

UNIT 2, 9 HILL STREET, FRANKSTON, VICTORIA, 3199
(Property)

VENDOR STATEMENT

Vendor: JAMES DAVID AUSTIN

BAYSIDE SOLICITORS VIC

36 Dandenong Road West

Frankston VIC 3199

Tel: 03 9781 4822

Fax: 03 9770 5523

Email: annabelle.brasher@baysidesolicitors.net.au

Ref: 2010302

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 2, 9 HILL STREET, FRANKSTON, VICTORIA, 3199

Vendor: JAMES DAVID AUSTIN



Vendor's signature

13-Mar-20
____/____/20____
Date

Purchaser:

Purchaser's signature

____/____/20____
Date

Purchaser:

Purchaser's signature

____/____/20____
Date

1. FINANCIAL

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

☒ Are contained in the attached certificate(s).

☐ Their total does not exceed: \$

☐ Their amounts are:

Authority	Amount	Interest (if any)
-----------	--------	-------------------

There are NO amounts for which the purchaser may become liable as a consequence of the sale of which the vendor might reasonably be expected to have knowledge, which are not included in items 1.1(a), (b) or (c) above; other than:-

☒ Nil, so far as the vendor(s) are aware.

☐ As attached

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

☒ Not applicable.

☐ As attached

1.3 **Terms Contract**

This section 1.3 only applies if this vendor statement is in respect of a terms contract where the purchaser is obliged to make 2 or more payments (other than a deposit or final payment) to the vendor after the execution of the contract and before the purchaser is entitled to a conveyance or transfer of the land.

☒ Not applicable.

☐ "Additional Vendor Statement" is attached.

1.4 **Sale Subject to Mortgage**

This section 1.4 only applies if this Vendor Statement is in respect of a contract which provides that any mortgage (whether registered or unregistered), is NOT to be discharged before the purchaser becomes entitled to possession or receipts of rents and profits.

☒ Not applicable.

☐ "Additional Vendor Statement" is attached.

2. INSURANCE

2.1 **Damage and Destruction**

This section 2.1 only applies if this Vendor Statement is in respect of a contract which does NOT provide for the land to remain at the risk of the vendor until the purchaser becomes entitled to possession or receipt of rents and profits.

☒ Not applicable.

- ☐ Attached is a copy or extract of any policy of insurance in respect of any damage to or destruction of the land.
- ☐ Particulars of any such policy of insurance in respect of any damage to or destruction of the land are as follows:
 - Name of insurance company:
 - Type of policy:
 - Policy number:
 - Expiry Date:
 - Amount insured:

2.2 Owner-Builder

This section 2.2 only applies where there is a residence on the land that was constructed by an owner-builder within the preceding 6 years and section 137B of the Building Act 1993 applies to the residence.

- ☒ Not applicable.
 - ☐ Attached is a copy or extract of any policy of insurance required under the Building Act 1993.
 - ☐ Particulars of any required insurance under the Building Act 1993 are as follows:
 - Name of insurance company:
 - Policy number:
 - Expiry date:
- Note: There may be additional legislative obligations in respect of the sale of land on which there is a building or on which building work has been carried out.

3. LAND USE

3.1 Easements, Covenants or Other Similar Restrictions

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

- ☒ Is in the attached copies of title document/s.
- ☐ Is as follows:

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

- ☐ In the attached copies of title document/s.
- ☐ As follows:

3.2 Road Access

There is:

- ☒ access to the property by road
- ☐ NO access to the property by road

3.3 Designated Bushfire Prone Area

The land:

- ☒ Is NOT in a designated bushfire prone area within the meaning of regulations made under the Building Act 1993
- ☐ IS in a designated bushfire prone area within the meaning of regulations made under the Building Act 1993

3.4 **Planning Scheme**

- ☒ Attached is a certificate with the required specified information.
- ☐ The Planning Scheme information required to be provided is as follows:
Name of planning scheme: Planning Scheme
Name of responsible authority:
Zoning of the land:
Name of planning overlay:

4. NOTICES

4.1 **Notice, Order, Declaration, Report or Recommendation**

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

- ☐ Not applicable.
- ☒ Are contained in the attached certificates and/or statements.
- ☐ Are as follows:

4.2 **Agricultural Chemicals**

There are NO notices, property management plans, reports or orders in respect of the land issued by a government department or public authority in relation to livestock disease or contamination by agricultural chemicals affecting the ongoing use of the land for agricultural purposes. However, if this is not the case, the details of any such notices, property management plans, reports or orders, are as follows:

- ☒ Not applicable.
- ☐ Are contained in the attached certificates and/or statements.
- ☐ Are as follows:

4.3 **Compulsory Acquisition**

The particulars of any notices of intention to acquire that have been served under section 6 of the Land Acquisition and Compensation Act 1986 are as follows:

- ☒ Not applicable.
- ☐ Are contained in the attached certificates and/or statements.
- ☐ Are as follows:

5. BUILDING PERMITS

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

- ☒ Not applicable.
- ☐ Are contained in the attached certificates and/or statements.
- ☐ Are as follows:

6. OWNERS CORPORATION

- 6.1 This section 6 only applies if the land is **affected by an owners corporation** within the meaning of the Owners Corporations Act 2006.
- ☐ Not applicable.
- ☒ Attached is a current owners corporation certificate with its required accompanying documents and statements, issued in accordance with section 151 of the Owners Corporations Act 2006.
- ☐ Attached is the information prescribed for the purposes of section 151(4)(a) of the Owners Corporations Act 2006 and the copy documents specified in section 151(4)(b)(i) and (iii) of that Act.
- ☐ The owners corporation is INACTIVE

7. GROWTH AREAS INFRASTRUCTURE CONTRIBUTION ("GAIC")

- ☒ GAIC (and Section 7) is NOT applicable on the sale of this property.
- ☐ GAIC (and Section 7) IS applicable on the sale of this property. Words and expressions in this section 7 have the same meaning as in Part 9B of the Planning and Environment Act 1987.

7.1 Work-in-Kind Agreement

This section 7.1 only applies if the land is subject to a work-in-kind agreement.

- (a) ☐ The land is NOT to be transferred under the agreement
☐ The land IS to be transferred under the agreement
- (b) ☐ The land is NOT land on which the works are to be carried out under the agreement (other than Crown Land)
☐ The land IS land on which the works are to be carried out under the agreement (other than Crown Land)
- (c) ☐ The land is NOT land in respect of which a GAIC is imposed
☐ The land IS land in respect of which a GAIC is imposed

7.2 GAIC Recording

This section 7.2 only applies if there is a GAIC recording.

Any of the following certificates or notices must be attached if there is a GAIC recording. The boxes marked with an "X" indicate that such a certificate or notice that is attached:

- ☐ Any certificate of release from liability to pay a GAIC
- ☐ Any certificate of deferral of the liability to pay the whole or part of a GAIC
- ☐ Any certificate of exemption from liability to pay a GAIC
- ☐ Any certificate of staged payment approval
- ☐ Any certificate of no GAIC liability
- ☐ Any notice providing evidence of the grant of a reduction of the whole part of the liability for a GAIC or an exemption from that liability
- ☐ A GAIC certificate issued under Part 9B of the Planning and Environment Act 1987 must be attached if there is no certificate or notice issued under any of sub-sections 7.2(a) to (f) above

8. SERVICES

8.1 The services which are marked with an "X" in the box below are **NOT connected to the land**:

- ☐ Electricity supply
- ☐ Gas supply
- ☐ Water supply
- ☐ Sewerage
- ☐ Telephone services

9. TITLE

9.1 Attached are copies of the following **title documents**:

- ☒ A Register Search Statement and the document, or part of a document, referred to as the "diagram location" in that statement which identifies the land and its location.
- ☐ General Law Title. The last conveyance in the chain of title or other document which gives evidence of the vendor's title to the land.
- ☐ Evidence of the vendor's right or power to sell (where the vendor is not the registered proprietor or the owner in fee simple).

10. SUBDIVISION

☒ This sale is NOT affected by a subdivision and therefore Section 10 is NOT applicable.

☐ This sale IS affected by a subdivision and therefore Section 10 applies as follows:-

10.1 Unregistered Subdivision

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

- ☐ Attached is a copy of the plan of subdivision certified by the relevant municipal council if the plan is not yet registered.
- ☐ Attached is a copy of the latest version of the plan if the plan of subdivision has not yet been certified.

10.2 Staged Subdivision

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

☐ Attached is a copy of the plan for the first stage if the land is in the second or a subsequent stage.

☐ The requirements in a statement of compliance, relating to the stage in which the land is included that have not been complied with are:-

- ☐ attached.
- ☐ as follows:

☐ The proposals relating to subsequent stages that are known to the vendor are: ☐ attached.

☐ as follows:

☐ The contents of any permit under the Planning and Environment Act 1987 authorising the staged subdivision are:

- ☐ attached.
- ☐ as follows:

10.3 Further Plan of Subdivision

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

☐ Attached is a copy of the plan which has been certified by the relevant municipal council (if the later plan has not been registered).

☐ Attached is a copy of the latest version of the plan (if the later plan has not yet been certified).

11. DISCLOSURE OF ENERGY INFORMATION

☒ Disclosure of this information is not required under section 32 of the Sale of Land Act 1962.

☐ Disclosure of this information is not required under section 32 of the Sale of Land Act 1962 but IS 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.

☐ Are contained in the attached building energy efficiency certificate.

☐ Are as follows:

12. DUE DILIGENCE CHECKLIST

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

☒ Is attached.

