

SECTION 32 **STATEMENT**

PURSUANT TO DIVISION 2 OF PART II
SECTION 32 OF THE SALE OF LAND ACT 1962 (VIC)

Vendor:	Benjamin Kenneth Wood
Property:	15 Wave Cap Court GOLDEN BEACH VIC 3851

VENDORS REPRESENTATIVE

O'Brien Law

PO Box 253
YARRA JUNCTION VIC 3797

Tel: 03 5967 1622
Fax: 03 5967 1309
Email: yarrajunction@obbl.com.au

Ref: 005253

SECTION 32 STATEMENT
15 WAVE CAP COURT GOLDEN BEACH VIC 3851

IMPORTANT NOTICE TO PURCHASERS

The use to which you propose to put the property may be prohibited by planning and building controls applying to the locality or may require the consent or permit of the municipal council or other responsible authority. It is in your interest to undertake a proper investigation of permitted land use before you commit yourself to buy. You should check with the appropriate authorities as to the availability (and cost) of providing any essential services not connected with the property. The property may be located in an area where commercial agricultural production activity may affect your enjoyment of the property. It is therefore in your interest to undertake an investigation of the possible amenity and other impacts from nearby properties and the agricultural practices and processes conducted there. Warning to the Purchaser: You should check with the appropriate authorities as to the availability of, and cost of providing, any essential services not connected to the land.

You may be liable to pay a growth areas infrastructure contribution when you purchase the property. The instrument of transfer cannot be lodged for registration with the Registrar of Titles until the contribution is paid in full or an exemption form, or reduction of, the whole part of the liability to pay the contribution is granted and any remainder of the contribution is paid or there has been a deferral of the whole or part of the liability to pay the contribution. The transfer may also be exempt from a growth areas infrastructure contribution in certain situations. It is in your best interest to obtain advice as to any potential liability before you commit yourself to buy.

The Purchaser is alerted that the land as fenced and occupied may not be precisely the same as comprised or described in the Certificate of Title or Plan of Subdivision relevant to the land and that the Purchaser buys the land as presently fenced and occupied.

32A FINANCIAL MATTERS

- (a) Information concerning any rates, taxes, charges or other similar outgoings AND any interest payable on any part of them is contained in the attached certificate/s and as follows-

Provider	Amount (& interest if any)	Period
Wellington Shire Council	\$ 730.69	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 save for Land Tax if applicable.

Their total does not exceed \$ 3,000.00

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

- (b) The particulars of any Charge (whether registered or not) over the land imposed by or under an Act to secure an amount due under that Act, including the amount owing under the charge are as follows:-
Not Applicable

32B INSURANCE

- (a) Where the Contract does not provide for the land to remain at the risk of the Vendor, particulars of any policy of insurance maintained by the Vendor in respect of damage to or destruction of the land are as follows: - Not Applicable

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- (b) Where there is a residence on the land which was constructed within the preceding six years, and section 137B of the *Building Act 1993* applies, particulars of the required insurance are as follows:- Not Applicable. No such Insurance has been effected to the Vendors knowledge.

32C LAND USE

(a) RESTRICTIONS

Information concerning any easement, covenant or similar restriction affecting the land (whether registered or unregistered) is as follows:-

- Easements affecting the land are as set out in the attached copies of title.
- Covenants affecting the land are as set out in the attached copies of title.
- Other restrictions affecting the land are as attached.
- Particulars of any existing failure to comply with the terms of such easement, covenant and/or restriction are as follows:-

To the best of the Vendor's knowledge there is no existing failure to comply with the terms of any easement, covenant or similar restriction affecting the land. 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 against the Certificate of Title.

(b) BUSHFIRE

This land is in a designated bushfire- prone area within the meaning of the regulations made under the *Building Act 1993*.

(c) ROAD ACCESS

There is access to the Property by Road.

(d) PLANNING

See attached certificate

32D NOTICES

- (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 land of which the Vendor might reasonably be expected to have knowledge are:- None to the Vendors knowledge however the Vendor has no means of knowing all decisions of the Government and other authorities unless such decisions have been communicated to the Vendor;
- (b) The Vendor is not aware of 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.
- (c) Particulars of any Notice of intention to acquire served under Section 6 of the *Land Acquisition and Compensation Act, 1986* are: Not Applicable

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32E BUILDING PERMITS

Particulars of any Building Permit issued under the *Building Act 1993* during the past seven years (where there is a residence on the land):- No such Building Permit has been granted to the Vendors knowledge.

The Vendor gives no warranties as to any additions and/or alterations to the property prior to becoming proprietor thereof and the Purchaser indemnifies the Vendor in this regard.

The Vendor will not be required to procure any building permit, building approval, final inspection, certificate of occupancy, or any other permits approvals or inspections in relation to the land or any improvements and the Purchaser shall not make any requisition or claim any compensation from the Vendor on that ground.

32F OWNERS CORPORATION

The Land is NOT affected by an Owners Corporation within the meaning of the *Owners Corporation Act 2006*.

32G GROWTH AREAS INFRASTRUCTURE CONTRIBUTION (GAIC)

- (1) The land, in accordance with a work-in-kind agreement (within the meaning of Part 9B of the *Planning and Environment Act 1987* is NOT –
- land that is to be transferred under the agreement.
 - land on which works are to be carried out under the agreement (other than Crown land).
 - land in respect of which a GAIC is imposed

32H SERVICES

Service	Status
Electricity supply	Not Connected
Gas supply	Not Connected
Water supply	Not Connected
Sewerage	Not Connected
Telephone services	Not Connected

Connected indicates that the service is provided by an authority and operating on the day of sale. The Purchaser should be aware that the Vendor may terminate their account with the service provider before settlement, and the purchaser will have to have the service reconnected.

32I TITLE

Attached are the following document/s concerning Title:

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- (a) In the case of land under the *Transfer of Land Act 1958* a copy of the Register Search Statement/s and the document/s, or part of the document/s, referred to as the diagram location in the Register Search Statement/s 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 Vendors title to the land.
- (c) Where the Vendor is not the registered proprietor or the owner of the estate in fee simple, copies of the documents bearing 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) a copy of the Plan of Subdivision which has been certified by the relevant municipal council (if the Plan of Subdivision has not been registered), or
 - (ii) a copy of the latest version of the plan (if the Plan of Subdivision has not been certified).
- (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.

32J SERVICE CHARGES - CLADDING RECTIFICATION AGREEMENT

Service Charges may be placed on land pursuant to Part 8B in the Local Government Act 1989 (Vic) inserted by the Building Amendment (Registration of Building Trades and Other Matters) Act 2018 (Vic). To the Vendor's knowledge the Property is not affected by a Cladding Rectification Agreement (which would impose such Service Charges).

32K 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 2000m²; (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.

32L 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.)

Please note that as a purchaser of this property you may be required by the Taxation Commissioner to pay an amount in accordance with section 14-250 of Schedule 1 to the Taxation Administration Act 1953 (Cth)

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("the Act") because the property may be considered new residential premises or potential residential land falling within that section of the Act. Please also note that this property may attract the operation of section 14-255 of the Act. To ensure you are aware of your obligations in relation to any GST withholding component on this sale, please consult with your accountant and legal practitioner on this matter prior to signing this section 32 document or Contract of Sale relating to the property.

32M MATERIAL FACTS

The Vendor advises that the Fire Prevention Notice is being actioned and the Vendor is the sole responsible to clear the property up and remove all undergrowth.

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DATE OF THIS STATEMENT

/ /20

Name of the Vendor

Benjamin Kenneth Wood

Signature/s of the Vendor

x

The Purchaser acknowledges being given a duplicate of this statement signed by the Vendor before the Purchaser signed any contract.

DATE OF THIS ACKNOWLEDGMENT

/ /20

Name of the Purchaser

Signature/s of the Purchaser

x

IMPORTANT NOTICE - ADDITIONAL DISCLOSURE REQUIREMENTS

Undischarged mortgages – S32A(a)

Where the land is to be sold subject to a mortgage (registered or unregistered) which is not to be discharged before the purchaser becomes entitled to possession or receipt of rents and profits, then the vendor must provide an additional statement including the particulars specified in Schedule 1 of the *Sale of Land Act 1962*.

Terms contracts – S32A(d)

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 execution of the contract and before the vendor is entitled to a conveyance or transfer, then the vendor must provide an additional statement containing the information specified in Schedule 2 of the *Sale of Land Act 1962*.



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The Victorian Government acknowledges the Traditional Owners of Victoria and pays respects to their ongoing connection to their Country, History and Culture. The Victorian Government extends this respect to their Elders, past, present and emerging.

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

Page 1 of 1

VOLUME 10668 FOLIO 020

Security no : 124102412801R
Produced 05/12/2022 03:38 PM

LAND DESCRIPTION

Lot 256 on Plan of Subdivision 052647.
PARENT TITLE Volume 08335 Folio 505
Created by instrument AB466821B 06/08/2002

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
BENJAMIN KENNETH WOOD of 8 DEE ROAD MILLGROVE VIC 3799
AT972937B 22/01/2021

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AT972938Y 22/01/2021
COMMONWEALTH BANK OF AUSTRALIA

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE LP052647 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: 15 WAVE CAP COURT GOLDEN BEACH VIC 3851

ADMINISTRATIVE NOTICES

NIL

eCT Control 15940N COMMONWEALTH BANK OF AUSTRALIA
Effective from 22/01/2021

DOCUMENT END



Imaged Document Cover Sheet

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PLAN OF SUBDIVISION
PART OF CROWN PORTION A - KNOWN AS
PART OF SUTTON FOREST PRE - EMPTIVE RIGHT
AND PARTS OF CROWN ALLOTMENTS 1, 1A AND 2

LP 52647
EDITION 2
PLAN MAY BE LODGED 16/1/61

COLOUR CODE
E-1 = BLUE
E-2 = BROWN
E-3 = GREEN
E-4 = PURPLE

R.M.'S ARE IRON RODS AND ARE SHOWN THUS (M)

