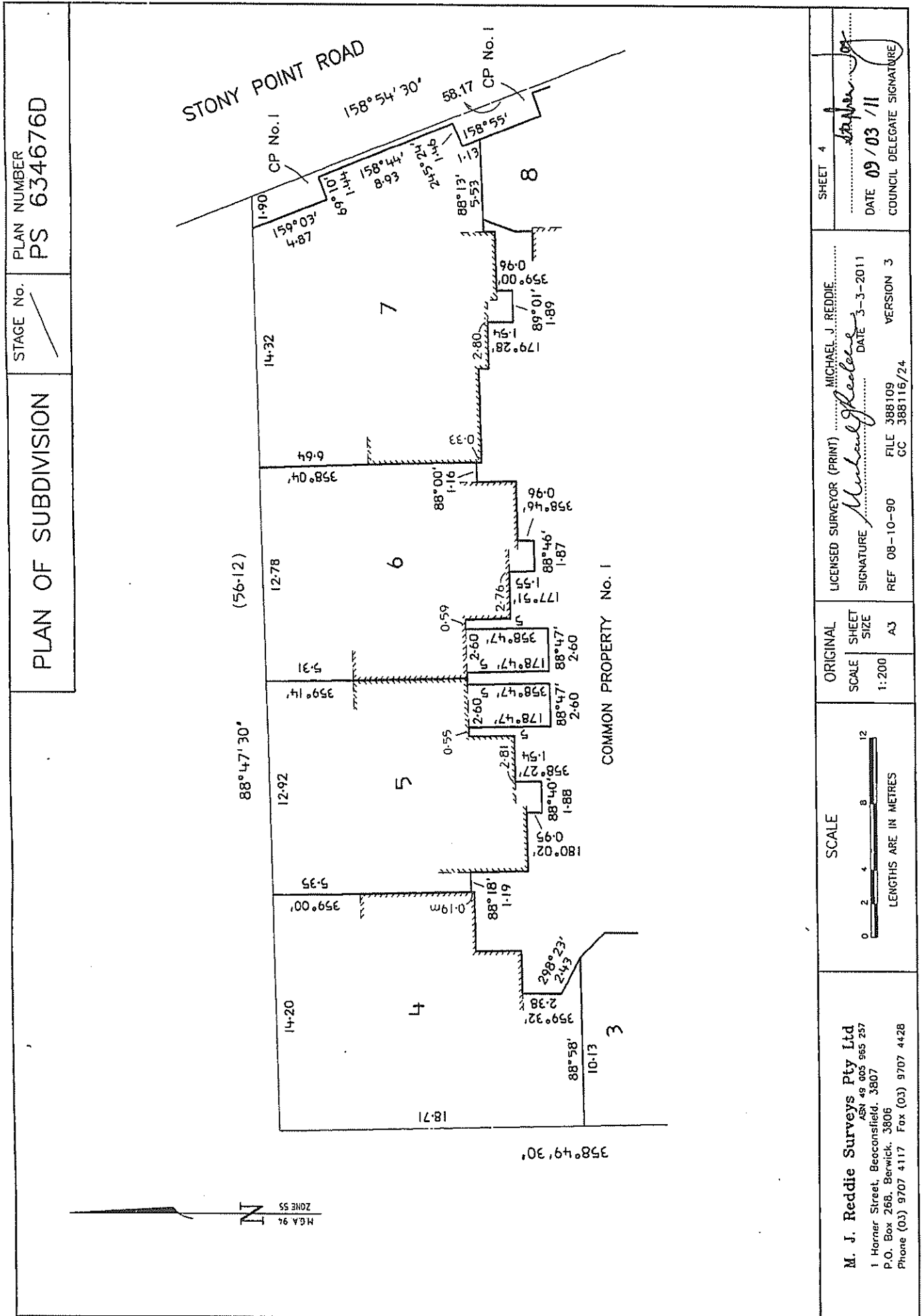
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The document is invalid if this cover sheet is removed or altered.

PLAN OF SUBDIVISION		STAGE No. <div style="border-bottom: 1px solid black; width: 50px; margin: 0 auto;"></div>	LRS USE ONLY EDITION 1	PLAN I PS	PS634676D <small>20/04/2011 \$2200.20 PS</small> 
LOCATION OF LAND PARISH: BITTERN TOWNSHIP: SECTION: CROWN ALLOTMENT: (PART) 92A CROWN PORTION: LRS BASE RECORD: VICMAP DIGITAL PROPERTY (METRO) TITLE REFERENCES: VOL 3350 FOL 708 LAST PLAN REFERENCE/S: — POSTAL ADDRESS: 339 STONY POINT ROAD (At time of subdivision) CRIB POINT 3919 MGA Co-ordinates E 342 175 (of approx centre of land in plan) N 5 753 460 ZONE: 55		COUNCIL CERTIFICATION AND ENDORSEMENT COUNCIL NAME: MORNINGTON PENINSULA REF: S10/5018 1. This plan is certified under Section 6 of the Subdivision Act 1988. 2. This plan is certified under Section 11(7) of the Subdivision Act 1988. Date of original certification under Section 6: / / 3. This is a statement of compliance issued under Section 21 of the Subdivision Act 1988. OPEN SPACE (i) A requirement for public open space under Section 18 of the Subdivision Act 1988 has has not been made. (ii) The requirement has been satisfied. (iii) The requirement is to be satisfied in Stage: Council Delegate <i>Stephen Joy</i> Council Seal Date 09/03/11 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				
ROAD R-1	MORNINGTON PENINSULA SHIRE COUNCIL				
NOTATIONS					
STAGING This is/is not a staged subdivision. Planning permit No.					
DEPTH LIMITATION: Does not apply.					
BOUNDARIES DEFINED BY BUILDINGS ARE SHOWN BY THICK CONTINUOUS HATCHED LINES.					
LOCATION OF BOUNDARIES DEFINED BY BUILDINGS:					
MEDIAN: BOUNDARY BETWEEN LOTS SHOWN THUS <<<<					
EXTERIOR FACE: ALL OTHER BOUNDARIES.					
CP No. 1 DENOTES COMMON PROPERTY No. 1					
LOTS ON THIS PLAN MAY BE AFFECTED BY ONE OR MORE OWNERS CORPORATIONS. SEE OWNERS CORPORATION SEARCH REPORT(S) FOR DETAILS. SURVEY. THIS PLAN IS/IS NOT BASED ON SURVEY THIS SURVEY HAS BEEN CONNECTED TO PERMANENT MARKS No.(s) 77, 78 IN PROCLAIMED SURVEY AREA No. 17					
EASEMENT INFORMATION					LRS USE ONLY
LEGEND A-Appurtenant Easement E-Encumbering Easement R-Encumbering Easement (Road)					STATEMENT OF COMPLIANCE/ EXEMPTION STATEMENT
Section 12(2) of the Subdivision Act 1988 applies to the whole of this plan					RECEIVED <input checked="" type="checkbox"/>
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of	DATE: 20/04/2011
M. J. Reddie Surveys Pty Ltd <small>ABN 49 005 965 257</small> 1 Horner Street, Beaconsfield. 3807 P.O. Box 268, Berwick. 3806 Phone (03) 9707 4117 Fax (03) 9707 4428					LRS USE ONLY PLAN REGISTERED TIME 11:21 am DATE 05/ 05/ 2011 Ian D Thomson <small>Assistant Registrar of Titles</small>
					SHEET 1 OF 5 SHEETS
					LICENSED SURVEYOR (PRINT) MICHAEL J. REDDIE SIGNATURE <i>Michael J Reddie</i> DATE 3-3-2011 REF 08-10-90 FILE 388110 VERSION 3
					DATE 09/03/11 COUNCIL DELEGATE SIGNATURE ORIGINAL SHEET SIZE A3