☐ Is not attached.



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VOLUME 11261 FOLIO 959

Security no : 124082018634P
Produced 06/03/2020 12:01 PM

LAND DESCRIPTION

Lot 2 on Plan of Subdivision 633875C.
PARENT TITLE Volume 08286 Folio 699
Created by instrument PS633875C 29/03/2011

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
JAMES DAVID AUSTIN of 2/9 HILL STREET FRANKSTON VIC 3199
AH949060G 13/05/2011

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AL678787D 12/02/2015
WESTPAC BANKING CORPORATION

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 PS633875C 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: UNIT 2 9 HILL STREET FRANKSTON VIC 3199

ADMINISTRATIVE NOTICES

NIL

eCT Control 16320Q WESTPAC BANKING CORPORATION
Effective from 23/10/2016

OWNERS CORPORATIONS

The land in this folio is affected by
OWNERS CORPORATION 1 PLAN NO. PS633875C

DOCUMENT END



Imaged Document Cover Sheet

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Document Type	plan
Document Identification	PS633875C
Number of Pages (excluding this cover sheet)	3
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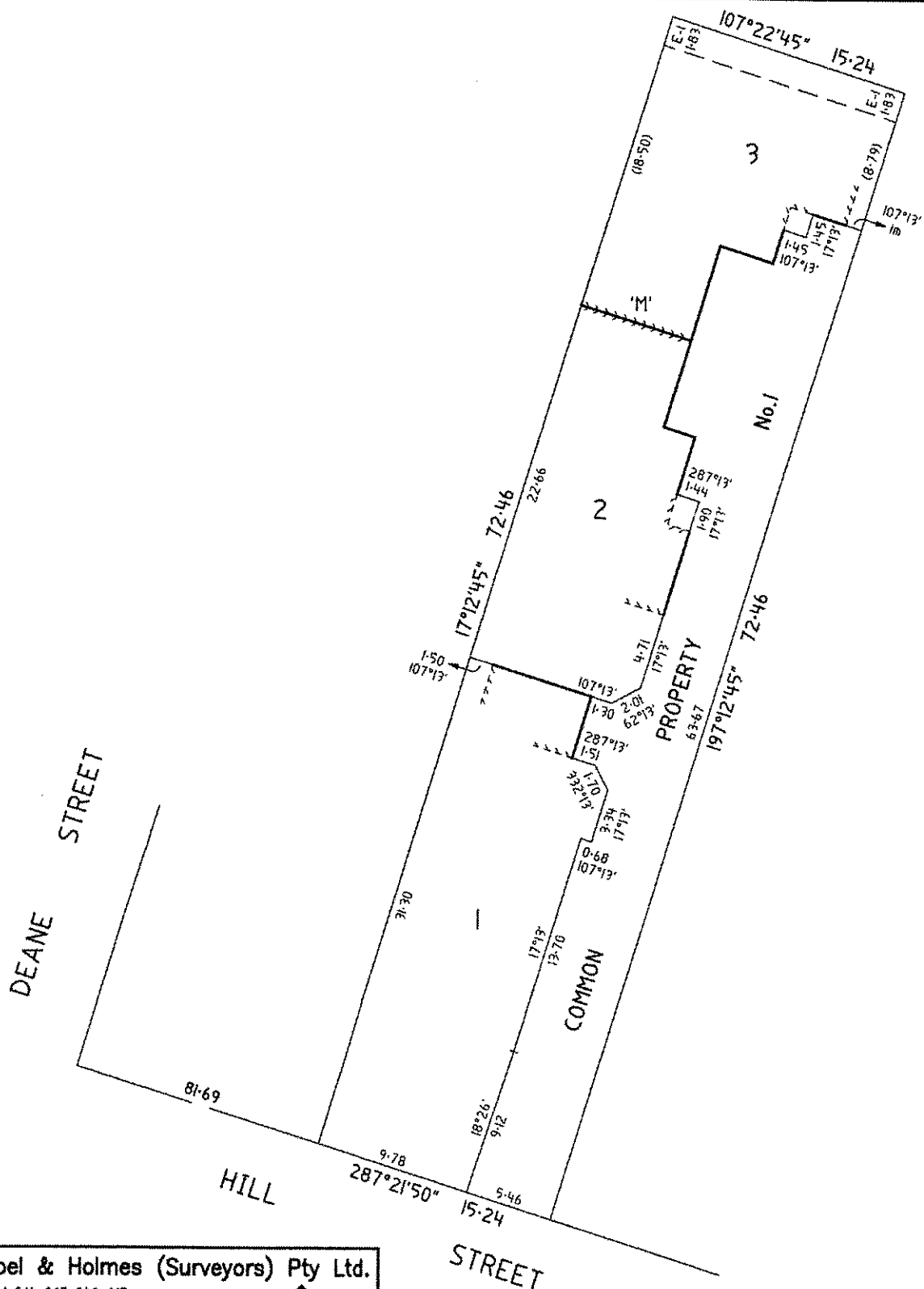
Signed by Council: Frankston City Council, Original Certification: 25/01/2011, S.O.C.: 15/02/2011

PLAN OF SUBDIVISION		STAGE No. 	LRS use only EDITION 1	Plan Number PS 633875C
Location of Land Parish: FRANKSTON Township: - Section: - Crown Allotment: 6 ^B (PART) Crown Portion: - LRS Base Record: DCMB Title Reference: VOL 8286 FOL 699 Last Plan Reference: LOT 17 ON LP 51564 Postal Address: 9 HILL STREET, (at time of subdivision) FRANKSTON 3199 MGA Co-ordinates E 337 015 Zone 55 (of approx. centre of land N 5 775 830 in plan)		Council Certification and Endorsement Council Name: CITY OF FRANKSTON Ref: 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 Subdivision Act 1988. <u>OPEN SPACE</u> (i) A requirement for public open space under section 18 of the Subdivision Act 1988 has/has not been made. (ii) The requirement has been satisfied. (iii) The requirement is to be satisfied in Stage..... Council Delegate Council Seal Date / / Re-certified under section 11(7) of the Subdivision Act 1988. Council Delegate Council Seal Date / /		
Vesting of roads and/or Reserves		Notations		
Identifier	Council/Body/Person	Staging This is not a staged subdivision Planning Permit No.		
NIL	NIL	Depth Limitation DOES NOT APPLY THIS IS A SPEAR PLAN. Boundaries shown by continuous thick lines are defined by buildings. Location Of Boundaries Defined by Buildings. Median: BOUNDARY MARKED 'M' SHOWN THUS 'M' ----- Exterior Face: ALL OTHER BOUNDARIES Survey This plan is based on survey This survey has been connected to permanent marks no(s) 72 & 1023 In proclaimed Survey Area No. 16		
LOTS IN THIS PLAN MAY BE AFFECTED BY ONE OR MORE OWNERS CORPORATIONS FOR DETAILS OF ANY OWNERS CORPORATIONS INCLUDING PURPOSE, RESPONSIBILITY, ENTITLEMENT & LIABILITY SEE OWNERS CORPORATION SEARCH REPORT, OWNERS CORPORATION ADDITIONAL INFORMATION AND IF APPLICABLE, OWNERS CORPORATION RULES				
Easement Information				
Legend: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)				
SECTION 12(2) OF THE SUBDIVISION ACT 1988 APPLIES TO ALL LAND IN THIS PLAN.				
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
E-1	DRAINAGE	1.83	LP 51564	LOTS ON LP 51564
LRS use only Statement of Compliance/ Exemption Statement RECEIVED ☒ DATE 22 / 3 / 11 LRS use only PLAN REGISTERED TIME 5.56PM DATE 29 / 3 / 11 K.A.Balachandiran Assistant Registrar of Titles Sheet 1 of 2 sheets				
Nilsson, Noel & Holmes (Surveyors) Pty Ltd. A.C.N. 067 949 615 Surveyors, Engineers & Town Planners 8A Codrington Street, Cranbourne 3977 Phone (03) 5996 4133 Fax (03) 5996 6119		LICENSED SURVEYOR (PRINT) STANLEY G. JEFFREYS SIGNATURE DIGITALLY SIGNED DATE 13/01/2011 REF 8447 DWG No. 8447S VER 03		DISK No. USB016 DATE / / COUNCIL DELEGATE SIGNATURE Original sheet size A3

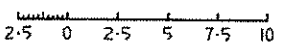
Signed by Council: Frankston City Council, Original Certification: 25/01/2011, S.O.C.: 15/02/2011

PLAN OF SUBDIVISION		Stage No.	Plan Number PS 633875C
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Nilsson, Noel & Holmes (Surveyors) Pty Ltd. A.C.N. 067 949 615 Surveyors, Engineers & Town Planners. 8A Codrington Street, Cranbourne 3977 Phone (03) 5996 4133 Fax (03) 5996 6119		
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ORIGINAL	SCALE	LICENSED SURVEYOR (PRINT) STANLEY G. JEFFREYS SIGNATURE DATE 13/01/2011 REF 8447	SHEET 2 DATE / / COUNCIL DELEGATE SIGNATURE Original sheet size A3
SCALE 1:250	 LENGTHS ARE IN METRES	DWG No. 8447S VER 03 DISK No. USB016	

Plan of Subdivision PS633875C



Certification by Council (Form 5)