LOTS No.s 95, 174, 252, AND 279 HAVE BEEN OMITTED

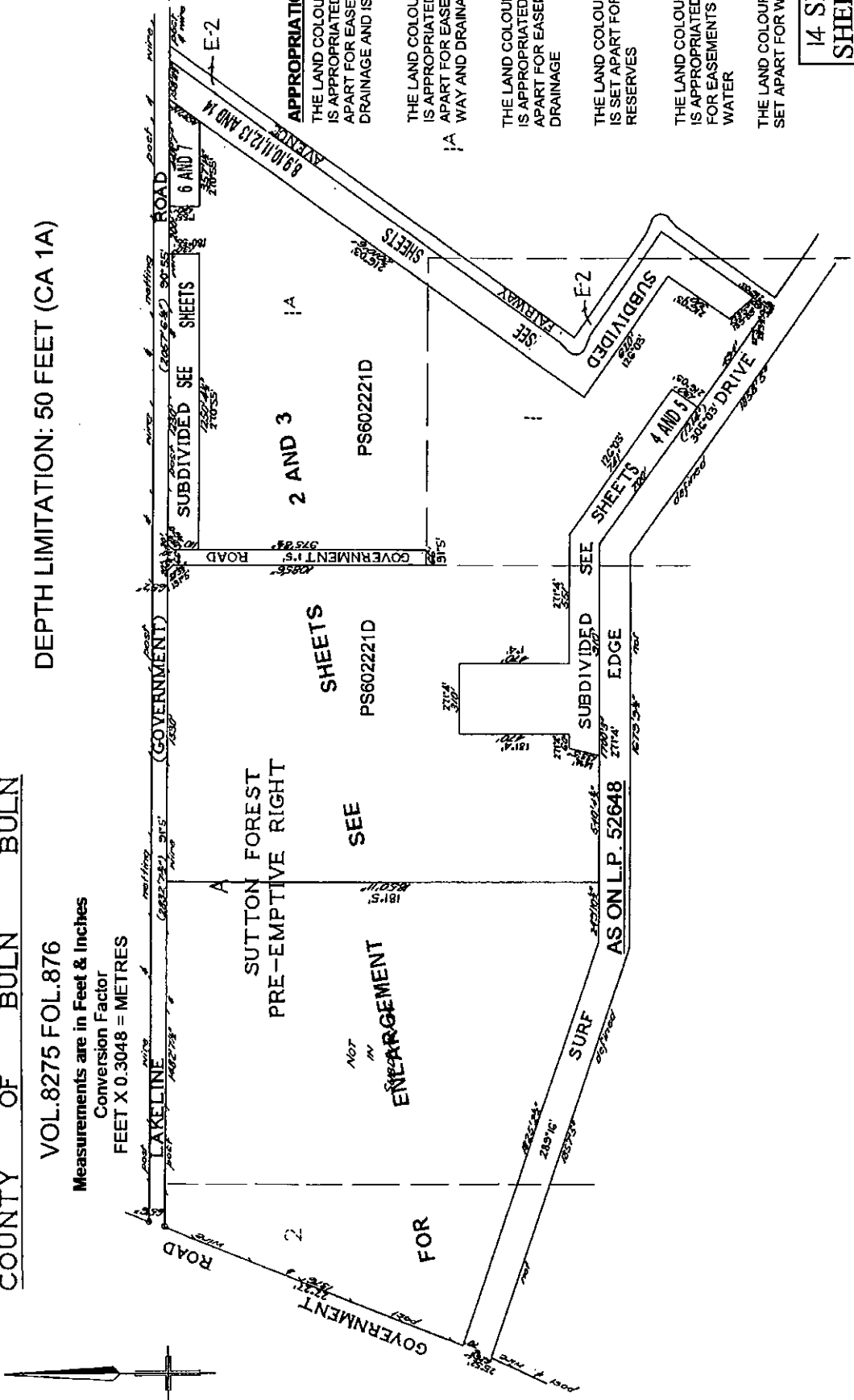
COUNTY OF BULN BULN

VOL. 8275 FOL. 876

Measurements are in Feet & Inches
Conversion Factor
FEET X 0.3048 = METRES

DEPTH LIMITATION: 50 FEET (CA 1A)

PARISH OF DULUNGALONG



APPROPRIATIONS

THE LAND COLOURED BLUE IS APPROPRIATED OR SET APART FOR EASEMENTS OF DRAINAGE AND IS 6 FEET WIDE

THE LAND COLOURED BROWN IS APPROPRIATED OR SET APART FOR EASEMENTS OF WAY AND DRAINAGE

THE LAND COLOURED GREEN IS APPROPRIATED OR SET APART FOR EASEMENTS OF DRAINAGE

THE LAND COLOURED GREEN IS SET APART FOR DRAINAGE RESERVES

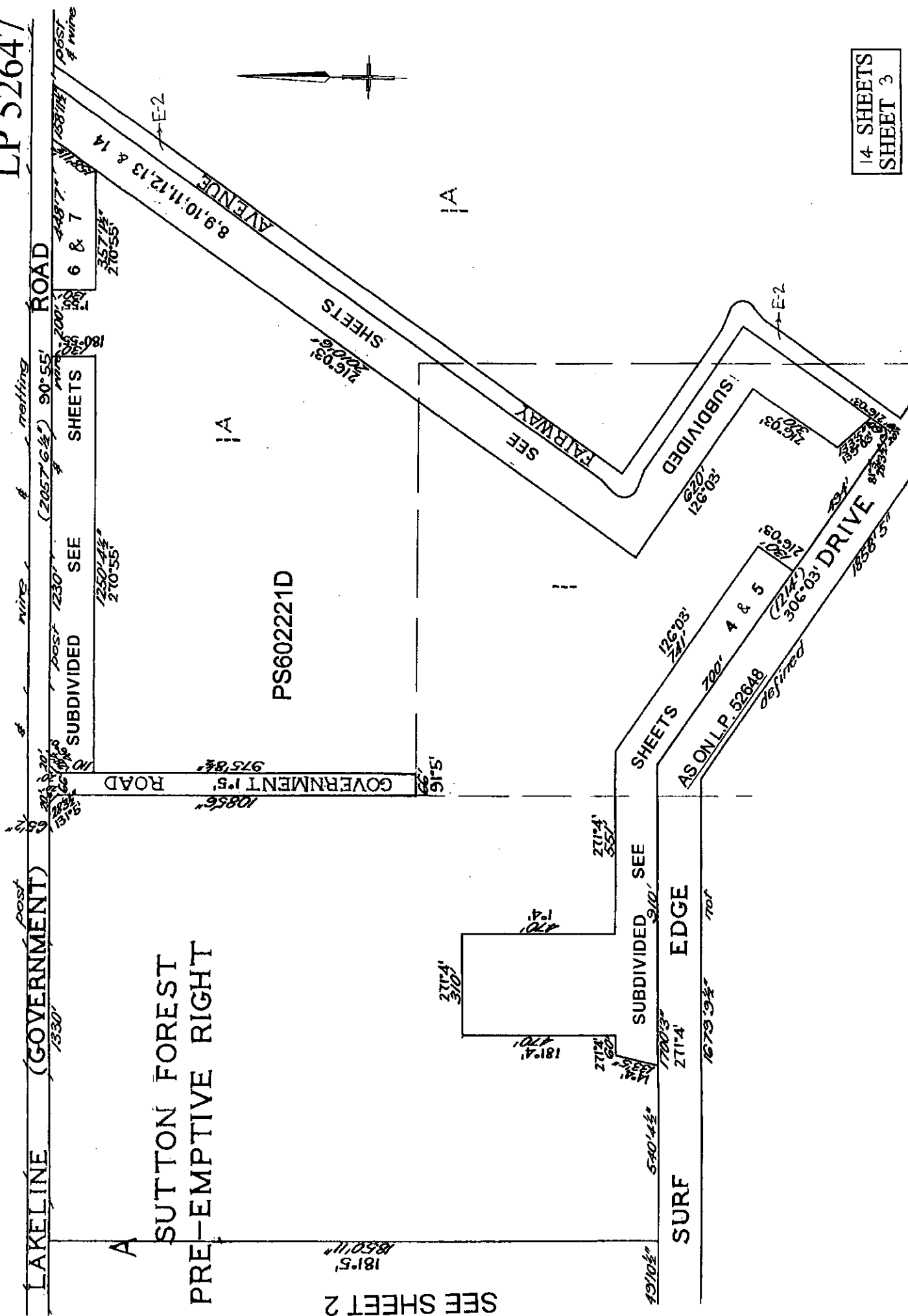
THE LAND COLOURED PURPLE IS APPROPRIATED OR SET APART FOR EASEMENTS OF SUPPLY OF WATER