PLAN OF SUBDIVISION

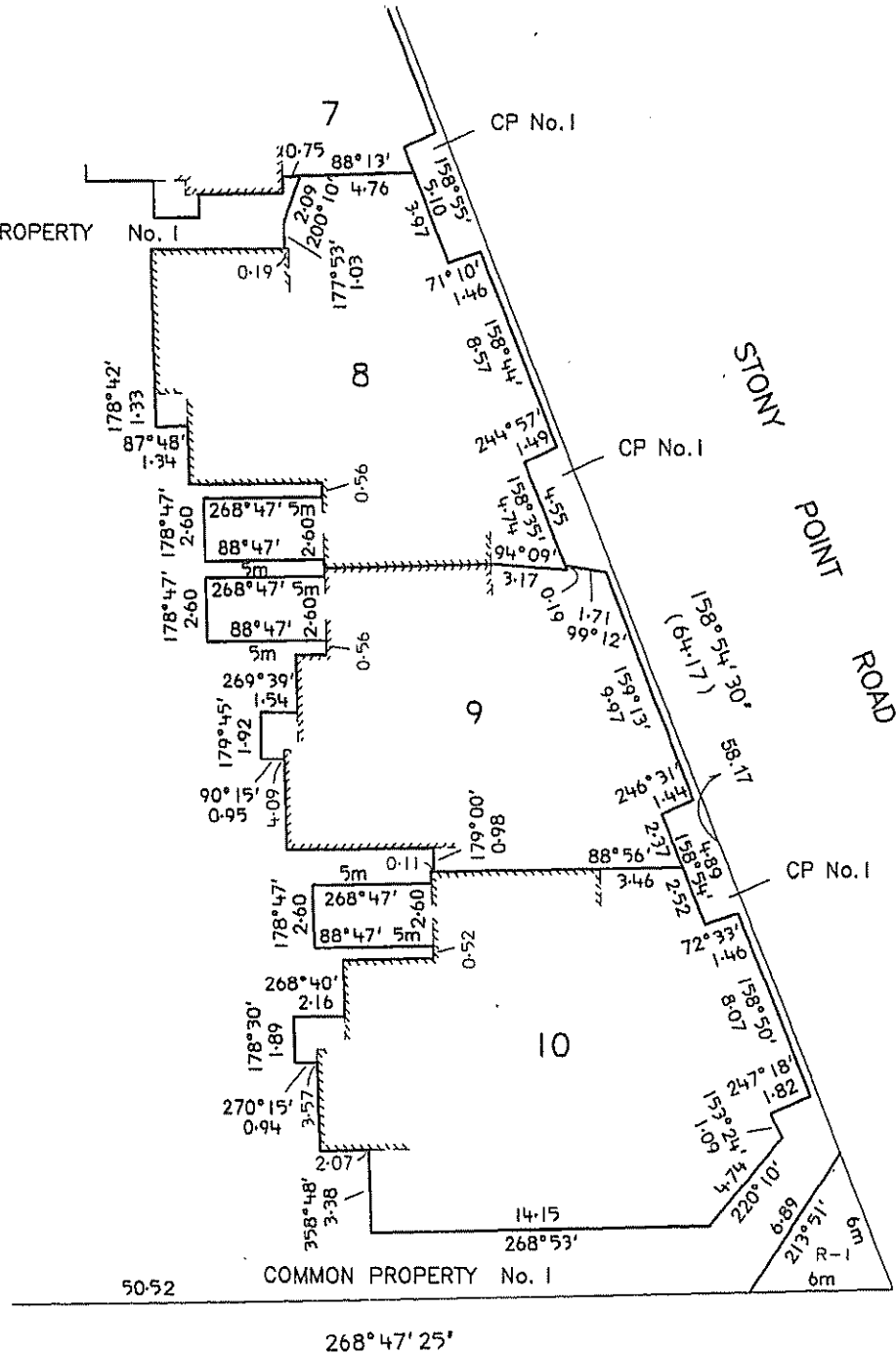
STAGE No.

PLAN NUMBER

PS 634676D



COMMON PROPERTY No. 1



DISNEY

STREET

M. J. Reddie Surveys Pty Ltd

ABN 49 005 965 257

1 Horner Street, Beaconsfield, 3807

P.O. Box 268, Berwick, 3806

Phone (03) 9707 4117 Fax (03) 9707 4428

SCALE



LENGTHS ARE IN METRES

ORIGINAL

SCALE

1:200

SHEET

SIZE

A3

LICENSED SURVEYOR (PRINT)

MICHAEL J. REDDIE

SIGNATURE

Michael J. Reddie

DATE 3-3-2011

REF 08-10-90

FILE 388112

VERSION 3

GC 388116/24

SHEET 5

Stephen Joy

DATE 09/03/11

COUNCIL DELEGATE SIGNATURE



Department of Environment, Land, Water & Planning

Owners Corporation Search Report

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OWNERS CORPORATION 1
PLAN NO. PS634676D

The land in PS634676D is affected by 1 Owners Corporation(s)

Land Affected by Owners Corporation:

Common Property 1, Lots 1 - 12.

Limitations on Owners Corporation:

Unlimited

Postal Address for Services of Notices:

1/32 HENRY WILSON DRIVE ROSEBUD VIC 3939

AS430801M 12/08/2019

Owners Corporation Manager:

NIL

Rules:

Model Rules apply unless a matter is provided for in Owners Corporation Rules. See Section 139(3) Owners Corporation Act 2006

Owners Corporation Rules:

NIL

Additional Owners Corporation Information:

OC010620M 05/05/2011

Notations:

NIL

Entitlement and Liability:

NOTE: Folio References are only provided in a Premium Report.

Land Parcel	Entitlement	Liability
Common Property 1	0	0
Lot 1	100	100
Lot 2	100	100
Lot 3	100	100
Lot 4	100	100
Lot 5	100	100



Department of Environment, Land, Water & Planning

Owners Corporation Search Report

Produced: 15/04/2020 09:47:39 AM

OWNERS CORPORATION 1
PLAN NO. PS634676D

Entitlement and Liability:

NOTE ☐ Folio References are only provided in a Premium Report.