SUBDIVISION (PROCEDURES) REGULATIONS 2000

SPEAR Reference Number: S010452E

Plan Number: PS633875C

Council Name: Frankston City Council

Council Reference Number 1: 180/2010/S

Surveyor's Plan Version: 03

Certification

This plan is certified under section 6 of the Subdivision Act 1988

Public Open Space

A requirement for public open space under section 18 of the Subdivision Act 1988

Has been made and the requirement has not been satisfied

Digitally signed by Council Delegate: Vanessa Herde

Organisation: Frankston City Council

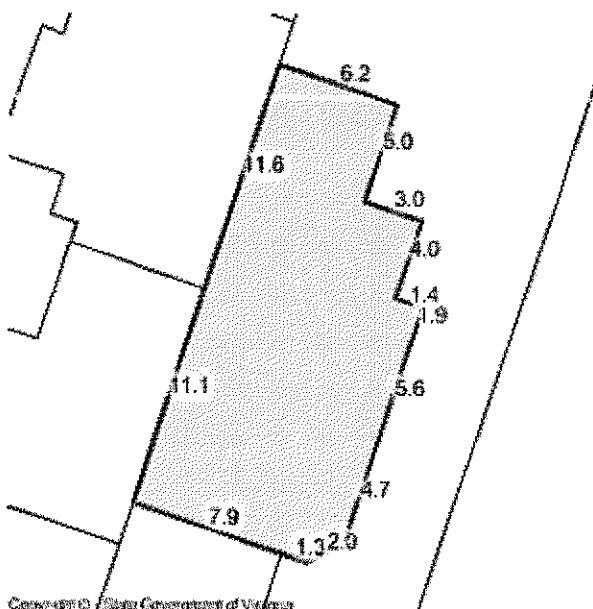
Date: 25/01/2011

Land

vic.gov.au

Property Report from www.land.vic.gov.au on 12 March 2020 05:35 PM**Address:** UNIT 2/9 HILL STREET FRANKSTON 3199**Lot and Plan Number:** Lot 2 PS633875**Standard Parcel Identifier (SPI):** 2\PS633875**Local Government (Council):** FRANKSTON **Council Property Number:** 258172**Directory Reference:** Melway 102 G4**This property is not in a designated bushfire prone area.****No special bushfire construction requirements apply. Planning provisions may apply.**Further information about the building control system and building in bushfire prone areas can be found in the Building Commission section of the Victorian Building Authority website www.vba.vic.gov.au**Site Dimensions**

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

**Area:** 210 sq. m**Perimeter:** 66 m

For this property:

— Site boundaries

— Road frontages

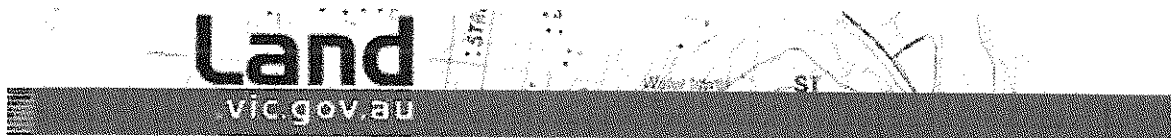
Dimensions for individual parcels require a separate search, but dimensions for individual units are generally not available.

For more accurate dimensions get copy of plan at **Title and Property Certificates****State Electorates****Legislative Council:** SOUTH-EASTERN METROPOLITAN**Legislative Assembly:** FRANKSTON**Utilities****Rural Water Corporation:** Southern Rural Water**Melbourne Water Retailer:** South East Water**Melbourne Water:** inside drainage boundary**Power Distributor:** UNITED ENERGY (Information about [choosing an electricity retailer](#))

Planning information continued on next page

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Planning Zone Summary

Planning Zone: GENERAL RESIDENTIAL ZONE (R1Z)
GENERAL RESIDENTIAL ZONE - SCHEDULE 1 (R1Z)

Planning Overlay: None

Areas of Aboriginal Cultural Heritage Sensitivity:

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

Planning scheme data last updated on 11 March 2020.

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

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

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

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

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

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

The Planning Property Report includes separate maps of zones and overlays

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

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

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

Areas of Aboriginal 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

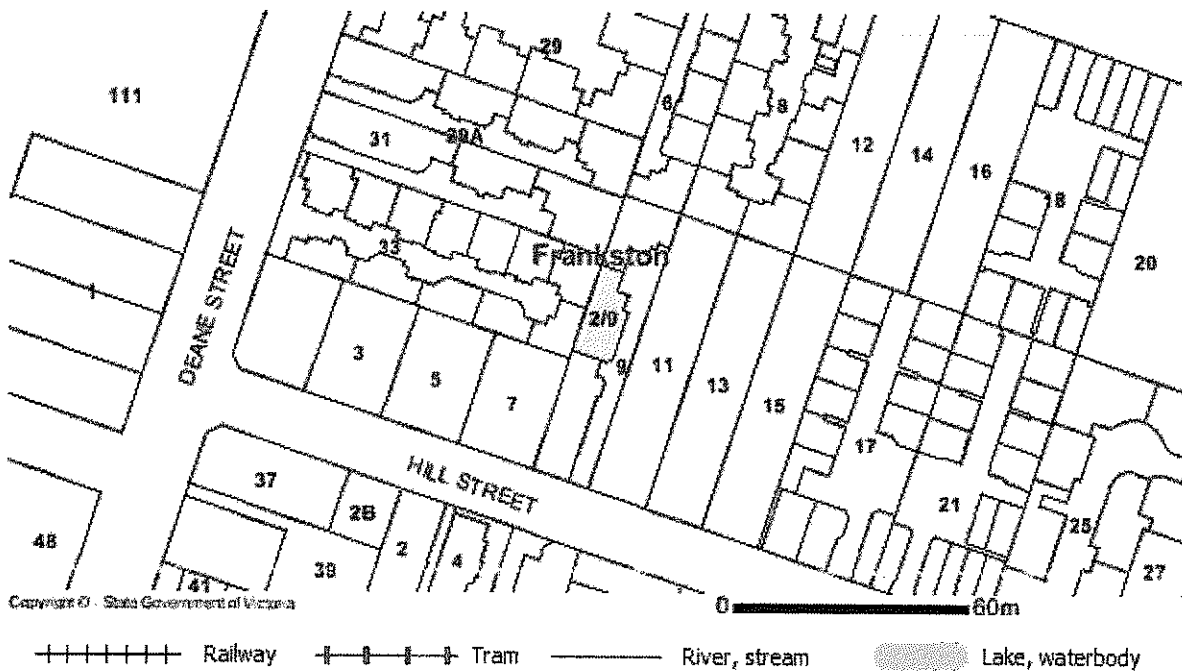
<http://www.aav.nrms.net.au/aavQuestion1.aspx>

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

Land

vic.gov.au

Area Map



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PLANNING PROPERTY REPORT

From: www.planning.vic.gov.au on 12 March 2020 05:35 PM

PROPERTY DETAILS

Address: **UNIT 2/9 HILL STREET FRANKSTON 3199**
 Lot and Plan Number: **Lot 2 PS633875**
 Standard Parcel Identifier (SPI): **2\PS633875**
 Local Government Area (Council): **FRANKSTON**
 Council Property Number: **258172**
 Planning Scheme: **Frankston**
 Directory Reference: **Melway 102 G4**

www.frankston.vic.gov.au

planning-schemes.delwp.vic.gov.au/schemes/frankston

UTILITIES

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

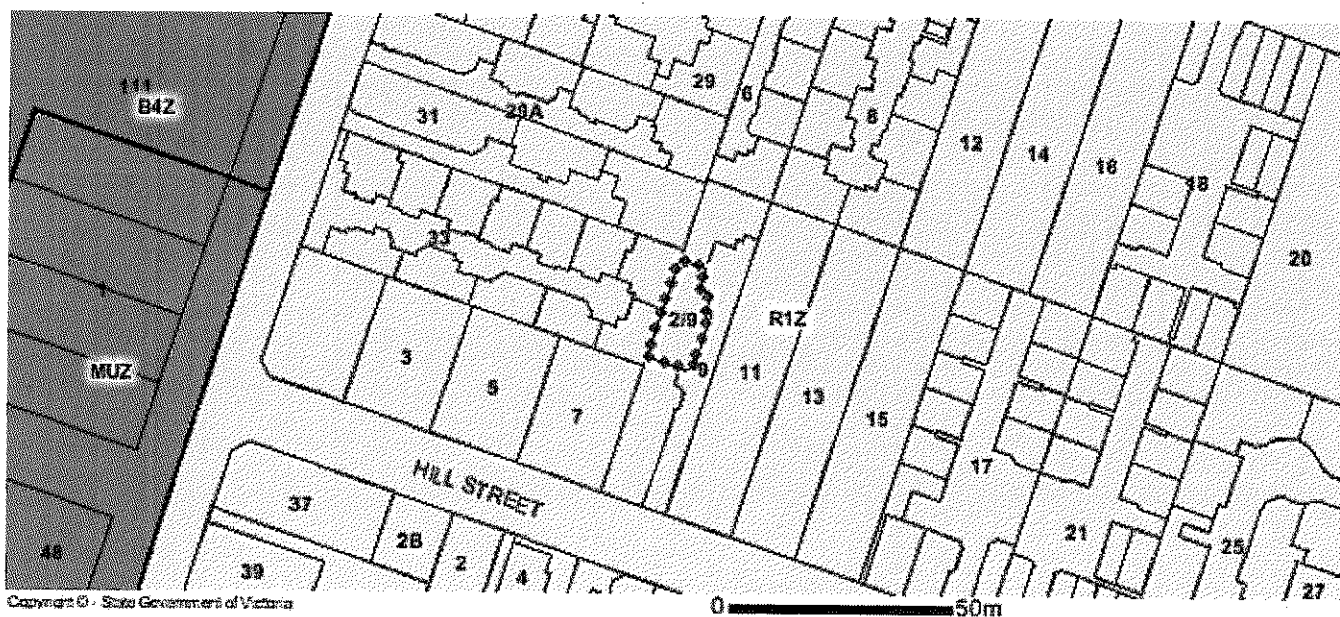
STATE ELECTORATES

Legislative Council: **SOUTH-EASTERN METROPOLITAN**
 Legislative Assembly: **FRANKSTON**