THE LAND COLOURED PURPLE SET APART FOR WATER RESERVE

14 SHEETS
SHEET 1



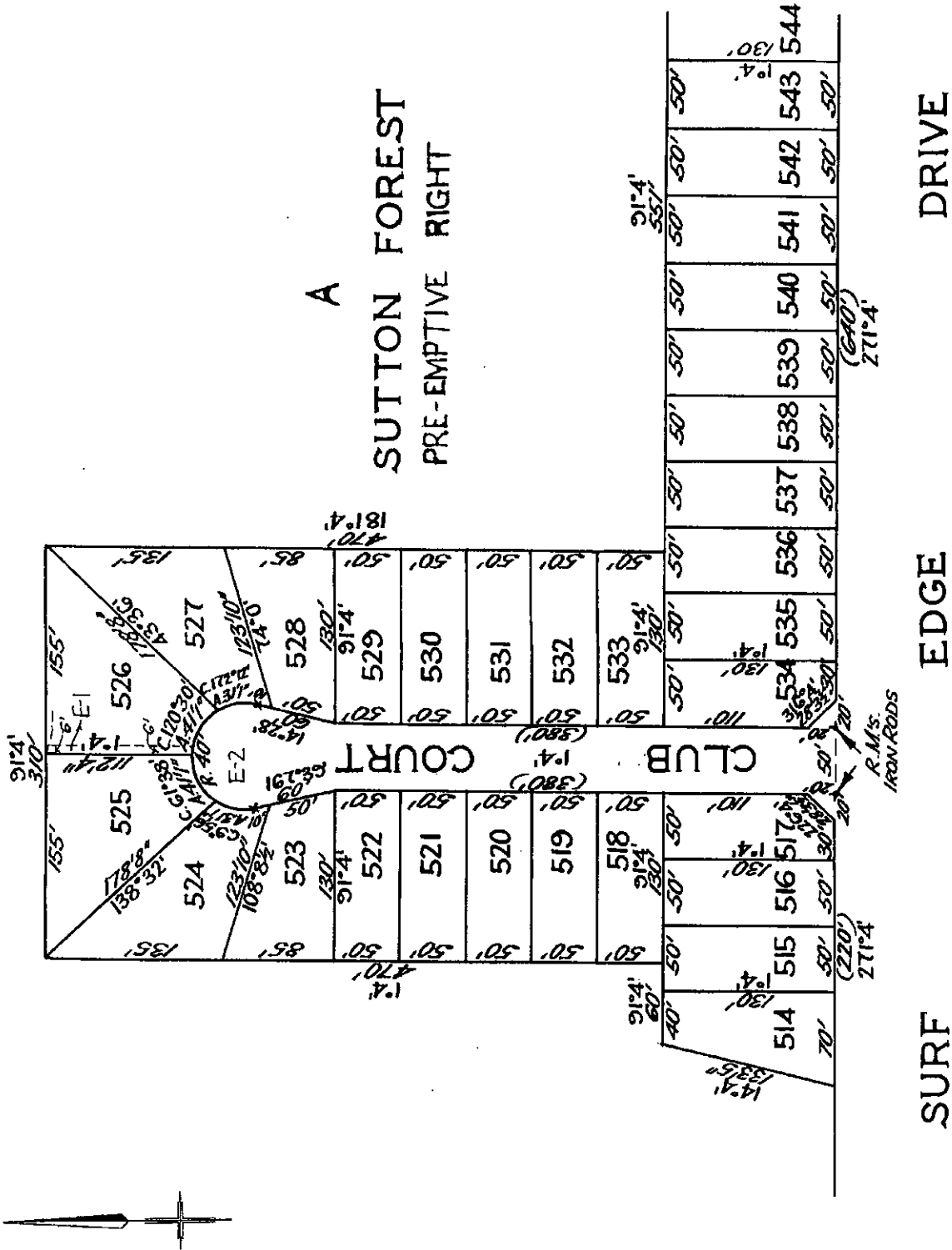
14 SHEETS
SHEET 2



LP 52647

14 SHEETS
SHEET 4

SEE SHEET 5



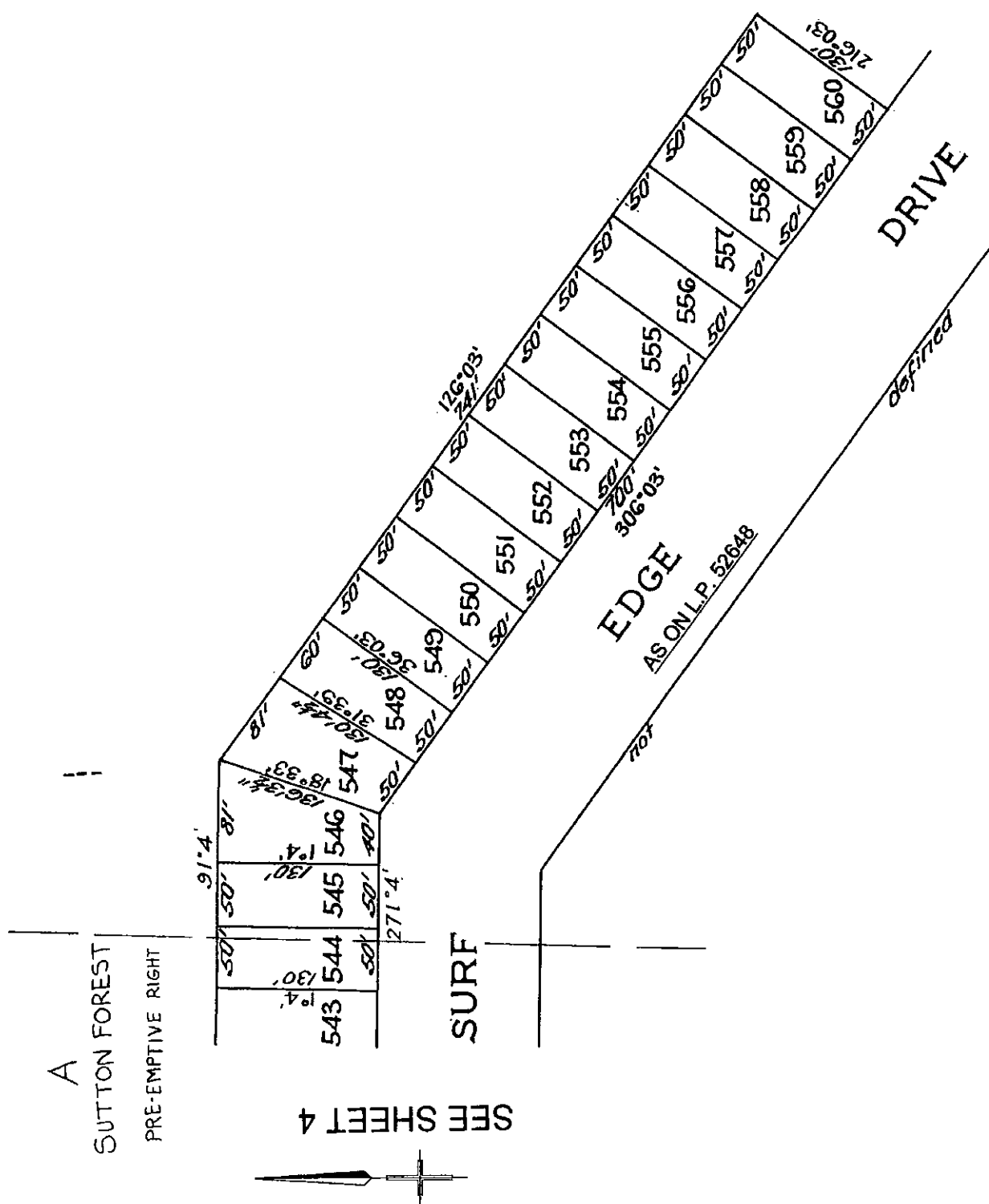
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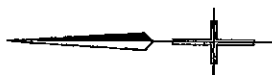
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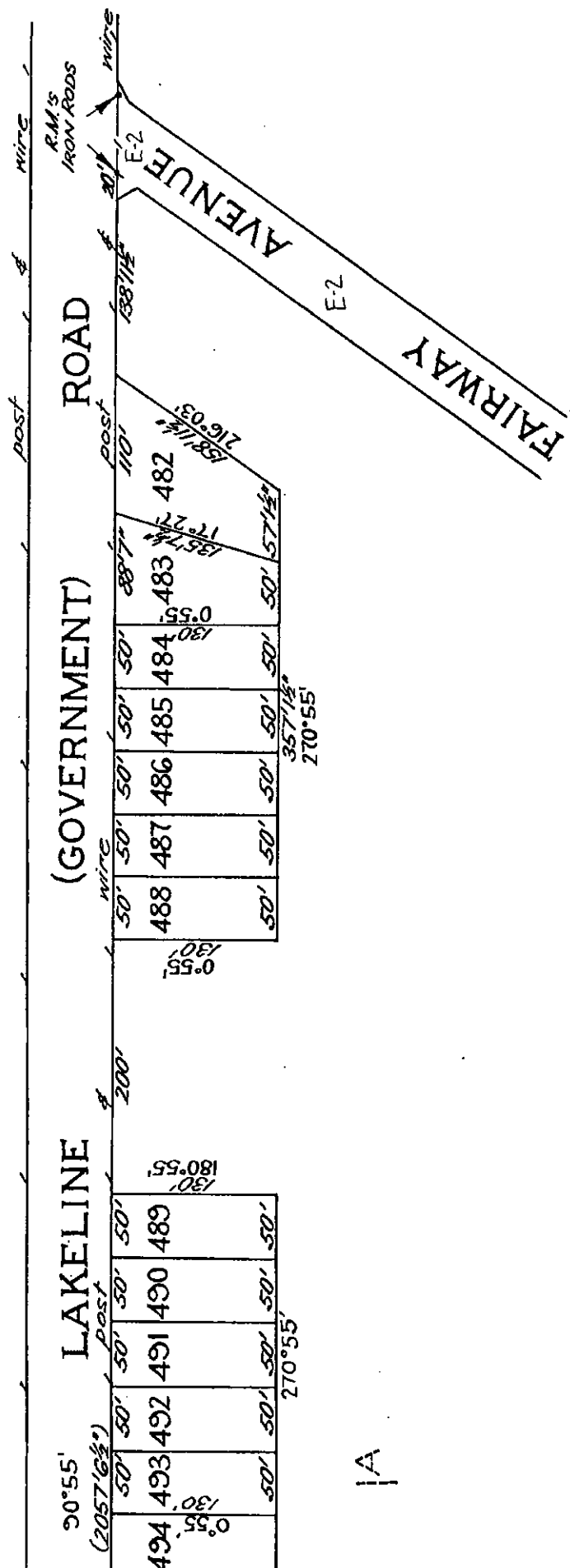
LP 52647

14-SHEETS
SHEET 5





SEE SHEET 6



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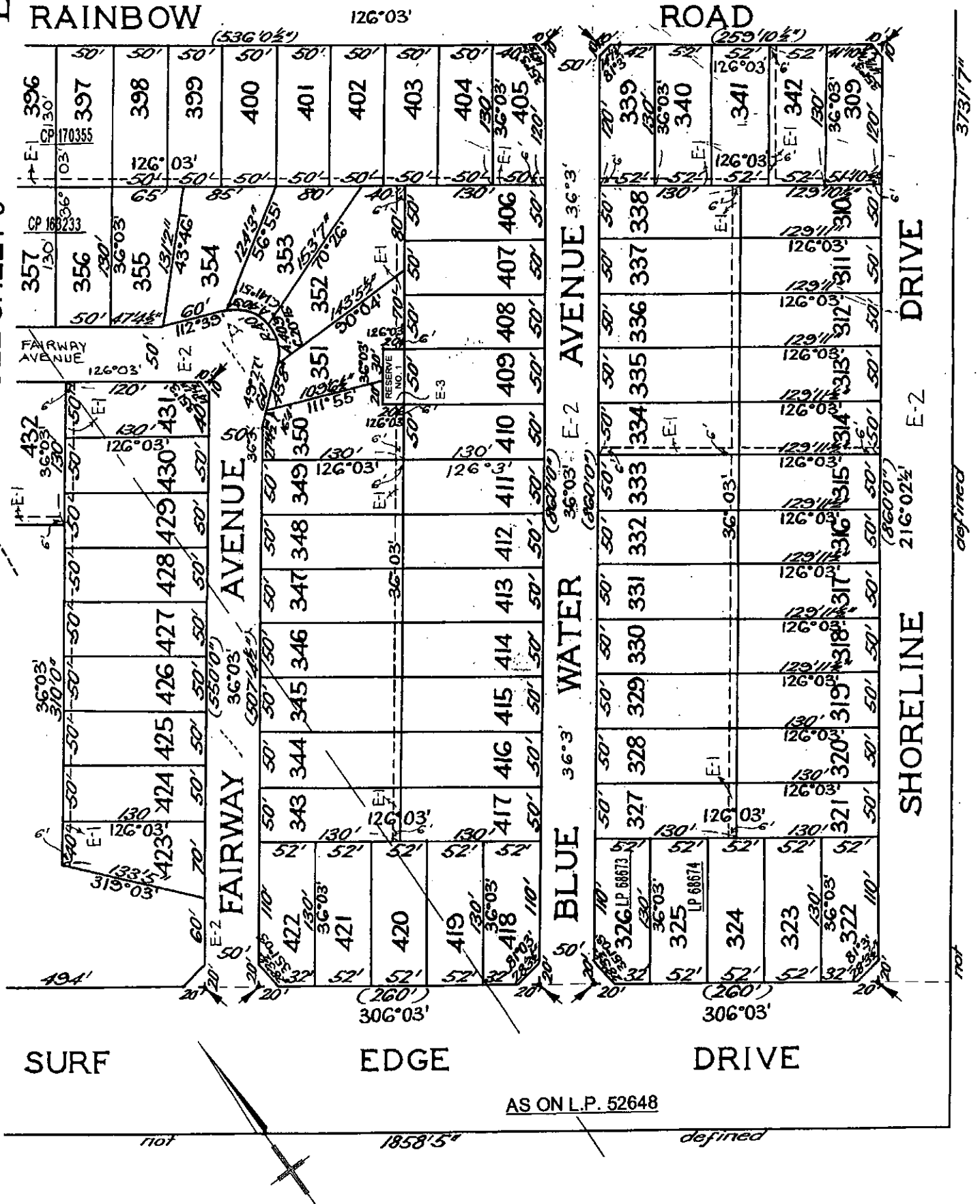
14 SHEETS
SHEET 7

LP 52647

SEE SHEET 9

SEE SHEET 10

14 SHEETS
SHEET 8



14 SHEETS
SHEET 9



SEE SHEET 8

SEE SHEET 11

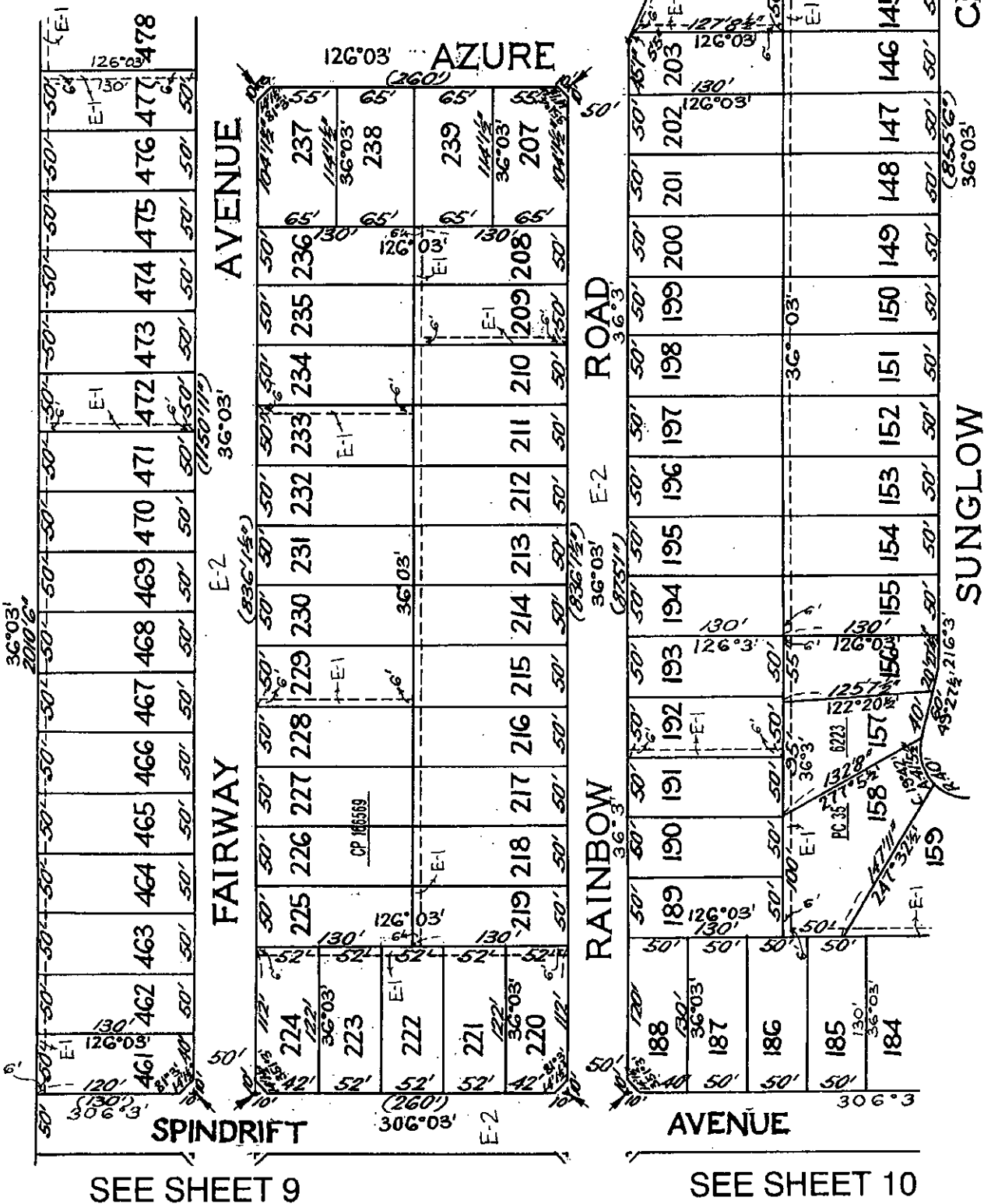
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LP 52647