Land Parcel	Entitlement	Liability
Lot 6	100	100
Lot 7	100	100
Lot 8	100	100
Lot 9	100	100
Lot 10	100	100
Lot 11	100	100
Lot 12	100	100
Total	1200.00	1200.00

From 31 December 2007 every Bod Corporate is deemed to be an Owners Corporation. An reference to a Bod Corporate in an Plan, Instrument or Folio is to be read as a reference to an Owners Corporation.

Statement End.

PLANNING PROPERTY REPORT



Environment,
Land, Water
and Planning

From www.planning.vic.gov.au on 15 April 2020 09:47 AM

PROPERTY DETAILS

Address: UNIT 10/144 DISNEY STREET CRIB POINT 3919
Lot and Plan Number: Lot 10 PS634676
Standard Parcel Identifier (SPI): 10\PS634676
Local Government Area (Council): MORNINGTON PENINSULA www.mornpen.vic.gov.au
Council Property Number: 133372
Planning Scheme: Mornington Peninsula planning-schemes.delwp.vic.gov.au/schemes/morningtonpeninsula
Directory Reference: Melway 164 J11

UTILITIES

Rural Water Corporation: Southern Rural Water
Melbourne Water Retailer: South East Water
Melbourne Water: inside drainage boundary
Power Distributor: UNITED ENERGY

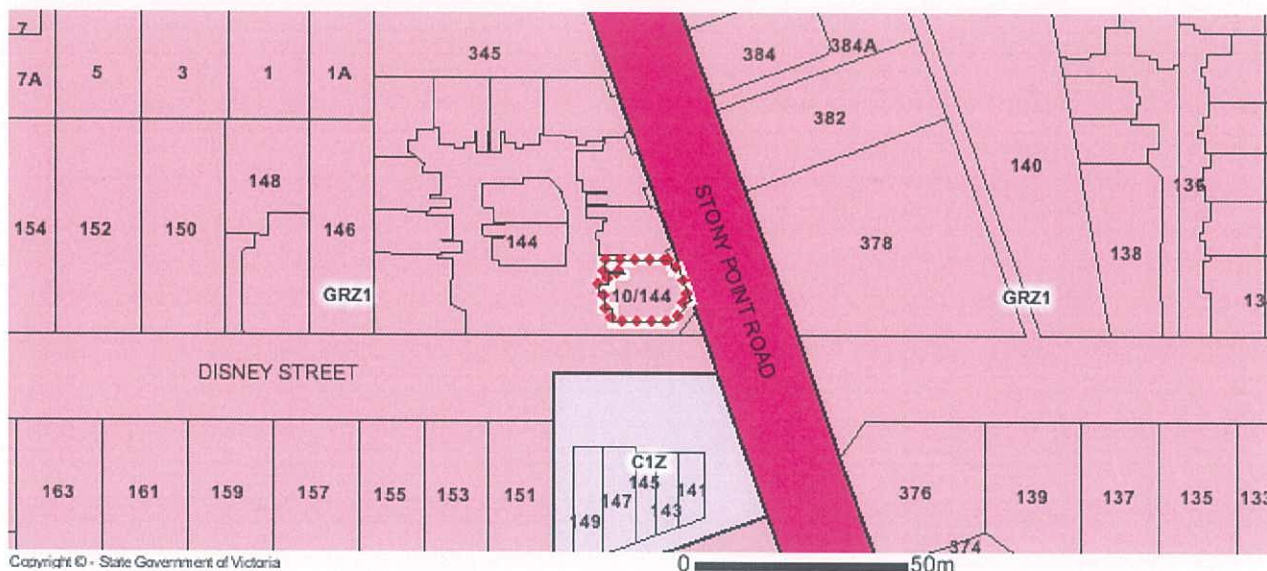
STATE ELECTORATES

Legislative Council: EASTERN VICTORIA
Legislative Assembly: HASTINGS

Planning Zones

GENERAL RESIDENTIAL ZONE (GRZ)

GENERAL RESIDENTIAL ZONE - SCHEDULE 1 (GRZ1)



C1Z - Commercial 1

GRZ - General Residential

RDZ1 - Road - Category 1

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

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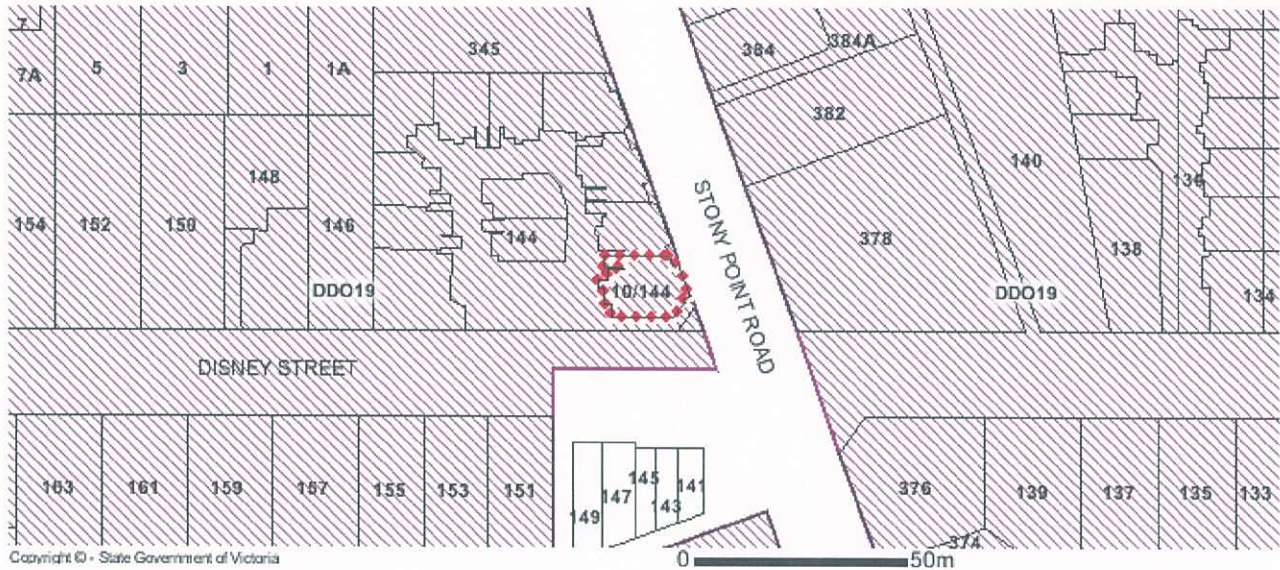
PLANNING PROPERTY REPORT: 10/144 DISNEY STREET CRIB POINT 3919

Page 1 of 4

Planning Overlays

DESIGN AND DEVELOPMENT OVERLAY (DDO)

DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 19 (DDO19)