Planning Zones

GENERAL RESIDENTIAL ZONE (R1Z)

GENERAL RESIDENTIAL ZONE - SCHEDULE 1 (R1Z)



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B4Z - Commercial 2

MUZ - Mixed Use

R1Z - Residential 1

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

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

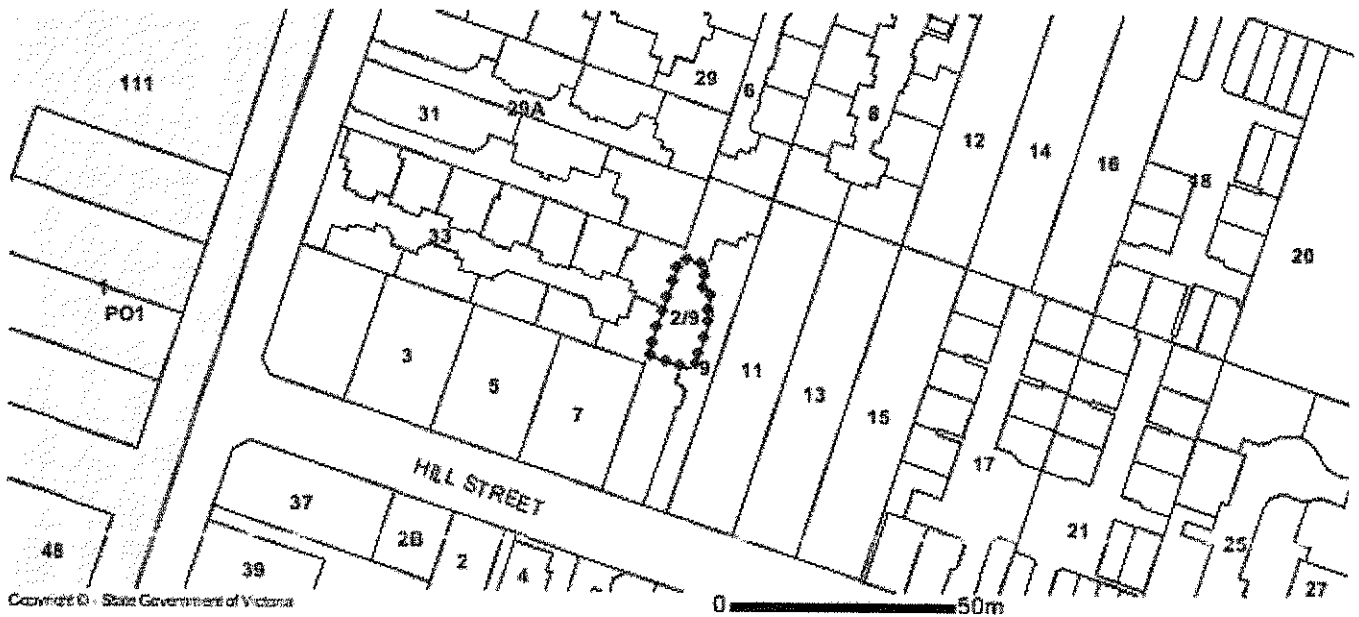
PLANNING PROPERTY REPORT: 2/9 HILL STREET FRANKSTON 3199

PLANNING PROPERTY REPORT

Planning Overlay

None affecting this land - there are overlays in the vicinity

PARKING OVERLAY (PO)



PO - Parking

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

PLANNING PROPERTY REPORT



Environment,
Land, Water
and Planning

Areas of Aboriginal Cultural Heritage Sensitivity

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

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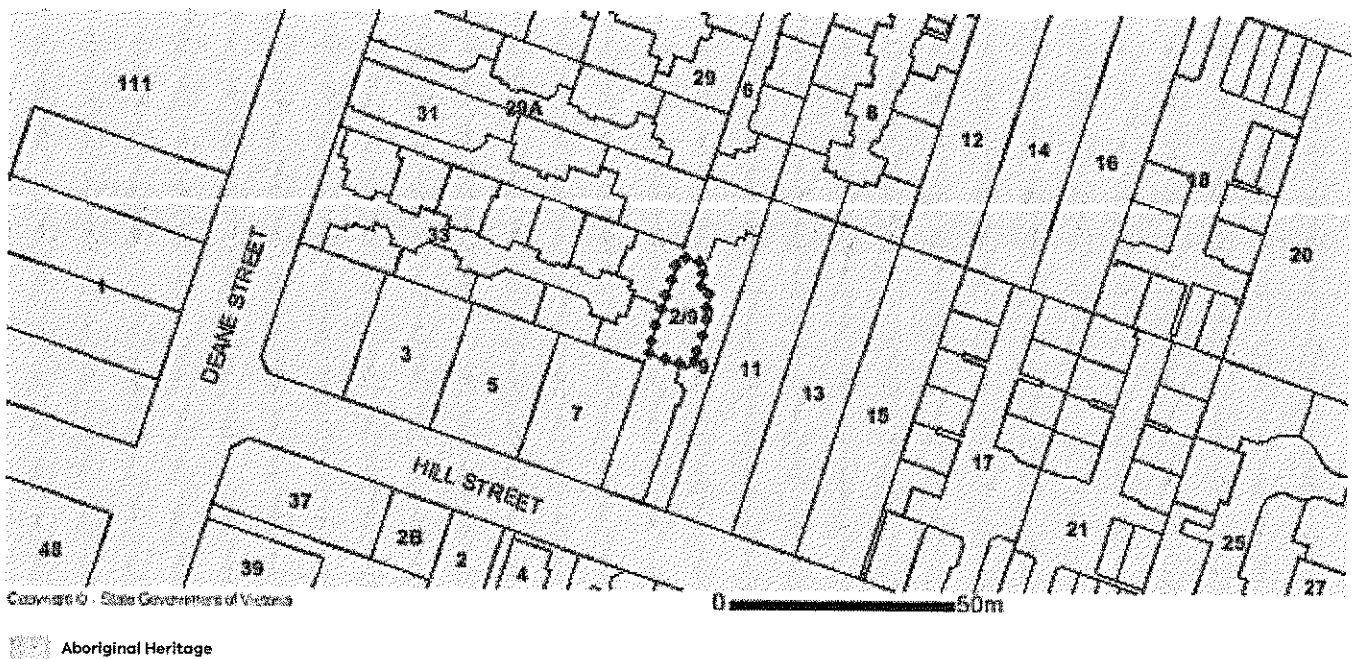
Under the Aboriginal Heritage Regulations 2018, 'areas of cultural heritage sensitivity' are one part of a two part trigger which require a 'cultural heritage management plan' be prepared where a listed 'high impact activity' is proposed.

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/aavQuestion1.aspx>

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



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

PLANNING PROPERTY REPORT: 2/9 HILL STREET FRANKSTON 3199

PLANNING PROPERTY REPORT

Further Planning Information

Planning scheme data last updated on 11 March 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.

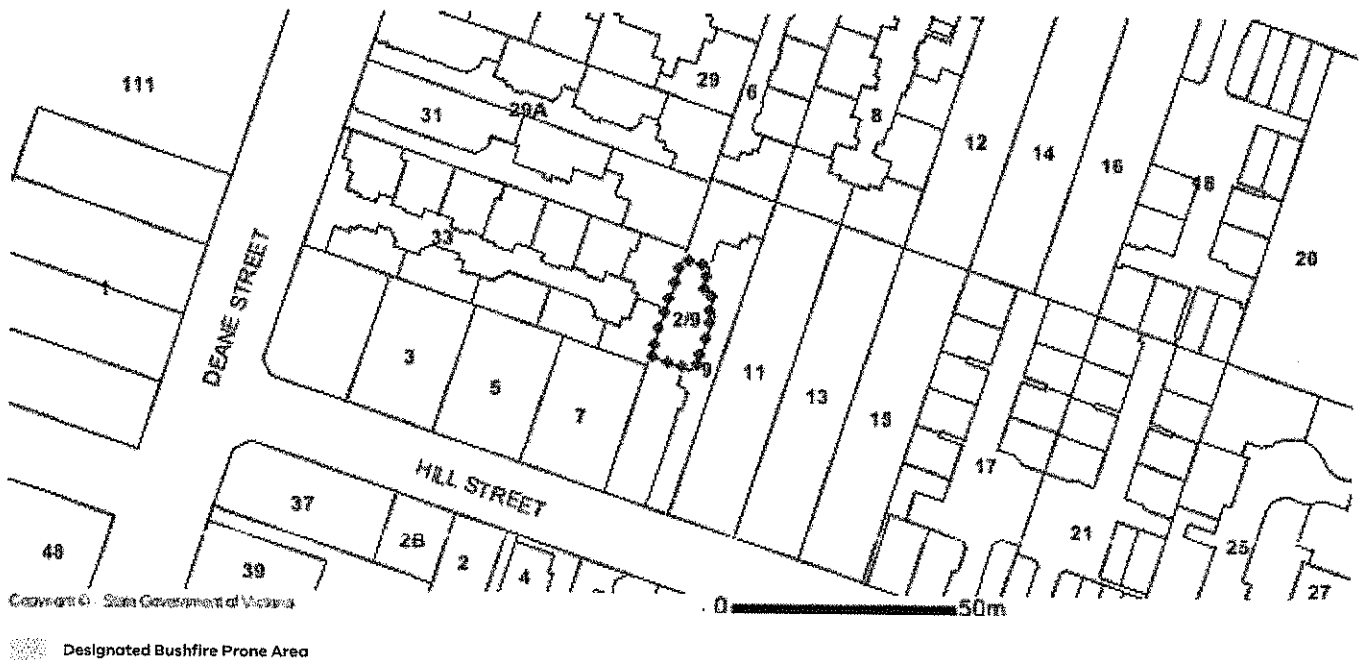
To view planning zones, overlay and heritage information in an interactive format visit <http://mapshare.maps.vic.gov.au/vicplan>

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

PLANNING PROPERTY REPORT

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>



Department of Environment, Land, Water & Planning

Owners Corporation Search Report

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Produced: 06/03/2020 12:04:06 PM

OWNERS CORPORATION 1
PLAN NO. PS633875C

The land in PS633875C is affected by 1 Owners Corporation(s)

Land Affected by Owners Corporation:

Common Property 1, Lots 1 - 3.