SEE SHEET 14



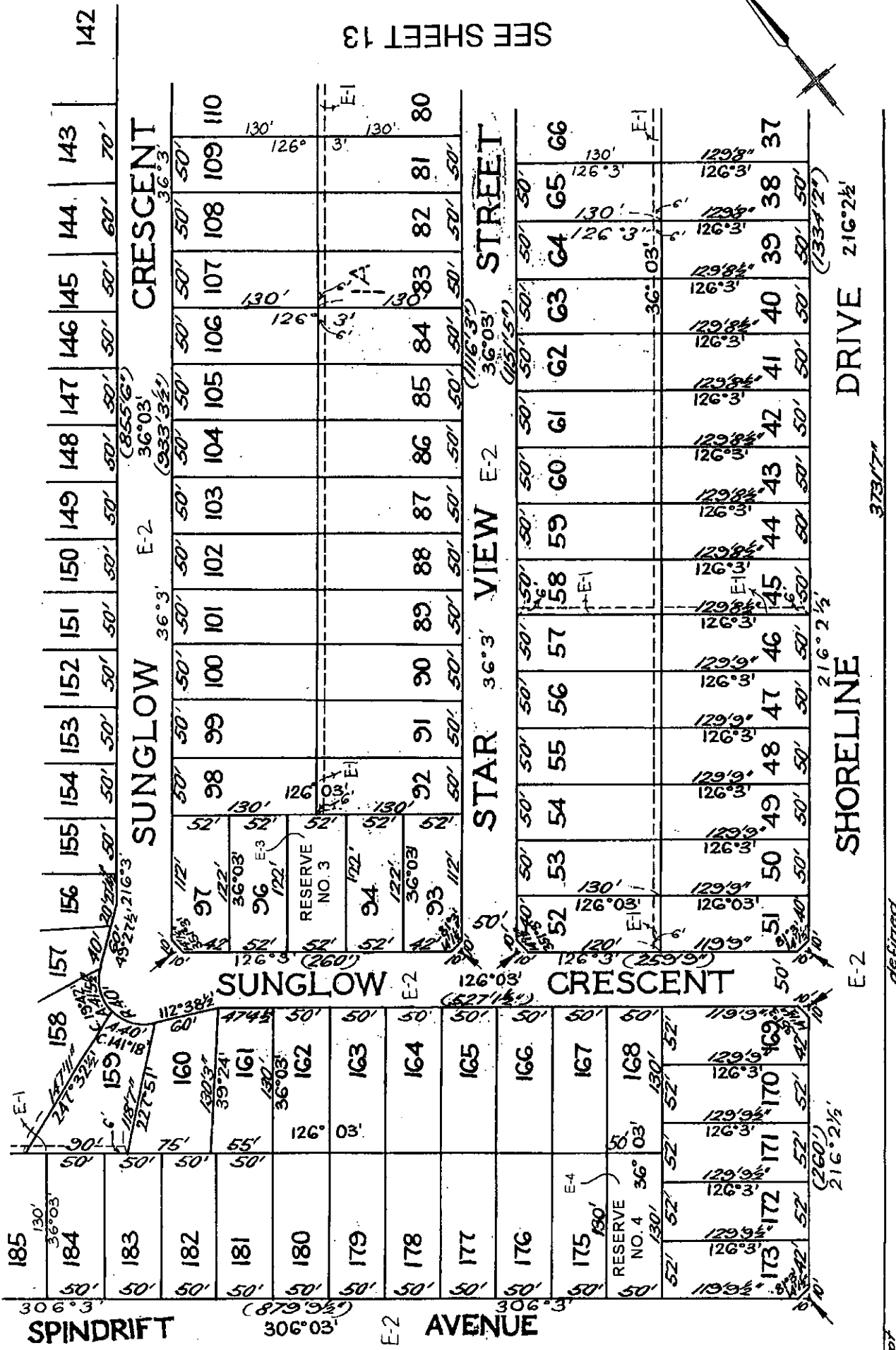
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SHEET 11

LP 52647

SEE SHEET 11

SEE SHEET 13

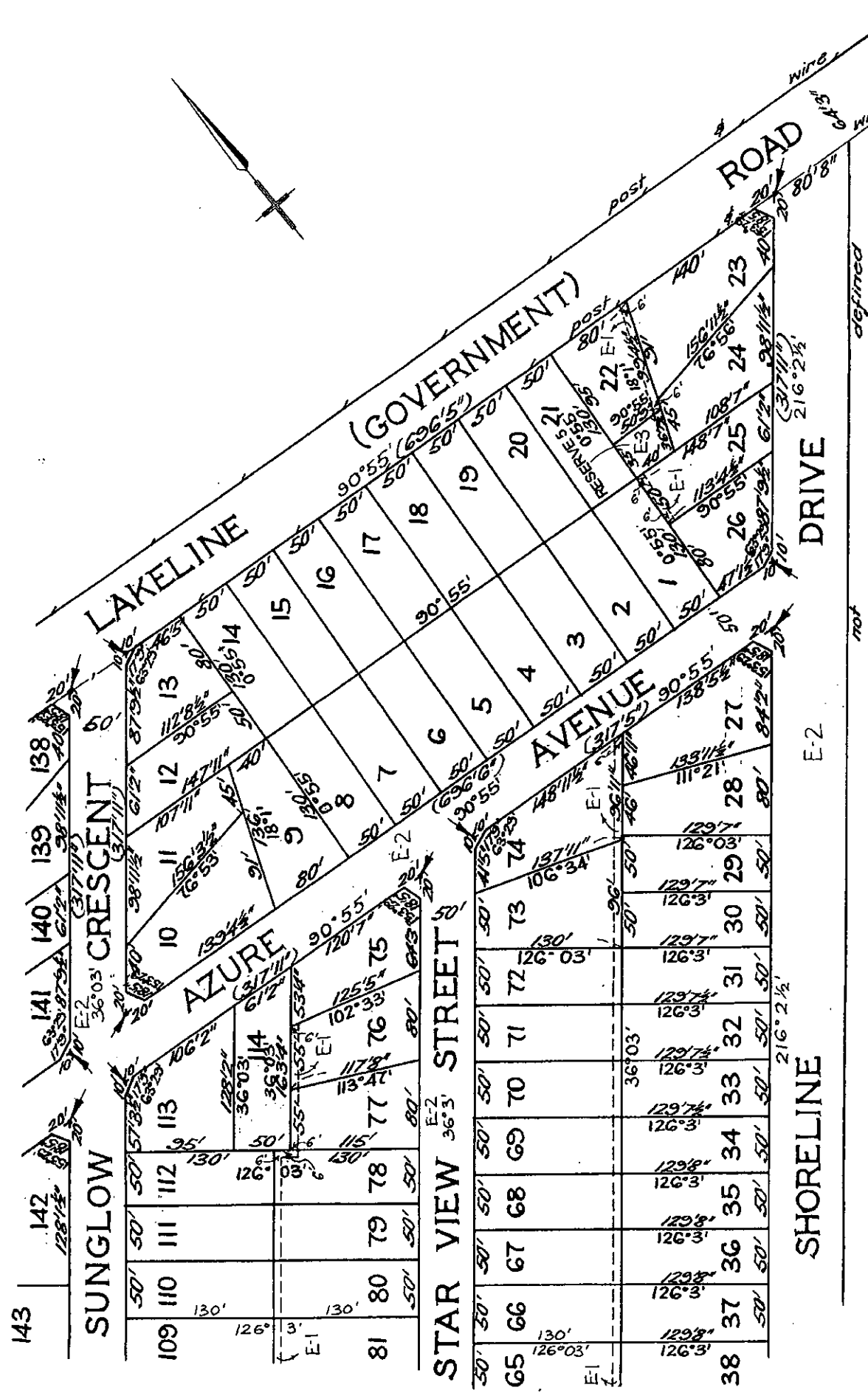
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SHEET 12



SEE SHEET 10

LP 52647

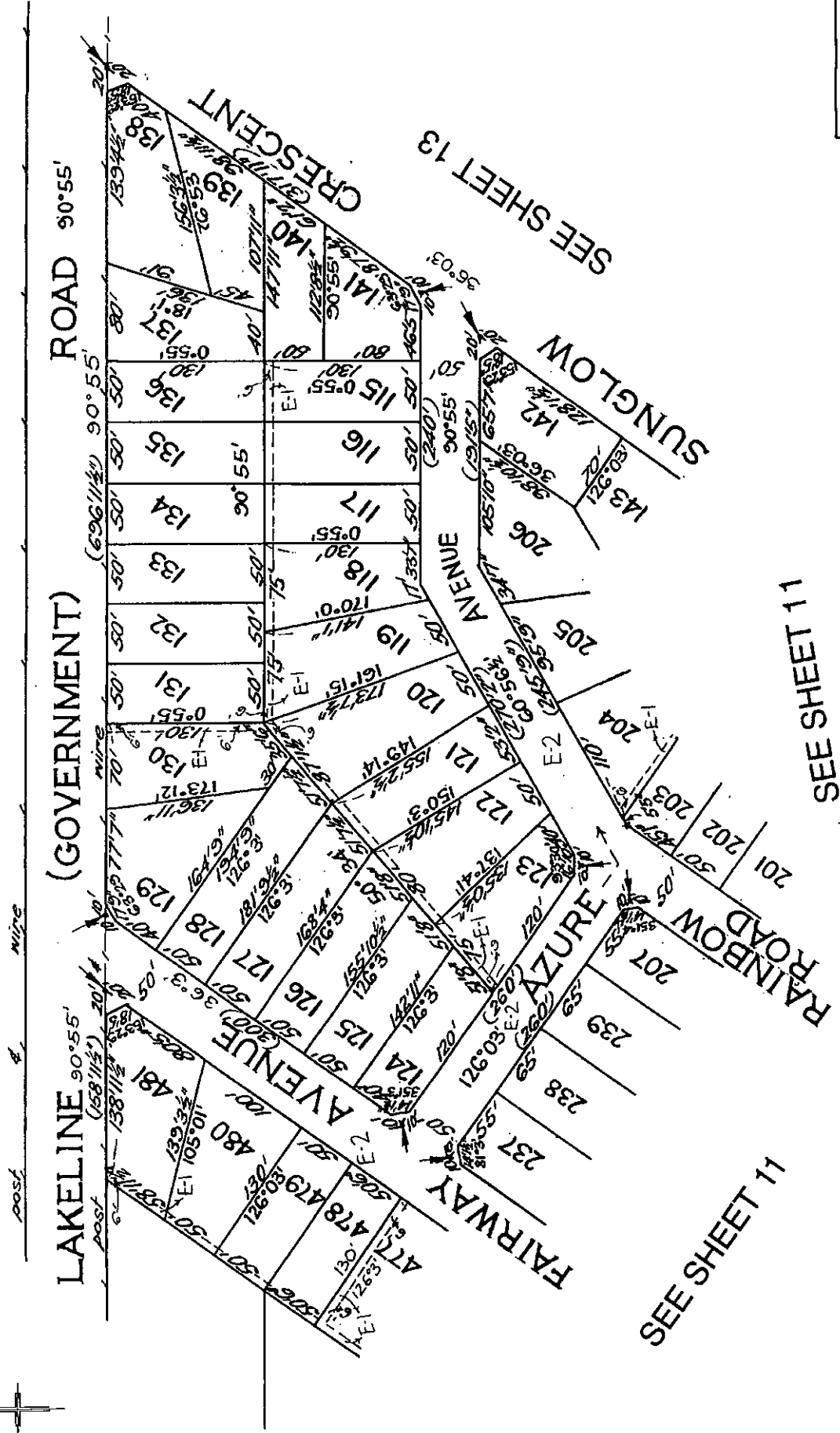
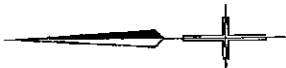
SEE SHEET 14