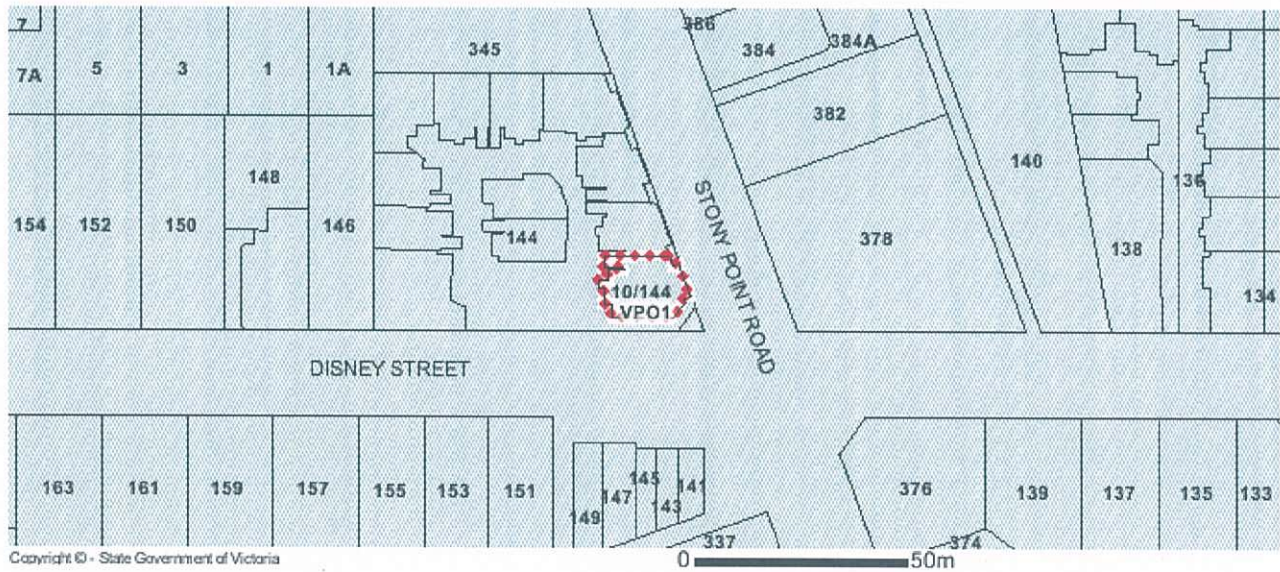


 DDO - Design and Development

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

VEGETATION PROTECTION OVERLAY (VPO)

VEGETATION PROTECTION OVERLAY - SCHEDULE 1 (VPO1)



 VPO - Vegetation Protection

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

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PLANNING PROPERTY REPORT: 10/144 DISNEY STREET CRIB POINT 3919

Page 2 of 4

Further Planning Information

Planning scheme data last updated on 8 April 2020.

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

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

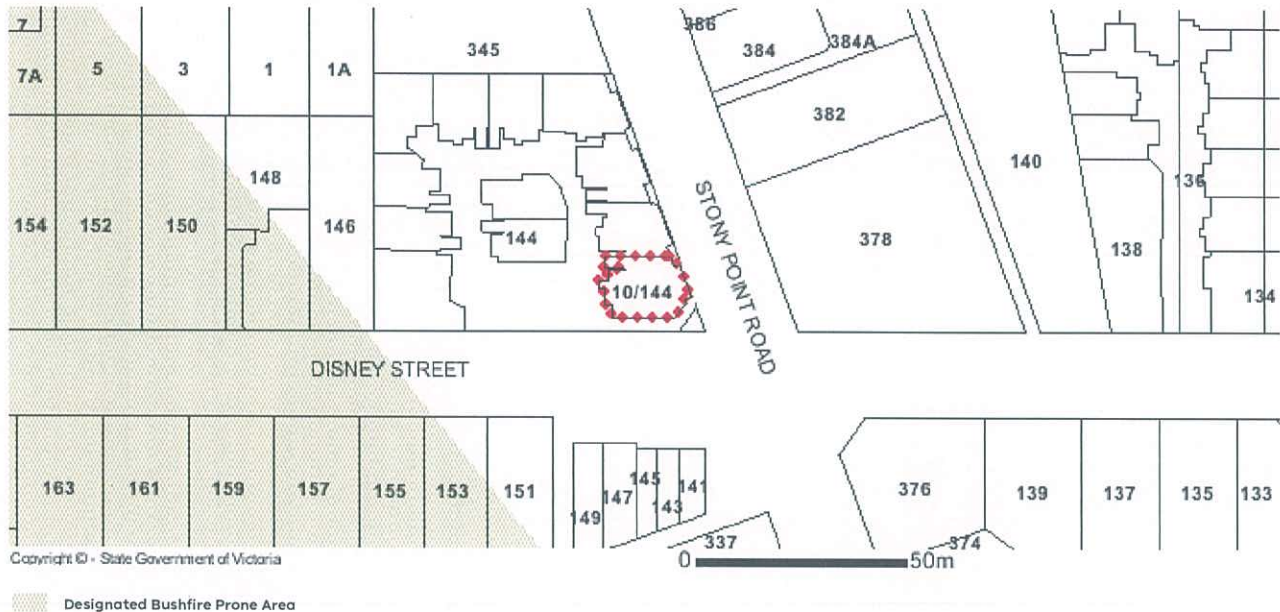
For details of surrounding properties, use this service to get the Reports for properties of interest.

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

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

Designated Bushfire Prone Area

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 <http://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 www.vba.vic.gov.au

Copies of the Building Act and Building Regulations are available from www.legislation.vic.gov.au

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

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

OWNERS CORPORATION CERTIFICATE

*s 151 Owners Corporations Act 2006
r 16 Owners Corporations Regulations 2018*

Owners Corporation (1) Plan No. PS 634676 D

Re: Unit 10, 339 Stony Point Road, Crib Point
Property: Lot 10, 339 Stony Point Road (144 Disney Street) CRIB POINT 3919
Your Ref: M Young

This certificate is issued for Lot 10 known as Unit No. 10 on Plan of Subdivision Plan No 634676 D the postal address of which is 10 / 339 Stony Point Road (Disney Street) CRIB POINT 3919

1. The current fees for the above Lot are \$880.00 per annum payable quarterly in advance and due on the 1st day of January, April, July and October of each year.
2. The fees are paid up until 31/12/2019.
3. The total of unpaid fees or charges for the Lot is: \$423.40.
4. No special fees or levies have been struck except:

Due Date	Description	Amount	Date Struck
1/01/2020	Interest on arrears (OC Fees)	\$3.40	1/04/2020

Please note that interest continues to accrue on unit arrears and is applied on the first day of each month; if not adjusted correctly at settlement any unpaid interest remains with the lot.

5. The Owners Corporation has not performed and is not about to perform any repairs, or other work which may incur additional charges to those set out above except the following:-
- In order to comply with the Occupational Health & Safety (OH&S) Regulations Owners resolved that they will monitor the common property to identify occupational health and safety risks or hazards. OH&S repairs will be carried out as and when they occur, which may incur costs which could be in excess of funds currently held in the owners corporation bank account.
Tree Removal: An updated quotation has been requested to remove the trees agreed at the 2020 AGM. Owners will be advised if there are insufficient funds to cover the cost of these works and a special levy is required to proceed.