Limitations on Owners Corporation:

Unlimited

Postal Address for Services of Notices:

BODY CORPORATE STRATA GROUP 123 CHURCH STREET HAWTHORN VIC 3122

AS658516P 30/10/2019

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:

OC010322V 29/03/2011

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
Total	300.00	300.00

From 31 December 2007 every Body Corporate is deemed to be an Owners Corporation. Any reference to a Body Corporate in any Plan,



Department of Environment, Land, Water & Planning

Owners Corporation Search Report

Produced: 06/03/2020 12:04:06 PM

OWNERS CORPORATION 1 PLAN NO. PS633875C
--

Instrument or Folio is to be read as a reference to an Owners Corporation.

Statement End.

PLANNING CERTIFICATE

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

CERTIFICATE REFERENCE NUMBER

647060

APPLICANT'S NAME & ADDRESS

BAYSIDE SOLICITORS C/- LANDATA
MELBOURNE

VENDOR

AUSTIN, JAMES

PURCHASER

UNKNOWN, FOR VENDOR STATEMENT

REFERENCE

Austin

This certificate is issued for:

LOT 2 PLAN PS633875, LOT CM1 PLAN PS633875 ALSO KNOWN AS 2/9 HILL STREET FRANKSTON
FRANKSTON CITY

The land is covered by the:

FRANKSTON PLANNING SCHEME

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

The land:

- is included in a GENERAL RESIDENTIAL ZONE

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

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@
2 Lonsdale Street
Melbourne VIC 3000
Tel: (03) 9194 0606

06 March 2020

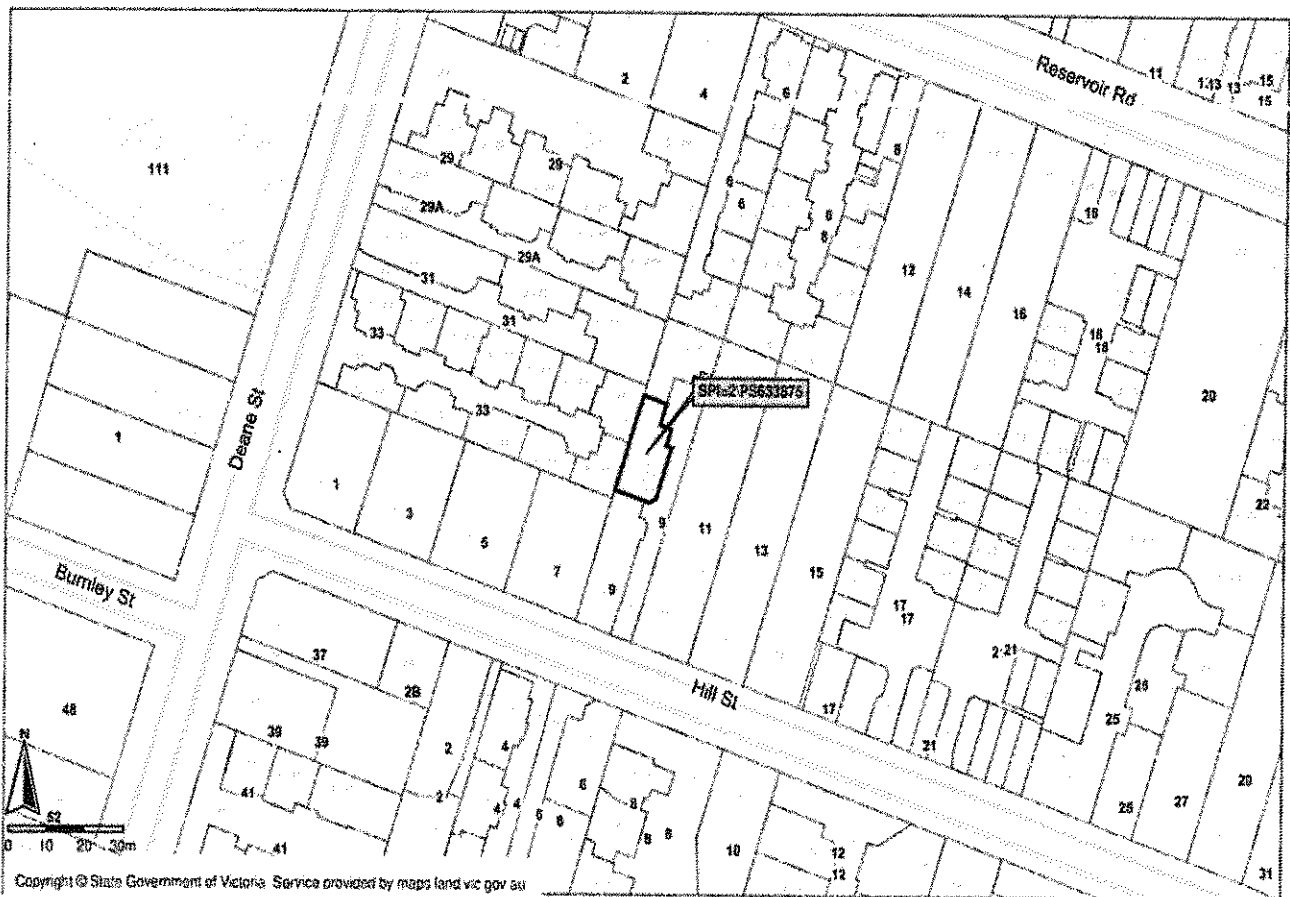
Hon. Richard Wynne MP
Minister for Planning

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) 9194 0606 or email landata.enquiries@delwp.vic.gov.au.

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



Choose the authoritative Planning Certificate

Why rely on anything less?

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

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

Privacy Statement

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



LAND INFORMATION CERTIFICATE

LOCAL GOVERNMENT ACT 1989, SECTION 229

Civic Centre, 30 Davey Street, Frankston 3199

PO Box 490, Frankston 3199

info@frankston.vic.gov.au



Contact: Rates & Valuations Department

Cert No:96429

Telephone: (03) 9784 1853

Fax: (03) 9784 1094

Issue Date:06-Mar-2020

Assessment no: 01944477

Property Owner (as recorded by Council): James David Austin

Applicant's name	Landata	Effective date of valuation:	01-Jul-2019
Applicant's address	Level 1 2 Lonsdale Street MELBOURNE VIC 3000	Prescribed date of valuation:	01-Jan-2019
		Site Value:	\$220,000
		Capital Improved Value:	\$460,000
		Net Annual Value:	\$23,000
		This Council uses Capital Improved Value for rating purposes	

Applicants Ref: 35837383-018-3:42212

Title Particulars:	Lot 2 PS 633875 CT-11261/959
Property description	2/9 Hill Street, Frankston 3199

CURRENT RATES AND CHARGES LEVIED 1st July 2019 to 30th June 2020

CURRENT	CHARGES	
General Rates & Charges	\$1,230.30	
Service Rates & Charges	\$448.20	
Victorian Fire Services Levy	\$141.35	TOTAL LEVIED \$1,819.85
ARREARS	CHARGES	
General Rates & Charges	\$0.00	
Service Rates & Charges	\$0.00	SUB-TOTAL ARREARS \$0.00
Victorian Fire Services Levy	\$0.00	
Arrears Legal Costs/Charges		\$0.00
Legal Costs/Charges		\$0.00
Interest on Current Rates to:		\$0.00
Interest on Arrears of Rates to:		\$0.00
PAYMENTS RECEIVED		\$-1,213.85
PENSION REBATE		\$0.00
PROPERTY DEBTS (A separate update is required for any property debt charges)		\$0.00
OTHER CHARGES (A separate update is required for any other charges)		\$0.00
Total Outstanding		\$606.00
Any outstanding balance may be subject to interest and/or legal action, therefore please contact this office prior to settlement		 BILLER CODE: 1966 REFERENCE NO: 01944477

This property is currently on a "monthly" Direct Debit payment system – please ensure you ring for an update prior to settlement!

Additional information overleaf

LAND INFORMATION CERTIFICATE

LOCAL GOVERNMENT ACT 1989, SECTION 229

Civic Centre, 30 Davey Street, Frankston 3199

PO Box 490, Frankston 3199

info@frankston.vic.gov.au



Contact: Rates & Valuations Department

Cert No:96429

Telephone: (03) 9784 1853

Fax: (03) 9784 1094

Issue Date:06-Mar-2020

ADDITIONAL INFORMATION

Robyn Docker

Robyn Docker
Authorised Officer
Date: 06-Mar-2020

I acknowledge having received the sum of \$27.00 for Receipt Number , dated 06-Mar-2020.