SEE SHEET 12

14 SHEETS
SHEET 13

LP 52647



MODIFICATION TABLE

RECORD OF ALL ADDITIONS OR CHANGES TO THE PLAN

PLAN NUMBER

LP052647

**WARNING: THE IMAGE OF THIS DOCUMENT OF THE REGISTER HAS BEEN DIGITALLY AMENDED.
NO FURTHER AMENDMENTS ARE TO BE MADE TO THE ORIGINAL DOCUMENT OF THE REGISTER.**

[illegible]

ANNUAL RATES NOTICE

for period 1 July 2022 to 30 June 2023

Sale Service Centre

18 Desailly Street (PO Box 506), Sale Victoria 3850
Tel 1300 366 244

Yarram Service Centre

156 Grant Street, Yarram Victoria 3971
Tel 03 5182 5100

Email enquiries@wellington.vic.gov.au
Web www.wellington.vic.gov.au

ABN 18 420 243 468



10.14312 - 28623 213587

029

B K Wood
8 Dee Road
MILLGROVE VIC 3799

Assessment Number 213587

Issue Date 15/08/2022

2022/2023 RATES \$0.00

2022/2023 RATES \$730.69

Property Description

15 Wave Cap Court GOLDEN BEACH VIC 3851
LOT 256 LP 52647

Capital Improved Value	Site Value	Net Annual Value	Valuation Base Date	AVPCC
\$145,000.00	\$145,000.00	\$7,250.00	1 Jan 2022	100

Rates, Charges and Rebates

Arrears Brought Forward, Account Rounding & Credit Applied			\$0.00
General Rate	\$0.00380000 on	\$145,000.00	\$551.00
Waste Infrastructure Charge	\$55.00 on	1.00	\$55.00
Pension Rebate (if applicable)			\$0.00
STATE FIRE SERVICES PROPERTY LEVY (FSPL CHARGES)			
Residential FSPL Variable Charge	\$0.00005300 on	\$145,000.00	\$7.69
Residential FSPL Fixed Charge	\$117.00 on	1.00	\$117.00
FSPL Concession (if applicable)			\$0.00

WSC Farm Rate attracts a 20% differential to the General Rate calculation. Please refer to reverse side for further information.

PAYMENT DETAILS

If you have an alternate payment method recorded with Council, the details will be shown below.

PRE PAYMENT: You may pre-pay all four instalments by 30 September 2022, or any other combination of instalments before their due date.

DUPLICATE NOTICE FEE: Please retain this notice for your records, as a fee of \$10.00 is payable for a further copy.

***INTEREST:** Interest will be charged on overdue amounts at 10% per annum until date of payment.

***ARREARS:** Arrears are listed in the 1st instalment. However, arrears are overdue and payable immediately.

	DUE DATE	AMOUNT
1st	30 September 2022*	\$184.69
2nd	30 November 2022	\$182.00
3rd	28 February 2023	\$182.00
4th	31 May 2023	\$182.00

See reverse side for methods of payment and important information



IMPORTANT INFORMATION FOR RATEPAYERS

RATE CAPING

Council has complied with the Victorian Government's rate cap of 1.75%. The cap applies to the average increase of rates and Charges. The rates and charges for your property may have increased or decreased by a different percentage amount for the following reasons:

- (i) The valuation of your property relative to the valuation of other properties in the municipal district;
- (ii) The application of any differential rate by Council;
- (iii) The inclusion of other rates and charges not covered by the Victorian Government's rates cap.

PAYMENT OF RATES / LEGAL ACTION

Rates are payable in four instalments. However, all arrears (overdue rates) are payable immediately and will continue to accrue interest and may incur additional legal costs until they are paid in full. Legal proceedings may be issued through Council's nominated debt collection agency to recover unpaid rates and charges, interest thereon and legal costs.

When paying by instalments the amounts of the instalments shown on the front of the notice must be received on or before 30 September, 30 November, 28 February and 31 May. Reminder notices will be issued for the 2nd, 3rd and 4th Instalments.

There is no provision to pay in full at a later date. However, you may pre-pay all four instalments by 30 September or any other combination of instalments before their due dates.

All payments will be allocated in the following order of priority: 1. Legal Costs 2. Interest Charges 3. Arrears 4. Current

INTEREST PENALTIES FOR LATE PAYMENT

Overdue amounts attract interest of 10% per annum, this rate is set under the *Penalty Interest Act 1983*. If your rates notice indicates you are in arrears, interest will be charged to your account until the arrears amount is paid in full. Section 27, 28 and 29 of the *Fire Services Property Levy Act 2012* apply for waiver deferral or concession requests on the Fire Services Property Levy. Postal delays will not be accepted as an excuse for late payment.

CHANGE OF OWNERSHIP OR ADDRESS

Please notify Council in writing if any details on the front of this notice are incorrect. It is the responsibility of the property owner or solicitor/ conveyancer to notify the Council of any changes of ownership within 30 days of settlement on the prescribed form.

PRIVACY

Under the provision of the *Privacy and Data Protection Act 2014* all personal information is treated as confidential, except in the case of public interest. Council may disclose your information to another agency if required by law, or to debt collection agencies where rates remain unpaid.

MUNICIPAL RATES CONCESSION (PENSION)

If you have a Pensioner Concession Card or an eligible Veterans' Affairs Gold Card, you meet the eligibility criteria and a concession does not already appear on this notice, an application form can be obtained from any Council Service Centre. Applications can only be made for your principal place of residence, the property must be used exclusively for residential purposes and only one application can be made for a property in a rating year. A Health Care Card or Seniors Card does not entitle the holder to a rebate.

WASTE INFRASTRUCTURE CHARGE

To help us comply with Environment Protection Authority (EPA) requirements, state legislation and sound waste management practice we have levied a charge for waste infrastructure to specifically fund sustainable waste facilities.

FARM LAND

In order for a property to be considered for classification as 'Farm Land', as defined within the *Valuation of Land Act 1960*, an application form obtainable from the Council must be completed and returned within two months of the issue date of the Annual Rates Notice. If Council has rejected an application the owner or occupier may apply to the Civil and Administrative Tribunal for a review of Council's decision.

SINGLE FARM ENTERPRISE EXEMPTION

A person may apply for a single farm enterprise exemption in accordance with Section 9A of the *Fire Services Property Levy Act 2012*. Where a single farm enterprise is conducted on several properties within the municipality, only one waste infrastructure charge is payable for that farm enterprise on the principal place of residence (additional dwellings are not eligible for an exemption).

OBJECTION TO RATE OR CHARGES

A person who is aggrieved by a rate or charge imposed by the Council, or by anything included or excluded from such a rate or charge may appeal to the County Court under Section 184 of the *Local Government Act 1989*. Any appeal must be lodged with the County Court within 60 days of receiving this notice. A person may only appeal on one or more of the following grounds:

- that the land is not rateable land (this is not applicable to special rates or charges) or;
- that the rate or charge assessment was calculated incorrectly; or
- that the person rated is not liable to be rated.

A person cannot appeal to the County Court where an objection or appeal may be made under the *Valuation of Land Act 1960* as described on the previously issued Valuation Notice. New property owners should contact council for clarification.

METHODS OF PAYMENT

BPAY



Bill Code: 41293
Ref Number: 00213587

BPAY View® Registration No.: 00213587
BPAY® Telephone and Internet banking
BPAY® Call your bank credit union or building society to make this payment from your cheque, savings or credit account.
*Registered to BPAY Pty Ltd ABN 69 079 137 518



Australia Post (and telephone)



Billpay Code: 0851
Ref Number: 00213587

Post Billpay: In person at any Post Office, by phone 131816, or go to postbillpay.com.au



*851 00213587

Online

Pay at our website at www.wellington.vic.gov.au and follow the prompts for payment.

In person

In person at Sale and Yarram Service Centres (cash, cheque, EFTPOS or credit card)

Direct Debit

To arrange periodical Direct Debit from your bank account, please complete and return a Direct Debit Request Form. Forms can be obtained by contacting 1300 366 244.

Mail

Post cheque or money order with payment advice to Wellington Shire Council, PO Box 506, Sale Vic 3850.

PLANNING CERTIFICATE

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

CERTIFICATE REFERENCE NUMBER

893092

APPLICANT'S NAME & ADDRESS

CAROLINA C/- LANDATA
MELBOURNE

VENDOR

WOOD, BENJAMIN KENNETH

PURCHASER

UNKNOWN, UNKNOWN

REFERENCE

Wood

This certificate is issued for:

LOT 256 PLAN LP52647 ALSO KNOWN AS 15 WAVE CAP COURT GOLDEN BEACH
WELLINGTON SHIRE

The land is covered by the:

WELLINGTON PLANNING SCHEME

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

The land:

- is included in a LOW DENSITY RESIDENTIAL ZONE
- is within a BUSHFIRE MANAGEMENT OVERLAY - SCHEDULE 2
- and a DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 7
- and a DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 13
- and a ENVIRONMENTAL SIGNIFICANCE OVERLAY - SCHEDULE 1

A Proposed Amending Planning Scheme C109well has been placed on public exhibition which shows this property :

- is within a AREA TO BE DELETED FROM AN ENVIRONMENTAL SIGNIFICANCE OVERLAY - C109well

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

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

05 December 2022

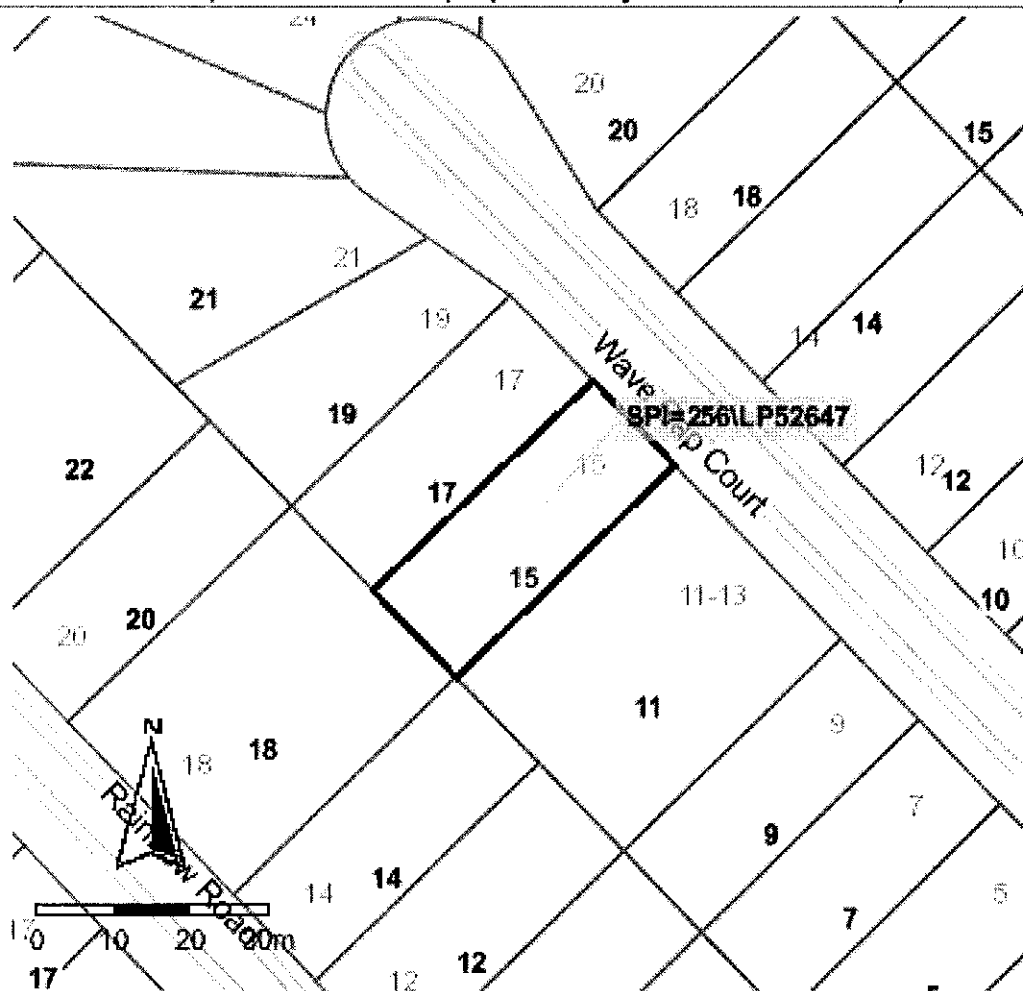
Ms. Lizzie Blandthorn MP
Minister for Planning