6. The Owners Corporation has the following insurance cover:

Name of Company:	CHU Underwriting
No. of Policy:	34499
Kind of Policy:	Residential Strata Insurance
Buildings Amount:	\$3,112,000
Legal Liability Amount:	\$20,000,000
Buildings Covered:	All
Common Contents:	\$5,000
Renewal Date:	8th March 2021

7. The Owners Corporation has not resolved that the members may arrange their own insurance under section 63 of the Act.

8. The total funds held by the Owners Corporation are made up of :-

<u>Fund Description</u>	<u>General Account</u>	<u>Investment Accounts</u>
Administration Fund	\$ 2,805.09	\$ 0.00
TOTAL	\$ 2,805.09	\$ 0.00

9. The Owners Corporation has no liabilities in addition to any liabilities shown above except the following:-
- A copy of the minutes of the Annual General Meeting of the Owners Corporation is enclosed for your information.
10. The Owners Corporation has no current contracts, leases, licenses or agreements affecting the common property except the following:-
- Other than the MBCM Rosebud Management Contract, none to our knowledge.
11. The Owners Corporation has no current agreements to provide services to lot owners, occupiers or the public except the following:-
- The following resolutions were passed and recorded in the minutes of the last general meeting of the owners corporation:
PENALTY INTEREST AND ADMINISTRATION CHARGES
Resolution: "The Owners Corporation resolves to charge interest on any amount payable by a lot to the owners Corporation that is still outstanding after the due date for payment at the maximum rate prescribed from time to time under the Penalty Interest rates Act 1983."
Resolution: "All costs and expenses arising out of any breach by a Lot Owner, or an occupier of a lot, of an obligation imposed on that person under the Act the Regulations or Rules, incurred by the Owners Corporation, including any costs and charges payable by the Owners Corporation to the Manager or otherwise (but excluding the personal time cost of any person acting in an honorary capacity including the chairperson, secretary or committee member of the owners corporation) shall be payable on an indemnity basis by any Lot Owner in default or breach. The costs charges and expenses shall be due and payable as a debt due by the person in default or breach to the Owners Corporation."
Resolution: "The Owners Corporation is to take all steps necessary for recovery of outstanding fees levies and charges due by any member to the Owners Corporation including commencing proceedings in VCAT. The Manager of the Owners Corporation and/or the Committee shall have the power pursuant to this resolution to appoint a lawyer to act on its behalf in relation to any necessary debt recovery action taken."
12. There have been no notices or orders served on the Owners Corporation in the last 12 months that have not been satisfied except the following :-
- None to our knowledge.
13. The Owners Corporation is not a party to any legal proceedings or aware of any circumstances that are likely to give rise to proceedings except the following:-
- None to our knowledge.
14. The Owners Corporation has appointed a manager as follows:-
Name MBCM Rosebud
Address 1/32 Henry Wilson Drive Rosebud 3939
15. No administrator has been appointed and there has not been a proposal for the appointment of an administrator.

The common seal of Owners Corporation No (1) Plan of Subdivision Plan No 634676 D was affixed and witnessed by and in the presence of the registered manager in accordance with Section 20(1) and Section 21(2A) of the Owners Corporations Act 2006.

Dated this 14th day of April 2020



Dawn Bowers Manager and Delegate of the Owners Corporation
For and on behalf of MBCM Rosebud
1/32 Henry Wilson Drive Rosebud 3939
info@mbcmrosebud.com.au



NOTE: 1. *Further information on prescribed matters can be obtained by inspection of the Owners Corporation Register. Please make your request in writing to the Owners Corporation Manager noted above.*
2. *Owners are recommended to engage their own building consultant for further advice on building cladding (as applicable).*

Please find attached

- (i) a copy of the Rules of the Owners Corporation
- (ii) a statement in the prescribed form providing advice and information to prospective purchasers and lot owners.
- (iii) a copy of the Minutes of the last Annual General Meeting

THIS CERTIFICATE IS ISSUED ON THE FOLLOWING BASIS

- 1. The information contained in this certificate is correct to the best of the Manager's knowledge at the date it is given.
- 2. The information is subject to change without notice.
- 3. You are advised that this Certificate has been sealed electronically. Your consent to the affixing of the seal electronically will be assumed unless otherwise notified to our office upon receipt. If you do not consent to the affixing of the seal electronically as required under section 9(1)(c) of the Electronic Transactions (Vic) Act 2000 please advise the manager in writing and the actual seal will be affixed.

It is important to request an update prior to settlement to ensure that the adjustments are correct and take into account any unpaid quarterly fees, interest charges (applied monthly on arrears) or payments received for the lot.

Our policy on Owners Corporation Certificate updates is as follows:

- They are only available to the person to whom the certificate was issued, within 90 days from the date of issue;
- Within that 90 day period any major change including, but not limited to, a general meeting taking place, a postal ballot being conducted or a special levy being struck must have an application for a new certificate;

- All Owners Corporation Certificate update requests must be via an email request to info@mbcmrosebud.com.au.

The standard fees will apply for issue of a new certificate if the request does not meet the above criteria.

ELECTRONIC PAYMENT OF SETTLEMENT FUNDS

Please deposit any settlement funds for this lot, payable to the Owners Corporation, into the following account.



Biller Code: 96503

Biller Reference: 256179953 00228

Owners Corporations Regulations 2018
S.R. No. 154/2018

Regulation 11

Schedule 2 – Model Rules for an Owners Corporation

1. Health, Safety and Security

1.1 Health, Safety and Security of Lot Owners, Occupiers of Lots and Others

A lot owner or occupier must not use the lot, or permit it to be used, so as to cause a hazard to the health, safety and security of an owner, occupier, or user of another lot.

1.2 Storage of Flammable Liquids and Other Dangerous Substances and Materials

- (1) Except with the approval in writing of the owners corporation, an owner or occupier of a lot must not use or store on the lot or on the common property any flammable chemical, liquid or gas or other flammable material.
- (2) This rule does not apply to
 - (a) chemicals, liquids, gases or other material used or intended to be used for domestic purposes; or
 - (b) any chemical, liquid, gas or other material in a fuel tank of a motor vehicle or internal combustion engine.

1.3 Waste Disposal

An owner or occupier must ensure that the disposal of garbage or waste does not adversely affect the health, hygiene or comfort of the occupiers or users of other lots.

2. Committees and Sub-Committees

2.1 Functions, Powers and Reporting of Committees and Sub-Committees

A committee may appoint members to a sub-committee without reference to the owners corporation.