Please note:

- a) Frankston City Council imposes a time limit of three months from issue date during which a certificate may be updated verbally. Council will only be held responsible for information **given in writing**, i.e. a new certificate, not for information provided or confirmed verbally.
- b) Frankston City Council provides verbal updates to the **applicant only**.
- c) This certificate does not include important **Building & Planning information** including **outstanding enforcement, fees, Building & Planning permit history and use**. It is highly recommended to also obtain a 'Building Permit Particulars Form' from Council & 'Planning Certificate' from Council's Building & Planning Departments
- d) This certificate does not include information regarding Traffic Management Devices.
- e) If this certificate shows costs for Service Rates & Charges, further information can be provided regarding the bin types & sizes, by contacting Frankston City Council on 1300 322 322.
- f) All Notice of Acquisitions lodged must have the Date of Birth of the Purchasers.
- g) Please note that the outstanding balance amount can change at any time. It is important to notify your client(s) that there may be a balance outstanding after settlement.
- h) **Please ensure your client is utilising the official property address as noted in the 'Property Description' section on page one of this certificate. Where a certificate is issued over the Master Assessment then the address noted in the 'Child Property Address' section at the bottom of page one is the official address of the new property. Council is the street numbering authority and allocates numbering in accordance with AS/NZ 4819:2011 Rural and Urban Street Addressing and the Office of Geographic Names Naming Rules for Places in Victoria 2016.**

Local Government (General) Regulations 2004

Part 6 - LAND INFORMATION CERTIFICATE

Section 13. - Prescribed information

(1) A land information certificate must contain the following statements:-

- (a) This certificate provides information regarding valuation, rates, charges, other moneys owing and any orders and notices made under the **Local Government Act 1958**, the **Local Government Act 1989** or under a local law or by-law of the Council and the specified flood level by the Council (if any).
- (b) This certificate is not required to include information regarding planning, building, health, land fill, land slip, other flooding information or service easements. Information regarding these matters may be available from the Council or the relevant authority. A fee may be charged for such information.

LAND INFORMATION CERTIFICATE

LOCAL GOVERNMENT ACT 1989, SECTION 229

Civic Centre, 30 Davey Street, Frankston 3199

PO Box 490, Frankston 3199

info@frankston.vic.gov.au



Contact: Rates & Valuations Department

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Robyn Docker
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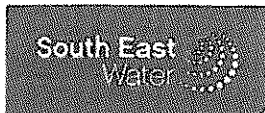
Local Government (General) Regulations 2004

Part 6 - LAND INFORMATION CERTIFICATE

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INFORMATION STATEMENT

STATEMENT UNDER SECTION 158, WATER ACT 1989

Bayside Solicitors
E-mail: certificates@landata.vic.gov.au

Statement for property:
UNIT 2 LOT 2 9 HILL STREET
FRANKSTON 3199
2 PS 633875

REFERENCE NO.	YOUR REFERENCE	DATE OF ISSUE	CASE NUMBER
51H//10477/00104	LANDATA CER 35837383-031-2	06 MAR 2020	35916685

1. Statement of Fees Imposed

The property is classified as a serviced property with respect to charges which as listed below in the Statement of Fees.

Parks Victoria - Parks Service Charge			
	01/07/2019 to 30/06/2020		\$79.02
Melbourne Water Corporation Total Service Charges			
	01/01/2020 to 31/03/2020		\$25.52
Water Service Charge			
	01/01/2020 to 31/03/2020		\$29.18
Sewerage Service Charge			
	01/01/2020 to 31/03/2020		\$91.67
Subtotal Service Charges			\$225.39
Payments			\$225.39
TOTAL UNPAID BALANCE			\$0.00

- Financial Updates (free service) are only available online please go to (type / copy the complete address shown below): <https://secureapp.southeastwater.com.au/PropertyConnect/#/order/info/update>

* Please Note: if usage charges appear above, the amount shown includes one or more of the following:

Water Usage, Recycled Water Usage, Sewage Disposal, Fire Service Usage and Trade Waste Volumetric Fees.

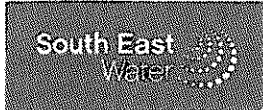
Interest may accrue on the South East Water charges listed in this statement if they are not paid by the due date as set out in the bill.

- The total annual service fees and volumetric fees for water usage and sewerage disposal for each class of property are set out at www.southeastwater.com.au.
- Updates of rates and other charges will only be provided for up to six months from the date of this statement.

AUTHORISED OFFICER:

TERRY SCHUBACH
GENERAL MANAGER
CUSTOMER SERVICE DELIVERY

South East Water
Information Statement Applications
PO Box 2268, Seaford, VIC 3198



INFORMATION STATEMENT

STATEMENT UNDER SECTION 158, WATER ACT 1989

- If this property has recently been subdivided from a "parent" title, there may be service or other charges owing on the "parent" which will be charged to this property, once sold, that do not appear on this statement. You must contact us to see if there are any such charges as they may be charged to this property on sale and should therefore be adjusted with the owner of the parent title beforehand.
- If the property is sold, the vendor is liable to pay all fees incurred in relation to the property until the vendor gives South East Water a Notice of Disposition of Land required by the Water (Disposition of Land) Regulations 2010. Please include the Reference Number set out above in that Notice.
- Fees relating to the property may change from year-to-year in accordance with the Essential Service Commission's Price Determination for South East Water.
- Every fee referred to above is a charge against the property and will be recovered from a purchaser of the property if it is not paid by the vendor.
- Information about when and how outstanding fees may be paid, collected and recovered is set out in the Essential Services Commission's Customer Service Code, Urban Water Businesses.
- If this Statement only sets out rates and fees levied by Parks Victoria and Melbourne Water, the property may not be connected to South East Water's works. To find out whether the property is, or could be connected upon payment of the relevant charges, or whether it is separately metered, telephone 131 694.
- For a new connection to our water or sewer services, fees / charges will be levied.

2. Encumbrance Summary

Where available, the location of sewers is shown on the attached plan. Please ensure where manholes appear, that they remain accessible at all times "DO NOT COVER". Where driveways/paving is proposed to be constructed over easements for water supply/sewerage purposes, or within 1 metre of a South East Water asset, the owner will be responsible for all costs associated with any demolition and or re-instatement works, necessary to allow maintenance and or repair of the asset effected. Where changes to the surface levels requires maintenance shafts/holes to be altered, all works must be carried out by South East Water approved contractors only. For information call 131694. For all other works, prior consent is required from south East Water for any construction over easements for water supply/sewerage purposes, or within 1 metre of a South East Water asset.

Information available at Melbourne Water indicates that this property is not subject to flooding from Melbourne Water's drainage system, based on a flood level that has a probability of occurrence of 1% in any one year.

ENCUMBRANCE ENQUIRY EMAIL infostatements@sew.com.au

If no plan is attached to this Statement, South East Water is not aware of any works belonging to South East Water being present on the property.

If a plan is attached to this Statement, it indicates the nature of works belonging to South East Water, their approximate location, and the approximate location of any easement relating to those works.

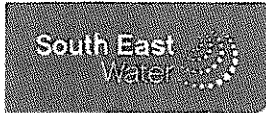
Important Warnings

The map base for any attached plan is not created by South East Water which cannot and does not guarantee the accuracy, adequacy or completeness of any information in the plan, especially the exact location of any of South East Water's works, which may have changes since the attached plan was prepared. Their location should therefore be proven by hand before any works are commenced on the land.

AUTHORISED OFFICER:

TERRY SCHUBACH
GENERAL MANAGER
CUSTOMER SERVICE DELIVERY

South East Water
Information Statement Applications
PO Box 2268, Seaford, VIC 3198



INFORMATION STATEMENT

STATEMENT UNDER SECTION 158, WATER ACT 1989

Unless South East Water's prior written approval is obtained, it is an offence to cause any structure to be built or any filling to be placed on a South East Water easement or within 1 metre laterally of any of its works or to permit any structure to be built above or below any such area.

Any work that requires any South East Water manhole or maintenance shaft to be altered may only be done by a contractor approved by South East Water at the property owner's cost.

If the owner builds or places filling in contravention of that requirement, the owner will be required to pay the cost of any demolition or re-instatement of work that South East Water considers necessary, in order to maintain, repair or replace its asset.

This Statement does not include any information about current or outstanding consent issued for plumbing works on at the property.

3. Disclaimer

This Statement does not contain all the information about the property that a prospective purchaser may wish to know. Accordingly, appropriate enquiries should be made of other sources and information.

South East Water has prepared the information in this Statement with due care and diligence. It cannot and does not accept liability for any loss or damage arising from reliance on the information given, beyond the extent set out in section 155 of the Water Act 1989 and sections 18 and 29 of the Australian Consumer Law.

AUTHORISED OFFICER:

A handwritten signature in black ink, appearing to read "Terry Schubach".