The attached certificate is issued by the Minister for Planning of the State of Victoria and is protected by statute.

The document has been issued based on the property information you provided. You should check the map below - it highlights the property identified from your information.

If this property is different to the one expected, you can phone (03) 9102 0402 or email landata.enquiries@servictoria.com.au

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



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Choose the authoritative Planning Certificate

Why rely on anything less?

As part of your section 32 statement, the authoritative Planning Certificate provides you and / or your customer with the statutory protection of the State of Victoria.

Order online before 4pm to receive your authoritative Planning Certificate the same day, in most cases within the hour. Next business day delivery, if further information is required from you.

Privacy Statement

The information obtained from the applicant and used to produce this certificate was collected solely for the purpose of producing this certificate. The personal information on the certificate has been provided by the applicant and has not been verified by LANDATA®. The property information on the certificate has been verified by LANDATA®. The zoning information on the certificate is protected by statute. The information on the certificate will be retained by LANDATA® for auditing purposes and will not be released to any third party except as required by law.





WELLINGTON
SHIRE COUNCIL
The Heart of Gippsland

Sale Service Centre
18 Desailly Street (PO Box 506)
Sale Victoria 3850
Tel 1300 366 244

Yarram Service Centre
156 Grant Street
Yarram Victoria 3971
Tel 03 5182 5100

Web www.wellington.vic.gov.au
Email enquiries@wellington.vic.gov.au

Reference:

36077/2022

Date of Notice: 19/04/2022

B K Wood
8 Dee Road
MILLGROVE VIC 3799

FIRE PREVENTION NOTICE

SCHEDULE 15
COUNTRY FIRE AUTHORITY ACT 1958 COUNTRY FIRE AUTHORITY REGULATIONS 2014
Regulation 112(1)

I direct B K Wood

as the owner or occupier of: 15 WAVE CAP COURT GOLDEN BEACH 3851
Assessment No: 213587
Title Ref: 256\LP52647

to complete the works specified below.

All works must be completed not later than:

17/05/2022

Works to be completed:
See reverse for details

TYPE 2: Remove all undergrowth.

If you have completed the works since the Date of Notice, this Notice can be disregarded. Council will be undertaking secondary inspections and if the work has been completed as above, no further action will be taken.

Your property must be maintained to the above standard for the entire Fire Danger Period.

Neil Morrison
Authorised Fire Prevention Officer

You may lodge an objection to this notice under section 41B of the Country Fire Authority Act 1958 and appeal the outcome of that objection under section 41C of that Act.

Explanatory Note

Power and Purpose

The Municipal Fire Prevention Officer or delegate of Wellington Shire Council has the power under section 41 of the *Country Fire Authority Act 1958* to issue this notice of direction. The purpose of this direction is to require you to take the necessary steps to reduce the threat of fire to your life and property, and that of your neighbours.

Explanation Of Works To Be Completed On Your Property

Type 1: Slash Entire Property

Slash, mow or otherwise remove all long grass, weeds, and bracken, whether living or dead, to a height of not more than 100mm, over the entire property, including around all buildings, beneath trees and along fences.

Type 2: Remove All Undergrowth

Slash, mow or otherwise remove all long grass, weeds, and bracken, whether living or dead, to a height of not more than 100mm, over the entire property, including around all buildings, beneath trees and along fences.

Remove all undergrowth, including fallen branches and tree debris. Prune all low hanging branches from shrubs and trees to a height of two (2) metres above the ground and prune any shrub or tree limbs that overhang a neighbour's property.

Type 3: Clear A Fire Break To No Less Than 3 Metres Wide

Clear all undergrowth and prune tree branches to a height of 2 metres above the ground along the boundary fence line where there are neighbouring houses, to create an area that can be maintained by slashing or mowing, to a width of at least three (3) metres.

Type 4: Slash A Fire Break To No Less Than 5 Metres Wide

Slash, mow or otherwise remove all long grass, weeds, and bracken, whether living or dead, to a height of not more than 100mm, adjacent to and inside all your boundary fence lines where there are neighbouring houses, to a width of at least five (5) metres.

Type 5: Special Instructions:

Not applicable.

Nothing listed on this Notice grants you permission to remove entire trees from your property. If you believe removing entire trees from your property is required for bushfire protection, please seek advice from Wellington Shire Council's Environmental Planner to discuss your options on 1300 366 244.

You must minimise all soil disturbance when undertaking fire prevention works on your property. .

Effect Of Not Complying With This Notice

If the required works have not been carried out to the satisfaction of a Fire Prevention Officer by the due date, or you do not lodge an objection (see below):

- Each owner of the property will receive a Fire Infringement Notice, incurring a penalty of \$1,817 each;
- Court proceedings may be taken against owners for a failure to comply with this notice or failure to pay the infringement penalty by the due date. Penalties of up to \$19,000 or up to 12 months' prison or both may be imposed;
- The Municipal Fire Prevention Officer may engage a contractor to carry out the prescribed works, with all costs and administration fees charged back to you as the landowner/s. If you complete the required works after a contractor has been tasked to your property, you may still be charged a callout fee, plus administration. We will not contact you prior to undertaking these works. If you do not pay the account, Council can take you to court to recover costs including interest at a fixed rate on the money owed. See section 41 of the *Country Fire Authority Act 1958* and division 5, section 117 of the *Local Government Act 2020*.

Objections

You can object to this notice (see section 41B *Country Fire Authority Act 1958*) by lodging a written objection with the Municipal Fire Prevention Officer within 7 days of the service of this notice, stating your grounds of objection.

Appeals

If you have lodged an objection and the Municipal Fire Prevention Officer fails to confirm, vary, or withdraw the notice within 14 days, or you are not satisfied with a confirmation or variation of the notice, you may appeal (see section 41C *Country Fire Authority Act 1958*) to CFA Chief Officer.

Appeals must be in writing and lodged with the Chief Officer, Country Fire Authority, 8 Lakeside Drive, East Burwood 3151, within 7 days of the end of the 14-day period described above, or within 7 days of the date of confirmation or variation (whichever is earlier); and fully state the grounds of your appeal.

For more information, read our factsheet *Fire Prevention Guide: Fire Prevention Notices*. If you have any further enquiries, contact the Municipal Fire Prevention Officer on 1300 366 244.

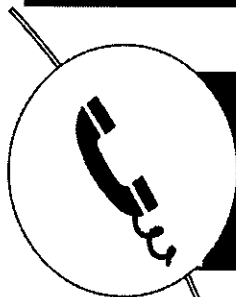
Condition of land as inspected





Fire Prevention

Tips for engaging a contractor



SOURCE A CONTRACTOR (ASAP)

- Several private local contractors offer property preparation and maintenance.
- Contractors can be sourced through Yellow Pages and internet searches, alternatively a friend, family member or neighbour may have details of a contractor they recommend.
- Council does not provide recommendations or supply contractor details.



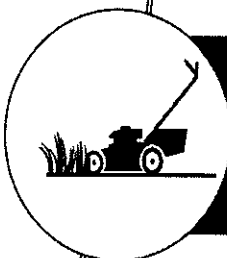
COMPLETION DATE

- YOU must ensure the work is completed BEFORE the due date on your fire prevention notice.
- Make sure that your contractor is aware of your due date and confirm that works can be completed BEFORE this time.



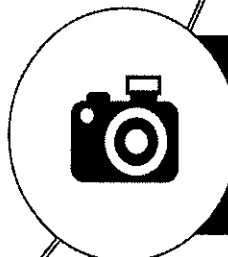
PROPERTY LOCATION

- Confirm that your contractor knows where your property is.
- Information that may assist your contractor is providing the full property address, supplying a map and/or giving information of any identifying markers at the property.



TYPE OF WORKS

- Not all works are the same.
- Refer to your fire prevention notice for details of what work is required.
- Ensure your contractor knows what works you need completed and that they are capable of doing such works within timeframe.



PHOTOS

- We recommend that you request before and after photos from your contractor.
- It is YOUR responsibility to ensure the work is completed.



Remember:

The property owner/s are responsible for ensuring the property complies with fire prevention requirements. If you engage a contractor, the onus remains with the property owner/s to ensure works are completed.

PROPERTY REPORT



Environment,
Land, Water
and Planning

From www.planning.vic.gov.au at 30 November 2022 09:32 AM

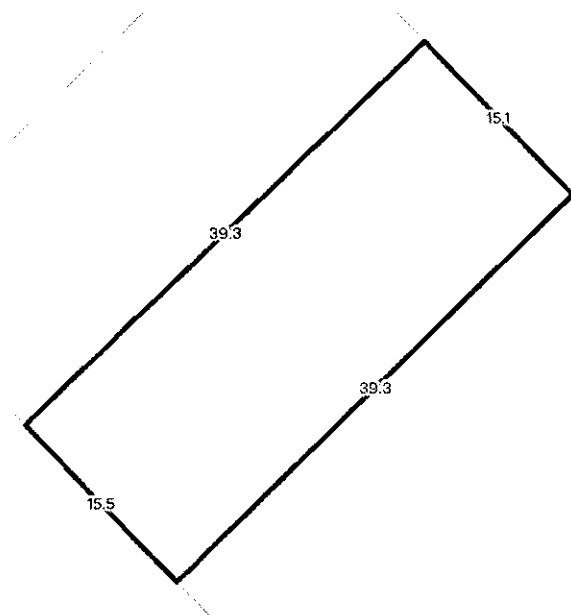
PROPERTY DETAILS

Address: **15 WAVE CAP COURT GOLDEN BEACH 3851**
Lot and Plan Number: **Lot 256 LP52647**
Standard Parcel Identifier (SPI): **256\LP52647**
Local Government Area (Council): **WELLINGTON**
Council Property Number: **213587**
Directory Reference: **Vicroads 99 H5**

www.wellington.vic.gov.au

SITE DIMENSIONS

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



Area: 601 sq. m

Perimeter: 109 m

For this property:

— Site boundaries

— Road frontages

Dimensions for individual parcels require a separate search, but dimensions for individual units are generally not available.