3. Management and Administration

3.1 Metering of Services and Apportionment of Costs of Services

- (1) The owners corporation must not seek payment or reimbursement for a cost or charge from a lot owner or occupier that is more than the amount that the supplier would have charged the lot owner or occupier for the same goods or services.
- (2) If a supplier has issued an account to the owners corporation, the owners corporation cannot recover from the lot owner or occupier an amount which includes any amount that is able to be claimed as a concession or rebate by or on behalf of the lot owner or occupier from the relevant supplier.
- (3) Subrule (2) does not apply if the concession or rebate -
 - (a) must be claimed by the lot owner or occupier and the owners corporation has given the lot owner or occupier an opportunity to claim it and the lot owner or occupier has not done so by the payment date set by the relevant supplier; or
 - (b) is paid directly to the lot owner or occupier as a refund.

4. Use of Common Property

4.1 Use of Common Property

- (1) An owner or occupier of a lot must not obstruct the lawful use and enjoyment of the common property by any other person entitled to use the common property.
- (2) An owner or occupier of a lot must not, without the written approval of the owners corporation, use for the owner or occupier's own purposes as a garden any portion of the common property.
- (3) An approval under subrule (2) may state a period for which the approval is granted.
- (4) If the owners corporation has resolved that an animal is a danger or is causing a nuisance to the common property, it must give reasonable notice of this resolution to the owner or occupier who is keeping the animal.
- (5) An owner or occupier of a lot who is keeping an animal that is the subject of a notice under subrule (4) must remove that animal.
- (6) Subrules (4) and (5) do not apply to an animal that assists a person with an impairment or disability.

4.2 Vehicles and Parking on Common Property

An owner or occupier of a lot must not, unless in the case of an emergency, park or leave a motor vehicle or other vehicle or permit a motor vehicle or other vehicle

- (a) to be parked or left in parking spaces situated on common property and allocated for other lots; or
- (b) on the common property so as to obstruct a driveway, pathway, entrance or exit to a lot; or
- (c) in any place other than a parking area situated on common property specified for that purpose by the owners corporation.

4.3 Damage to Common Property

- (1) An owner or occupier of a lot must not damage or alter the common property without the written approval of the owners corporation.
- (2) An owner or occupier of a lot must not damage or alter a structure that forms part of the common property without the written approval of the owners corporation.
- (3) An approval under subrule (1) or (2) may state a period for which the approval is granted, and may specify the works and conditions to which the approval is subject.
- (4) An owner or person authorised by an owner may install a locking or safety device to protect the lot against intruders, or a screen or barrier to prevent entry of animals or insects, if the device, screen or barrier is soundly built and is consistent with the colour, style and materials of the building.
- (5) The owner or person referred to in subrule (4) must keep any device, screen or barrier installed in good order and repair.

5. Lots

5.1 Change of Use of Lots

An owner or occupier of a lot must give written notification to the owners corporation if the owner or occupier changes the existing use of the lot in a way that will affect the insurance premiums for the owners corporation.

Example

If the change of use results in a hazardous activity being carried out on the lot, or results in the lot being used for commercial or industrial purposes rather than residential purposes.

5.2 External Appearance of Lots

- (1) An owner or occupier of a lot must obtain the written approval of the owners corporation before making any changes to the external appearance of their lot.
- (2) An owners corporation cannot unreasonably withhold approval, but may give approval subject to reasonable conditions to protect quiet enjoyment of other lot owners, structural integrity or the value of other lots and/or common property.

5.3 Requiring Notice to the Owners Corporation of Renovations to Lots

An owner or occupier of a lot must notify the owners corporation when undertaking any renovations or other works that may affect the common property and/or other lot owners' or occupiers' enjoyment of the common property.

6. Behaviour of Persons

6.1 Behaviour of Owners, Occupiers and Invitees on Common Property

An owner or occupier of a lot must take all reasonable steps to ensure that guests of the owner or occupier do not behave in a manner likely to unreasonably interfere with the peaceful enjoyment of any other person entitled to use the common property.

6.2 Noise and Other Nuisance Control

- (1) An owner or occupier of a lot, or a guest of an owner or occupier, must not unreasonably create any noise likely to interfere with the peaceful enjoyment of any other person entitled to use the common property.
- (2) Subrule (1) does not apply to the making of a noise if the owners corporation has given written permission for the noise to be made.

7. Dispute Resolution

- (1) The grievance procedure set out in this rule applies to disputes involving a lot owner, manager, or an occupier or the owners corporation.
- (2) The party making the complaint must prepare a written statement in the approved form.
- (3) If there is a grievance committee of the owners corporation, it must be notified of the dispute by the complainant.
- (4) If there is no grievance committee, the owners corporation must be notified of any dispute by the complainant, regardless of whether the owners corporation is an immediate party to the dispute.
- (5) The parties to the dispute must meet and discuss the matter in dispute, along with either the grievance committee or the owners corporation, within 14 working days after the dispute comes to the attention of all the parties.
- (6) A party to the dispute may appoint a person to act or appear on the party's behalf at the meeting.
- (7) If the dispute is not resolved, the grievance committee or owners corporation must notify each party of the party's right to take further action under Part 10 of the Owners Corporations Act 2006.
- (8) This process is separate from and does not limit any further action under Part 10 of the Owners Corporations Act 2006.

Owners Corporations Regulations 2018

S.R. No. 154/2018

Schedule 3 - Statement of advice and information for prospective purchasers and lot owners

Regulation 17

What is an owners corporation?

The lot you are considering buying is part of an owners corporation. Whenever a plan of subdivision creates common property, an owners corporation is responsible for managing the common property. A purchaser of a lot that is part of an owners corporation automatically becomes a member of the owners corporation when the transfer of that lot to the purchaser has been registered with Land Use Victoria.

If you buy into an owners corporation, you will be purchasing not only the individual property, but also ownership of, and the right to use, the common property as set out in the plan of subdivision. This common property may include driveways, stairs, paths, passages, lifts, lobbies, common garden areas and other facilities set up for use by owners and occupiers. In order to identify the boundary between the individual lot you are purchasing (for which the owner is solely responsible) and the common property (for which all members of the owners corporation are responsible), you should closely inspect the plan of subdivision.

How are decisions made by an owners corporation?

As an owner you will be required to make financial contributions to the owners corporation, in particular for the repair, maintenance and management of the common property. Decisions as to the management of this common property will be the subject of collective decision making. Decisions as to these financial contributions, which may involve significant expenditure, will be decided by a vote.

Owners corporation rules

The owners corporation rules may deal with matters such as car parking, noise, pets, the appearance or use of lots, behaviour of owners, occupiers or guests and grievance procedures. You should look at the owners corporation rules to consider any restrictions imposed by the rules.

Lot entitlement and lot liability

The plan of subdivision will also show your lot entitlement and lot liability. Lot liability represents the share of owners corporation expenses that each lot owner is required to pay. Lot entitlement is an owner's share of ownership of the common property, which determines voting rights. You should make sure that the allocation of lot liability and entitlement for the lot you are considering buying seems fair and reasonable.