TERRY SCHUBACH
GENERAL MANAGER
CUSTOMER SERVICE DELIVERY

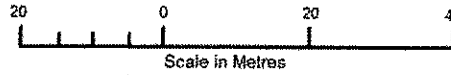
South East Water
Information Statement Applications
PO Box 2268, Seaford, VIC 3198

South East
Water

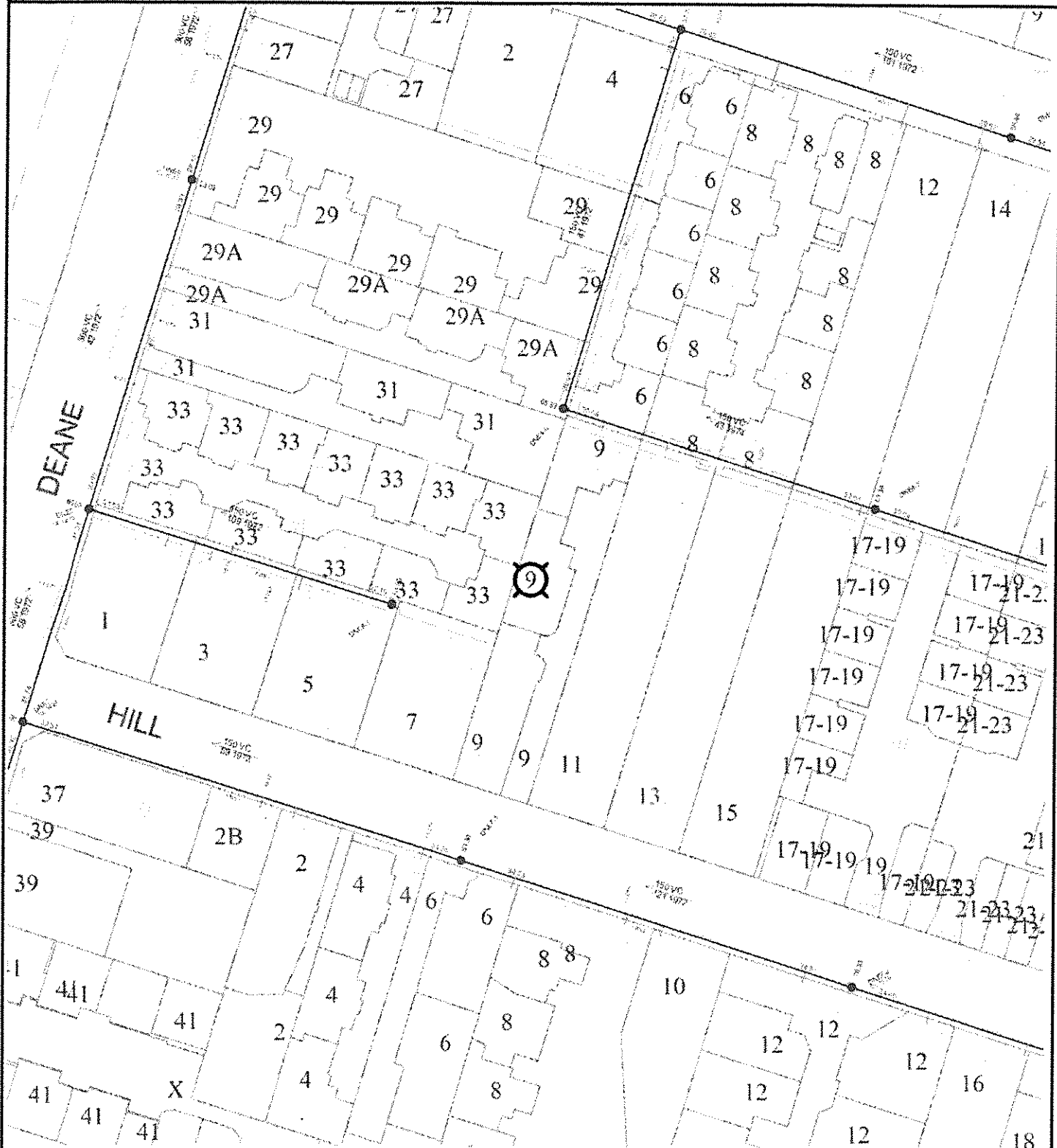
ASSET INFORMATION - SEWER & DRAINAGE

Property: Lot 2 UNIT 2 9 HILL STREET FRANKSTON 3199

Case Number: 35916685



Date: 06MARCH2020



WARNING: This plan is issued solely for the purpose of assisting you in identifying South East Water's and Melbourne Water's specified assets through further investigation only. It is not to be used for any other purpose, including to identify any other assets, property boundaries or dimensions. Accordingly, the location of all assets should be proven by hand on site prior to the commencement of any work. (Refer to attached letter for further details). Assets labelled AC may contain asbestos and therefore works on these assets must be undertaken in accordance with OH&S Regulations. Abandoned and currently unused assets are shown in orange.

Title/Road Boundary	Subject Property	Maintenance Hole
Proposed Title/Road	Sewer Main & Property Connections	Inspection Shaft
Easement	Direction of Flow	Offset from Boundary
Melbourne Water Assets		
Sewer Main	Underground Drain	Natural Waterway
Maintenance Hole	Channel Drain	Underground Drain M.H.



ASSET INFORMATION - WATER

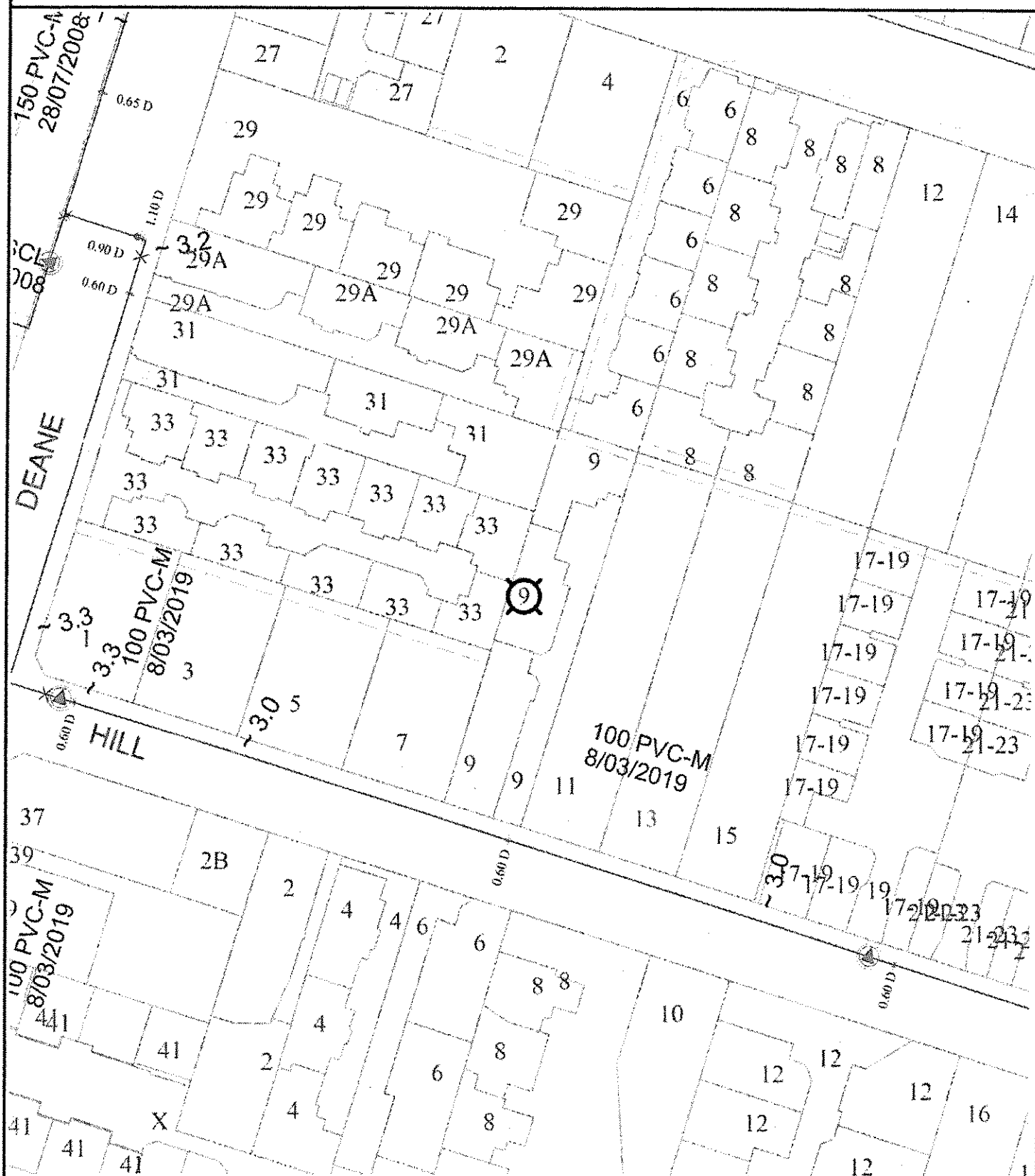
Property: Lot 2 UNIT 2 9 HILL STREET FRANKSTON 3199