Calculating the area from the dimensions shown may give a different value to the area shown above

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

UTILITIES

Rural Water Corporation: **Southern Rural Water**
Urban Water Corporation: **Gippsland Water**
Melbourne Water: **Outside drainage boundary**
Power Distributor: **AUSNET**

STATE ELECTORATES

Legislative Council: **EASTERN VICTORIA**
Legislative Assembly: **GIPPSLAND SOUTH**

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/>

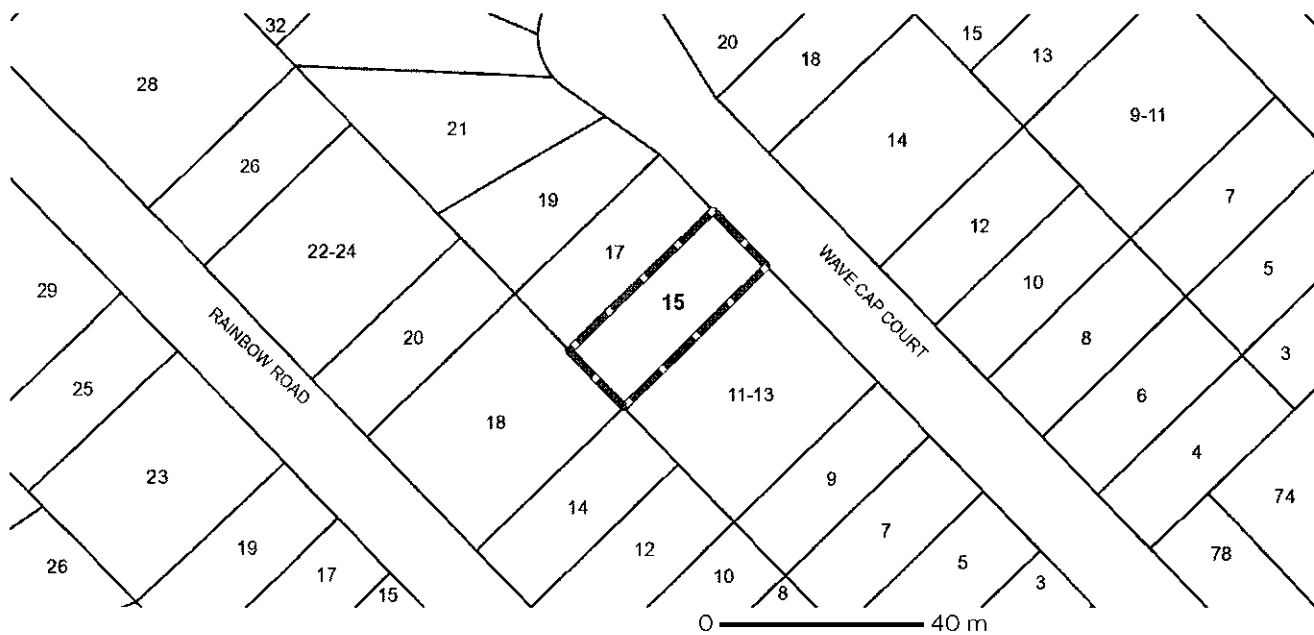
Property and parcel search <https://www.land.vic.gov.au/property-and-parcel-search>

PROPERTY REPORT



Environment,
Land, Water
and Planning

Area Map



Selected Property

PLANNING PROPERTY REPORT



Environment,
Land, Water
and Planning

From www.planning.vic.gov.au at 30 November 2022 09:32 AM

PROPERTY DETAILS

Address: **15 WAVE CAP COURT GOLDEN BEACH 3851**
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Council Property Number: **213587**
Planning Scheme: **Wellington**
Directory Reference: **Vicroads 99 H5**

www.wellington.vic.gov.au

[Planning Scheme - Wellington](#)

UTILITIES

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Melbourne Water: **Outside drainage boundary**
Power Distributor: **AUSNET**

STATE ELECTORATES

Legislative Council: **EASTERN VICTORIA**
Legislative Assembly: **GIPPSLAND SOUTH**

OTHER

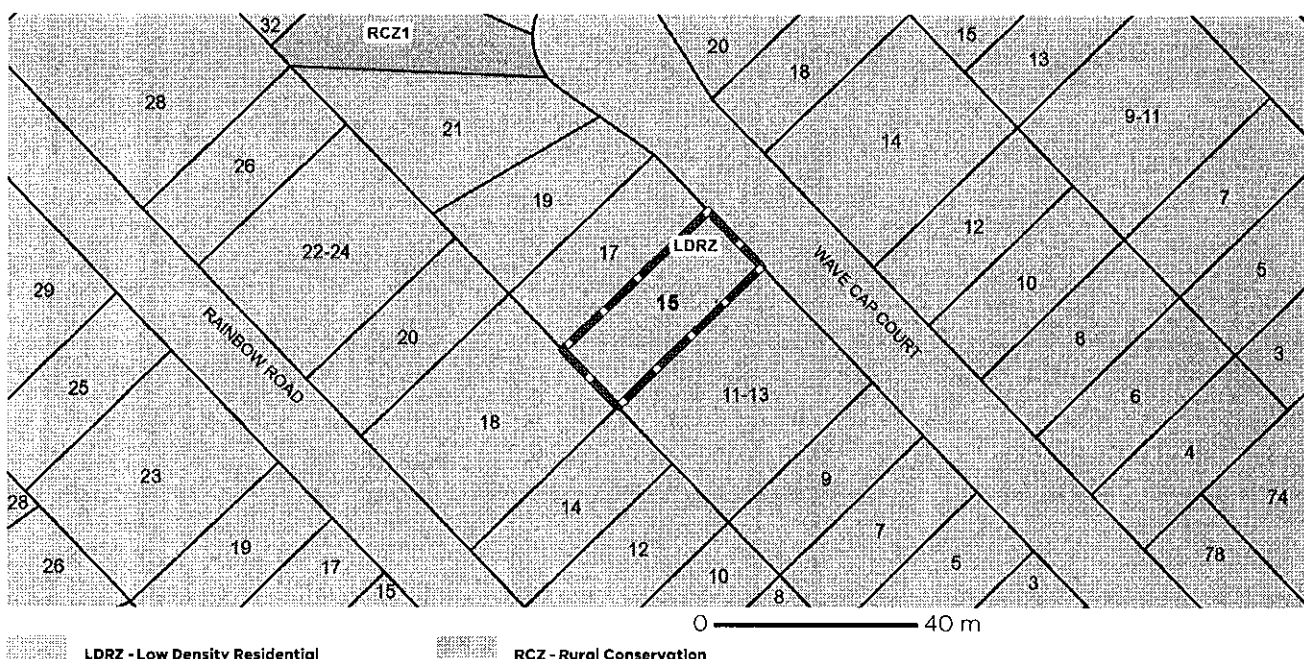
Registered Aboriginal Party: **Gunaikurnai Land and Waters
Aboriginal Corporation**

[View location in VicPlan](#)

Planning Zones

LOW DENSITY RESIDENTIAL ZONE (LDRZ)

SCHEDULE TO THE LOW DENSITY RESIDENTIAL ZONE (LDRZ)



LDRZ - Low Density Residential



RCZ - Rural Conservation

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

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Read the full disclaimer at <http://www.deliver.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).

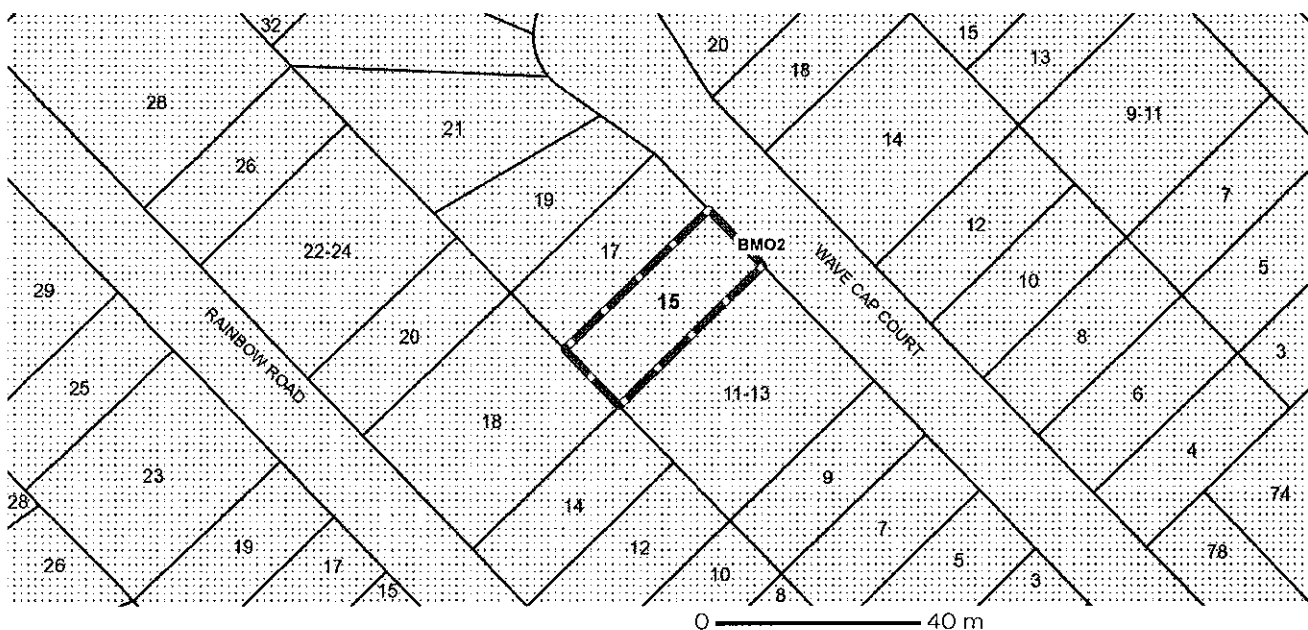
PLANNING PROPERTY REPORT: 15 WAVE CAP COURT GOLDEN BEACH 3851

Page 1 of 6

Planning Overlays

BUSHFIRE MANAGEMENT OVERLAY (BMO)

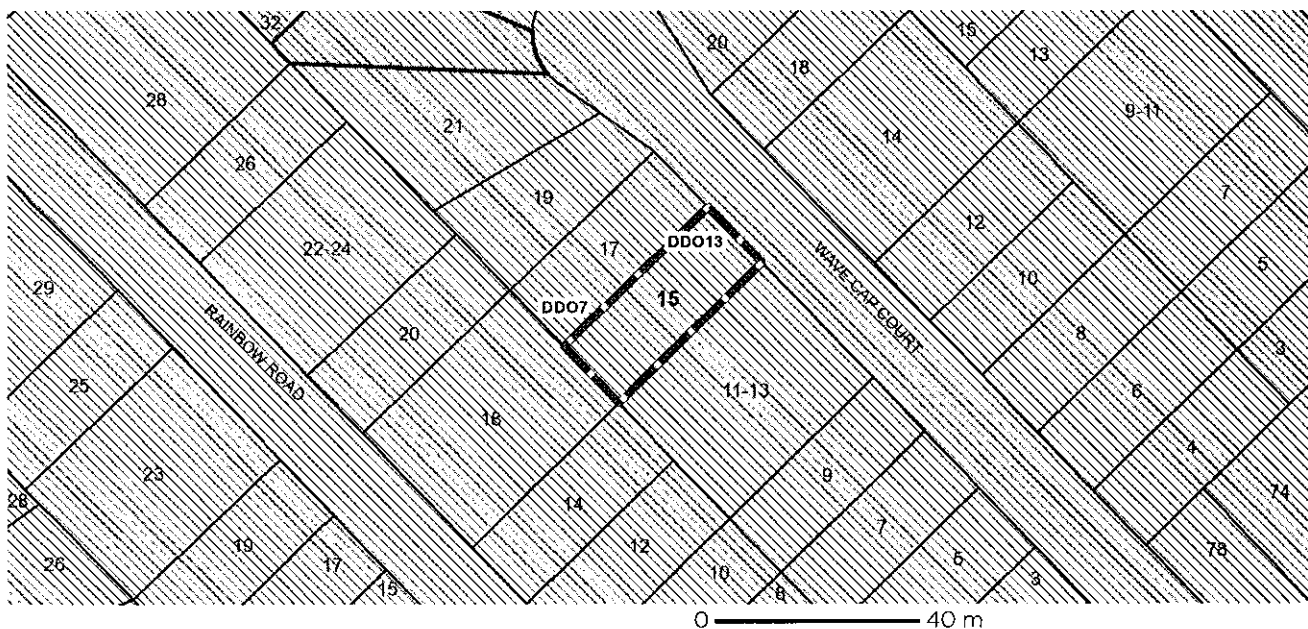
BUSHFIRE MANAGEMENT OVERLAY - SCHEDULE 2 (BMO2)