Further information

If you are interested in finding out more about living in an owners corporation, you can contact Consumer Affairs Victoria. If you require further information about the particular owners corporation you are buying into, you can inspect that owners corporation's information register.

Management of an owners corporation

An owners corporation may be self-managed by the lot owners or professionally managed by an owners corporation manager. If an owners corporation chooses to appoint a professional manager, it must be a manager registered with the Business Licensing Authority (BLA).

IF YOU ARE UNCERTAIN ABOUT ANY ASPECT OF THE OWNERS CORPORATION
OR ANY DOCUMENTS YOU HAVE RECEIVED IN RELATION TO THE OWNERS CORPORATION
YOU SHOULD SEEK EXPERT ADVICE.

MINUTES OF ANNUAL GENERAL MEETING

Owners Corporation (1) Plan No. PS 634676 D

339 Stony Point Road (144 Disney Street), Crib Point

Date: Tuesday 18 February 2020

Time: 5:00 pm

Venue: Meeting Room 3, New Peninsula Community Centre, 370 Craigie Road, Mount Martha

1. APPOINTMENT OF CHAIRPERSON OF MEETING

It was resolved that Mr C Lang act as Chairperson of the Meeting; although acting as chairperson, the manager has not made decisions on behalf of the Owners Corporation. All resolutions were made by owner(s) present at the meeting or by voting directions submitted by proxy, where provided.

For: All Against: 0 Abstain: 0

2. PRESENT

Lot 1 Mr G & Mrs J Lewis

Lot 5 Mr F Attard

Lot 8 Mrs G Mumford

Lot 10 Mrs P Young

ALSO IN ATTENDANCE

Mr C Lang from MBCM Rosebud.

PROXIES

No proxies were received.

APOLOGIES

Apologies were received as follows:

Lot 6 Mr G Richardson

Lot 8 Mr L Mumford

QUORUM - NO

As there were insufficient owners present to form a quorum all decisions (other than any decisions the subject of a special or unanimous resolution) are interim decisions in accordance with Section 78 (4) of the Owners Corporations Act 2006. All resolutions made become interim resolutions of the Owners Corporation and can only be acted on after 29 days if no petition representing 25% of lots or lot entitlements is received to call another meeting as detailed on the notice of interim resolutions.

3. CONFIRMATION OF MINUTES FROM THE PREVIOUS ANNUAL GENERAL MEETING

The minutes of the previous Annual General Meeting held on the 19 February 2019 were taken as read and received as a true record; there were no matters arising from the minutes of that meeting.

For: All Against: 0 Abstain: 0

4. REPORTS

MANAGER'S REPORT

It was resolved to accept the Manager's report as tabled. The Manager advised that there were no insurance claims or resolutions passed by postal ballot within the financial year ending 31/12/2019.

For: All Against: 0 Abstain: 0

5. ACCEPTANCE OF FINANCIAL REPORT FOR THE YEAR ENDING 31/12/2019

It was resolved that the Financial Statement, as presented, be adopted as a true record of the transactions of the Owners Corporation for the year ending 31 December 2019.

The current balance in the bank account held for the owners corporation is \$6,167.29, with one unit in arrears at the time of the meeting.

A final fee notice will be issued to any unit with arrears for multiple quarters and an administration fee of up to \$72.60 charged to the unit cashbook. Where required, a debt collection process will commence in accordance with the resolutions passed by the Owners Corporation.

For: All Against: 0 Abstain: 0

6. CONFIRMATION OF MANAGER

The manager advised that the current contract of appointment is in place until 28/02/2021 at which time the contract will roll-over for another year, unless advised otherwise by owners.

For: All Against: 0 Abstain: 0

7. INSURANCE

MBCM Rosebud is an Authorised Representative for CHU Underwriting Agencies Pty Ltd and an Authorised Distributor for Honan Insurance Group.

The Manager is only able to provide general & factual advice about insurance, not personal advice. The building insurance and legal liability insurance under the Strata Insurance Plan has been designed to meet the requirements of the applicable strata title laws. You should read the insurers' Product Disclosure Statement (PDS) before you make a decision to purchase your building insurance.

It is important to maintain continuity of cover and have sufficient insurance to cover the cost of demolition, to rebuild and the associated professional and legal fees. To accurately assess an appropriate building sum insured figure, an insurance assessment should be obtained.

The Owners Corporation is currently insured as detailed below:

Insurer:	CHU Underwriting	Policy Number:	34499
Building Sum:	\$2,963,405	Renewal Date:	8/03/2020
Common Contents:	\$5,513	Catastrophe:	Not Selected
Flood:	Selected	Office Bearer:	\$1,000,000
Legal Liability:	\$30,000,000		
Current Excess:	\$500	Other Excess:	Refer to PDS
Insurance Assessment:	14/09/2011	Assessment Amount:	\$2,950,000
Assessment Update:	10/12/2013	Update Amount:	\$3,000,000

Insurance documentation is available on the MBCM Rosebud website.

Resolution: "To increase the current building sum insured by the annual increase 'suggested' by insurers (currently 5%)."

Building Insurance: Owners resolved not to proceed with an insurance assessment and that the Building Sum Insured amount be increased to \$3,112,000 in line with the insurers suggested sum at the 2020 renewal. Please note that the suggested value is a year on year 'suggested' increase, not a recommended level of insurance cover for the Owners Corporation.

Action: Manager

Owners considered the renewal notice received from the current insurer, CHU, and the quotations provided from Honan Insurance Group. It was noted that the renewal premium from CHU is lower than those offered through Honan. Owners therefore resolved to remain with the current insurer, CHU, at renewal on 08/03/2020.

Action: Manager

Owners resolved that quotations are to be obtained prior to the 2020 renewal and presented to owners for consideration at the next AGM.

Action: Manager

Public Liability: Owners resolved that the legal liability cover be set to \$20,000,000 at renewal on 8/03/2020.

Action: Manager

Product Disclosure Statement (PDS): please refer to the following link for your Strata Policy PDS: - <https://honan.com.au/document-library/>

Owners are reminded that the Owners Corporation insurance **DOES NOT** cover contents or personal Public Liability within the lot boundary. Each owner should have Contents Insurance that includes personal Public Liability; landlords are advised to have Landlord's Insurance in place. The following Lot Owners' Contents are generally not covered, as per the Product Disclosure statement:

- built-in or freestanding appliances such as dishwashers, washing machines and dryers;
- computers, electronic and electrical equipment, garden equipment;
- lot Owners' business and personal effects, furniture, furnishings, carpets, floating floors and floor rugs.

Please refer to the Product Disclosure Statement for more information about inclusions and exclusions under the terms of the policy; if you have any questions regarding these please email the Manager and this will be passed onto the insurer and/or broker to obtain more information about the matter.

Owners are requested to notify the Manager of any change in use of the premises or any item that may affect the insurance policy, such as the storage of hazardous goods or structural alterations, so that the insurer can be advised and the disclosure requirements complied with.

Excess: The standard excess is \$500 per claim; other excesses payable are shown in the policy documents and the PDS as applicable. Owners resolved that the excess payable as a result of an insurance claim shall continue to be paid from the funds held by the Owners Corporation; the owner is responsible for the cost of any repairs made for their unit if less than the excess amount. **Action: All Owners**

For: All Against: 0 Abstain: 0

8. **PENALTY INTEREST AND ADMINISTRATION CHARGES**

Resolution: "The Owners Corporation resolves to charge interest on any amount payable by a lot to the owners Corporation that is still outstanding after the due date for payment at the maximum rate prescribed from time to time under the Penalty Interest rates Act 1983."

For: All Against: 0 Abstain: 0

Resolution: "All costs and expenses arising out of any breach by a Lot Owner, or an occupier of a lot, of an obligation imposed on that person under the Act the Regulations or Rules, incurred by the Owners Corporation, including any costs and charges payable by the Owners Corporation to the Manager or otherwise (but excluding the personal time cost of any person acting in an honorary capacity including the chairperson, secretary or committee member of the owners corporation) shall be payable on an indemnity basis by any Lot Owner in default or breach. The costs charges and expenses shall be due and payable as a debt due by the person in default or breach to the Owners Corporation."

For: All Against: 0 Abstain: 0

Resolution: "The Owners Corporation is to take all steps necessary for recovery of outstanding fees levies and charges due by any member to the Owners Corporation including commencing proceedings in VCAT. The Manager of the Owners Corporation and/or the Committee shall have the power pursuant to this resolution to appoint a lawyer to act on its behalf in relation to any necessary debt recovery action taken."

For: All Against: 0 Abstain: 0

Special Resolution: There were insufficient owners present to pass the special resolution at the meeting.

9. **GENERAL BUSINESS**

LAWN & GARDEN MAINTENANCE

Lawn and garden maintenance is currently undertaken by Jyi from Greensleaves Garden Maintenance; Owners reported that the standard and frequency of maintenance was satisfactory.

Gardens in front of Units: Owners are reminded that the garden in front of each unit is to be maintained by the unit owner; should the unit be leased, and the owner is unable to maintain the garden, alternative arrangements should be made by the owner to ensure the garden is regularly maintained. **Action: All Owners**

Trees: The manager advised that the Planning Permit had been conditionally approved by the Mornington Peninsula Shire Council. The trees that are removed must be replanted to ensure that the vegetation plan is still being adhered to. It was resolved that the trees previously discussed will be removed and replanting of more suitable trees for the area will follow. Quotes have previously been obtained; the manager will contact the contractor for an updated quote and organise the trees to be removed. **Action: Manager**

Mrs Young mentioned that there is another tree outside her unit that she is concerned will cause damage to the unit or fence if not removed. Owners resolved that this tree will also be included with the other tree removals.

For: All Against: 0 Abstain: 0

REVIEW OF REPAIRS & MAINTENANCE

Common Property Drains: Owners advised that they will monitor the drains at the property and will advise the manager should they need to be cleared. **Action: Owners**

Gutters: Owners resolved that each lot owner is responsible for maintaining their own gutters; the gutters should therefore be cleared regularly to avoid the build-up of debris and weeds. **Action: All Owners**

For: All Against: 0 Abstain: 0

OCCUPATIONAL HEALTH & SAFETY REPORT FOR COMMON PROPERTY

The Manager advised the meeting that to comply with the Occupational Health & Safety (OH&S) Act the common property is considered to be a work place and that a safe working environment must be provided, the manager recommends that an OH&S audit is undertaken to meet this requirement.

It is essential that any items of maintenance that are required to the common property are reported to the manager to enable rectification work to be undertaken. This includes items such as trip hazards on paths of access and egress, oil spills or slippery surfaces. **Action: All Owners**

Owners resolved that they will continue to be responsible for monitoring OH&S for the common areas and will make the necessary repairs or forward details of items requiring attention to the manager.

Action: All Owners

For: All Against: 0 Abstain: 0

OTHER MATTERS ARISING

Changes to Lots: Owners resolved to accept the following resolution: "Permission is required when changing the external appearance of a lot except where the changes are within the owners lot boundary and not visible from the common property or a neighbouring unit; this does not remove the need for owners to comply with all applicable building regulations and obtain permits, as required". **Action: All Owners**

Solar Panels: Owners resolved that owners are permitted to install solar panels to their unit.

Unit 10 Request: Mrs Young advised that she was considering putting a shade cloth up at the rear of her property that will be visible from the common property; owners resolved that this is permitted.

For: All Against: 0 Abstain: 0

10. OWNERS CORPORATION FEES

Owners resolved to accept the budget estimate of \$10,529.00 as shown in the Financial Statements sent with the agenda papers for the meeting.

Effective from 01/04/2020 quarterly contributions will be set at \$220.00, rounded up from the budget figure shown on the financial statements, and as per lot liabilities. **Action: Manager**

Any items of major expenditure or any shortfall in funds will require the raising of a special levy.

For: All Against: 0 Abstain: 0

11. ELECTION OF COMMITTEE

It was resolved that all owners are members of the committee of the Owners Corporation for the purpose of calling an urgent meeting, should it be required.

For: All Against: 0 Abstain: 0

12. ELECTION OF CHAIRPERSON AND SECRETARY OF OWNERS CORPORATION

Mr G Richardson was nominated to remain as Chairperson of the Owners Corporation. The position of Secretary of the Owners Corporation was delegated to MBCM Rosebud.

For: All Against: 0 Abstain: 0

13. DATE OF NEXT MEETING - subject to confirmation of date on agenda papers

Tuesday, 16 February 2021 at 5:00 pm, New Peninsula Community Centre, 370 Craigie Road, Mount Martha

There being no further business the meeting closed at 5:45 pm.

Date of Issue: 25/02/2020

Due diligence checklist

What you need to know before buying a residential property

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

Urban living

Moving to the inner city?

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

Is the property subject to an owners corporation?

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

Growth areas

Are you moving to a growth area?

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

Flood and fire risk

Does this property experience flooding or bushfire?

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

Rural properties

Moving to the country?

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

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

Can you build new dwellings?

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

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

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

Soil and groundwater contamination

Has previous land use affected the soil or groundwater?

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

(04/10/2016)

Land boundaries

Do you know the exact boundary of the property?

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

Planning controls

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

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

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

Are there any proposed or granted planning permits?

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

Safety

Is the building safe to live in?

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

Building permits

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

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

Are any recent building or renovation works covered by insurance?

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

Utilities and essential services

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

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

Buyers' rights

Do you know your rights when buying a property?

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

Double Bay Conveyancing



Vendor:

James Anthony Young

And

Phonepraseuth Young

Vendor's Section 32 Statement

Property:

Unit 10, 144 Disney Street, Crib Point VIC 3919

Vendor's Conveyancer:

Double Bay Conveyancing
7 Apollo Court,
FRANKSTON. 3199
Phone: 9789 7352
Fax: 9776 5034
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