DESIGN AND DEVELOPMENT OVERLAY (DDO)

DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 7 (DDO7)

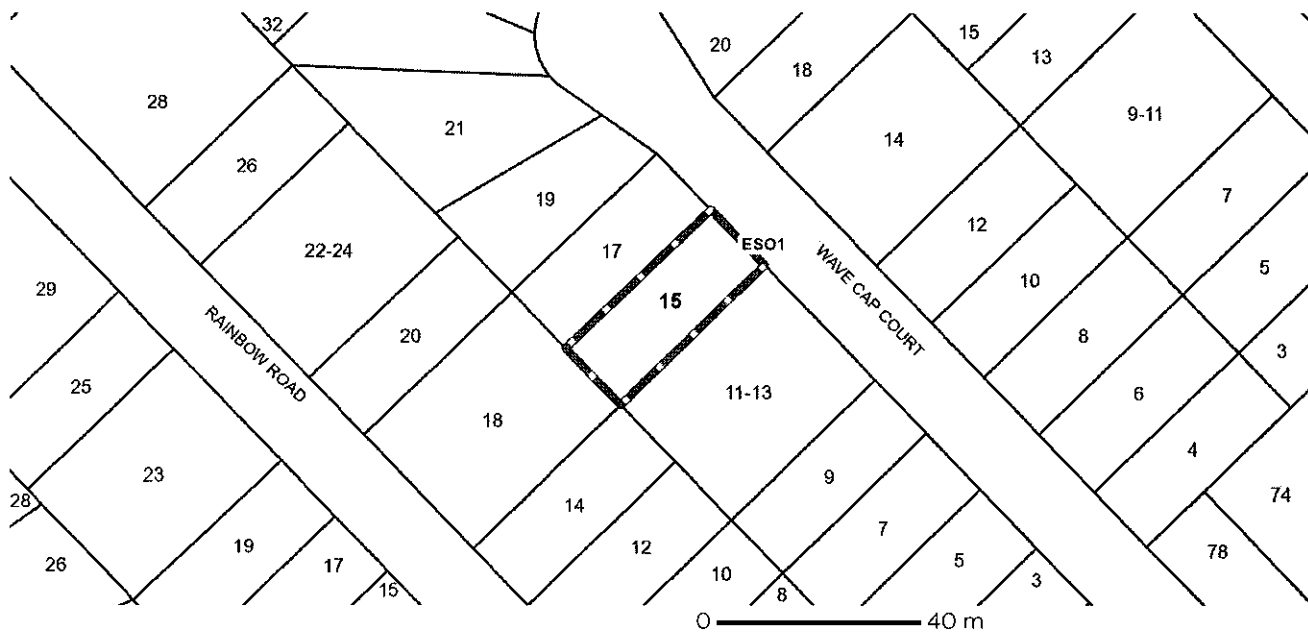
DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 13 (DDO13)



Planning Overlays

ENVIRONMENTAL SIGNIFICANCE OVERLAY (ESO)

ENVIRONMENTAL SIGNIFICANCE OVERLAY - SCHEDULE 1 (ESO1)



ESO - Environmental Significance Overlay

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

Areas of Aboriginal Cultural Heritage Sensitivity

All or part of this property is an 'area of cultural heritage sensitivity'.

'Areas of cultural heritage sensitivity' are defined under the Aboriginal Heritage Regulations 2018, and include registered Aboriginal cultural heritage places and land form types that are generally regarded as more likely to contain Aboriginal cultural heritage.

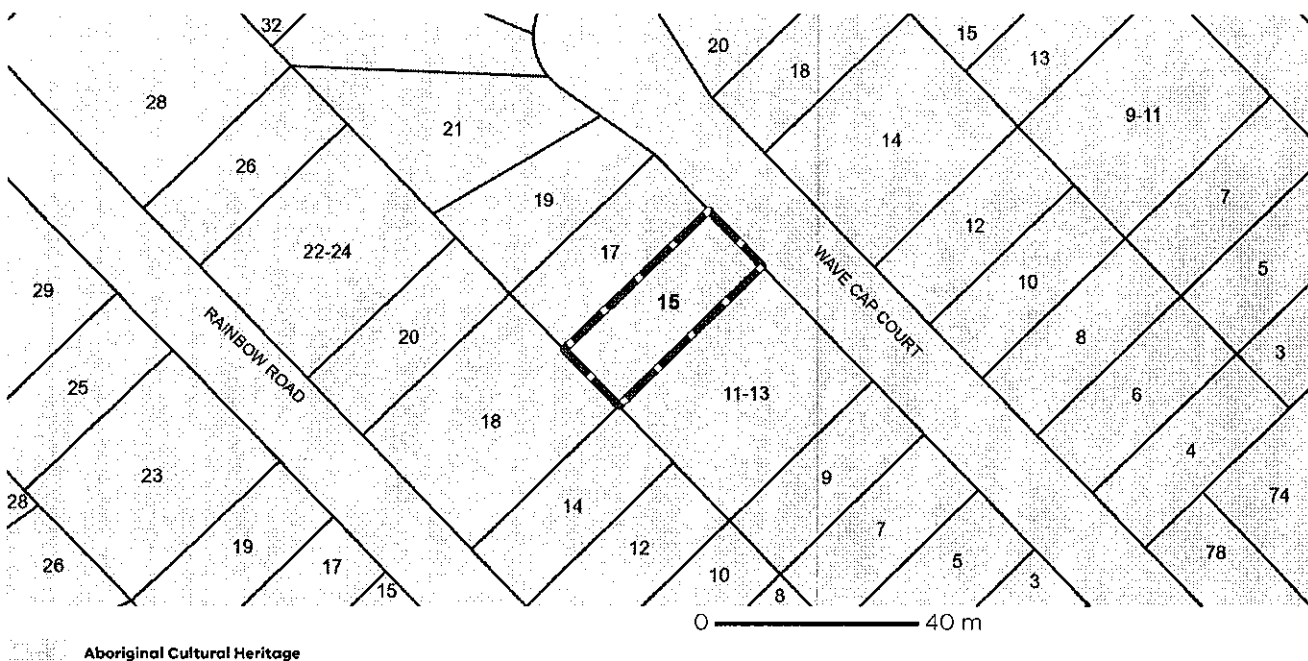
Under the Aboriginal Heritage Regulations 2018, 'areas of cultural heritage sensitivity' are one part of a two part trigger which require a 'cultural heritage management plan' be prepared where a listed 'high impact activity' is proposed.

If a significant land use change is proposed (for example, a subdivision into 3 or more lots), a cultural heritage management plan may be triggered. One or two dwellings, works ancillary to a dwelling, services to a dwelling, alteration of buildings and minor works are examples of works exempt from this requirement.

Under the Aboriginal Heritage Act 2006, where a cultural heritage management plan is required, planning permits, licences and work authorities cannot be issued unless the cultural heritage management plan has been approved for the activity.

For further information about whether a Cultural Heritage Management Plan is required go to <http://www.aav.nrms.net.au/aavQuestion1a99x>.

More information, including links to both the Aboriginal Heritage Act 2006 and the Aboriginal Heritage Regulations 2018, can also be found here - <https://www.aboriginalvictoria.vic.gov.au/aboriginal-heritage-legislation>



Further Planning Information

Planning scheme data last updated on 24 November 2022.

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

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

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

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

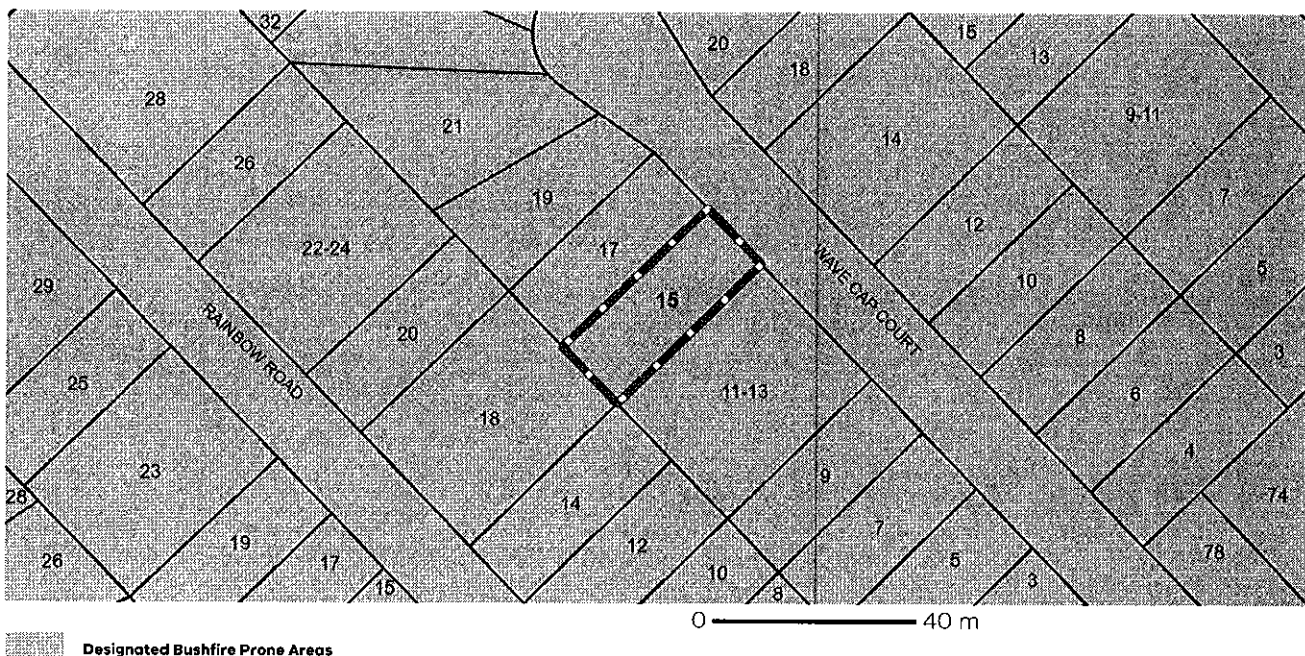
For other information about planning in Victoria visit <https://www.planning.vic.gov.au>

Designated Bushfire Prone Areas

This property is 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 \(environment.vic.gov.au\)](#)

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Due Diligence Checklist



What you need to know before buying a residential property

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

Urban living

Moving to the inner city?

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

Is the property subject to an owners corporation?

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

Growth areas

Are you moving to a growth area?

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

Flood and fire risk

Does this property experience flooding or bushfire?

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

Rural properties

Moving to the country?

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

- Is the surrounding land use compatible with your lifestyle expectations? Farming can create noise or odour that may be at odds with your expectations of a rural lifestyle.
- Are you considering removing native vegetation? There are regulations which affect your ability to remove native vegetation on private property.
- Do you understand your obligations to manage weeds and pest animals?
- Can you build new dwellings?
- Does the property adjoin crown land, have a water frontage, contain a disused government road, or are there any crown licences associated with the land?

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

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

Soil and groundwater contamination

Has previous land use affected the soil or groundwater?

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

Land boundaries

Do you know the exact boundary of the property?

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

Planning controls

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

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

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

Are there any proposed or granted planning permits?

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

Safety

Is the building safe to live in?

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

Building permits

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

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

Are any recent building or renovation works covered by insurance?

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

Utilities and essential services

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

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

Buyers' rights

Do you know your rights when buying a property?

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