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LEGEND

Title/Road Boundary

Proposed Title/Road

Easement



Subject Property

Water Main Valve

Water Main & Services



Hydrant

Fireplug/Washout

 ~ 1.0

Offset from Boundary

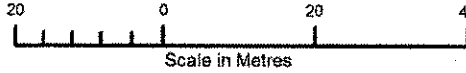
South East
Water

ASSET INFORMATION - RECYCLED WATER

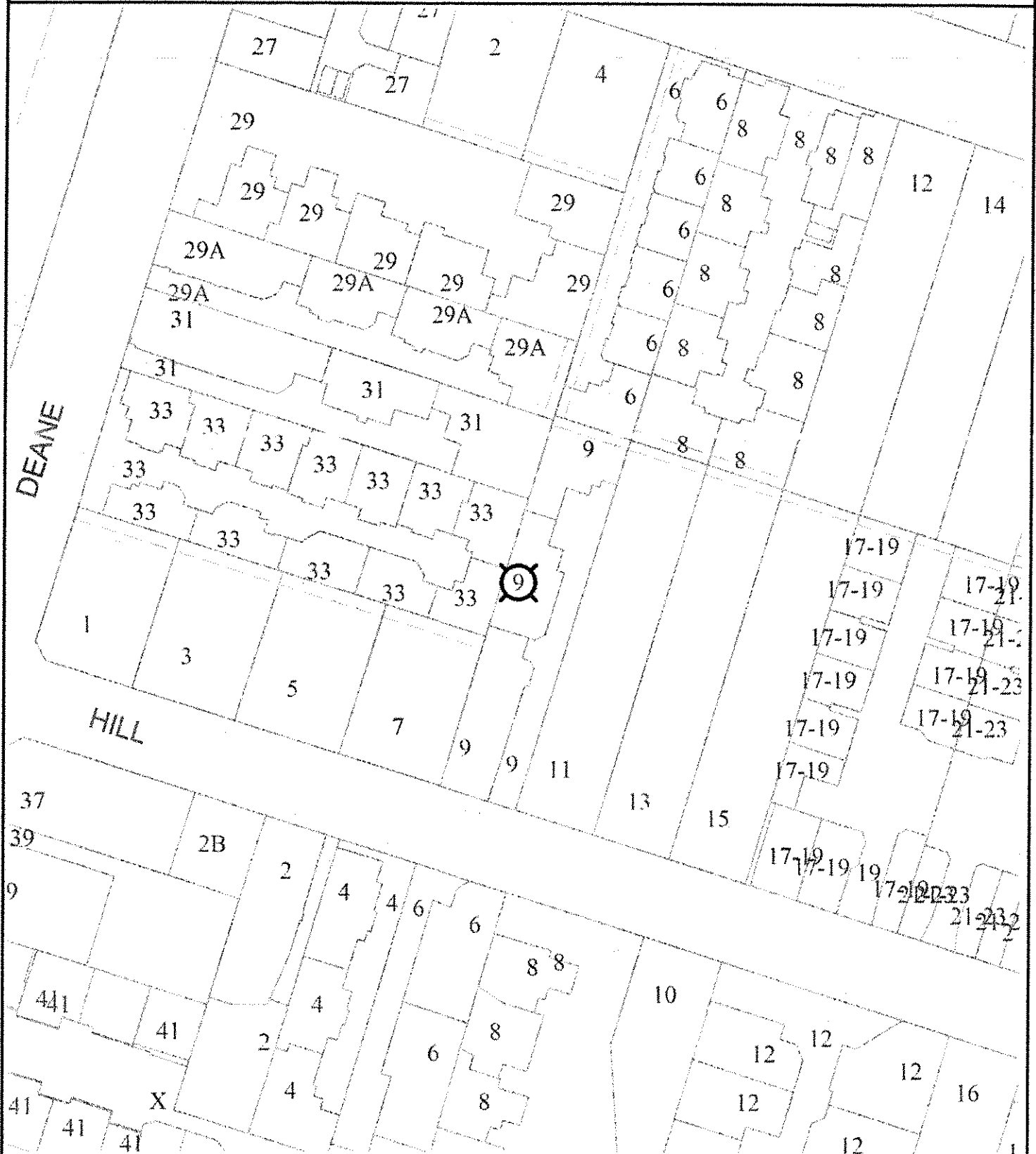
(RECYCLE WATER WILL APPEAR IF IT'S AVAILABLE)

Property: Lot 2 UNIT 2 9 HILL STREET FRANKSTON 3199

Case Number: 35916685



Date: 06MARCH2020



WARNING: This plan is issued solely for the purpose of assisting you in identifying South East Water's and Melbourne Water's specified assets through further investigation only. It is not to be used for any other purpose, including to identify any other assets, property boundaries or dimensions. Accordingly, the location of all assets should be proven by hand on site prior to the commencement of any work. (Refer to attached letter for further details). Assets labelled AC may contain asbestos and therefore works on these assets must be undertaken in accordance with OH&S Regulations. Abandoned and currently unused assets are shown in orange.

LEGEND

	Title/Road Boundary		Subject Property		Hydrant
	Proposed Title/Road		Recycled Water Main Valve		Fireplug/Washout
	Easement		Recycled Water Main & Services		Offset from Boundary

100 C/L
26.9.1975

Land Tax Clearance Certificate

Land Tax Act 2005



BAYSIDE SOLICITORS

Your Reference: LD:35837383-014-5.AUSTIN

Certificate No: 35626388

Issue Date: 06 MAR 2020

Enquiries: ESYSPROD

Land Address: UNIT 2, 9 HILL STREET FRANKSTON VIC 3199

Land Id	Lot	Plan	Volume	Folio	Tax Payable
38769290	2	633875	11261	959	\$0.00

Vendor: JAMES AUSTIN

Purchaser: FOR VENDOR UNKNOWN

Current Land Tax	Year	Taxable Value	Proportional Tax	Penalty/Interest	Total
MR JAMES DAVID AUSTIN	2020	\$220,000	\$0.00	\$0.00	\$0.00

Comments:

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

Comments:

Arrears of Land Tax	Year	Proportional Tax	Penalty/Interest	Total
---------------------	------	------------------	------------------	-------

This certificate is subject to the notes that appear on the reverse. The applicant should read these notes carefully.

Paul Broderick
Commissioner of State Revenue

CAPITAL IMP VALUE: \$460,000

SITE VALUE: \$220,000

AMOUNT PAYABLE: \$0.00

Notes to Certificates Under Section 105 of the *Land Tax Act 2005*

Certificate No: 35626388

1. Under Section 96 of the *Land Tax Act 2005* (the Act), unpaid land tax (including special land tax and vacant residential land tax) is a first charge on the land to which it relates and should the vendor default, payment will be obtained from the purchaser. The purchaser should take into account the possibility that the vendor may default where land tax has been assessed but not paid.
2. A purchaser who has obtained a Certificate is only liable to a charge on the land to the amount of unpaid land tax as certified by a Certificate. A purchaser must obtain the Certificate from the Commissioner. They cannot rely on the Certificate obtained by the vendor.
3. If land tax (including special land tax and vacant residential land tax) is due but not paid on a property, the Land Tax Clearance Certificate will certify the amount of land tax due and payable on that land. This amount will be binding on the Commissioner of State Revenue (the Commissioner) for purposes of section 96 of the Act whether or not it is paid to the State Revenue Office (SRO) on, or shortly after, settlement.
4. The amount of land tax on this certificate relates to the amount of land tax (including special land tax and vacant residential land tax) due and payable as at the date of the application only and not to any future liability or the tax status of the land.
5. A 'Nil' Land Tax Clearance certificate does not mean that the land on the certificate is exempt from land tax or vacant residential land tax.
6. If land tax (including special land tax or vacant residential land tax) will be payable on a property but payment is not due at the time the application is processed, the certificate will certify the amount that should be retained by the purchaser at settlement and remitted to the SRO. The Commissioner will consider himself bound by this amount against the purchaser, only if the amount is remitted to the SRO.
7. If the amount in 4. (above) is understated, the Commissioner has the right to seek recovery of the correct amount, or the balance, as the case may be, from the:
 - a. vendor, or
 - b. purchaser, if the vendor defaults and the certified amount has not been remitted to the SRO.
8. If an amount is certified in respect of a proposed sale which is not completed, the Commissioner will not be bound by the same amount in respect of a later sale of the subject land - another certificate must be applied for in respect of that transaction.
9. If an amount certified is excessively high (for example, because an exemption or concession has not been deducted in calculating the amount) the Commissioner will issue an amended certificate, without an additional fee being charged on receipt of sufficient evidence to that effect from the vendor.
10. If no land tax (including special land tax or vacant residential land tax) is stated as being payable in respect of the property, the Commissioner will consider himself bound by that certification, in respect of the purchaser, if the land is subsequently found to be taxable and the vendor defaults.
11. If the vendor refuses to be bound by an amount stated by the Commissioner and does not agree to the amount being withheld and remitted at settlement, the purchaser cannot rely on such refusal as a defence to an action by the Commissioner to recover the outstanding amount from the purchaser under Sections 96 or 98 of the Act.
12. The information on a certificate cannot preclude the Commissioner from taking action against a vendor to recover outstanding land tax (including special land tax and vacant residential land tax).
13. You can request a free update of a Land Tax Clearance Certificate via our website if:
 - there is no change to the parties involved in the transaction, and
 - the request is within 90 days of the original certificate being issued.

For Information Only

LAND TAX CALCULATION BASED ON SINGLE OWNERSHIP

Land Tax = \$0.00

Taxable Value = \$220,000

Calculated as \$0 plus (\$220,000 - \$0) multiplied by 0.000 cents.

Land Tax Clearance Certificate - Payment Options

BPAY



Billers Code: 5249
Ref: 35626388

Telephone & Internet Banking - BPAY®

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

www.bpay.com.au

CARD



Ref: 35626388

Visa or Mastercard.

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

sro.vic.gov.au/paylandtax



OC No 633875C

**9 Hill Street FRANKSTON VIC 3199
Lot 2 (Unit 2)**

OWNERS CORPORATION CERTIFICATE

03 9889 5681

ISSUED: 11 March 2020

**If you wish to make payment of the settlement amount via EFT please utilise the BPAY
details located on the attached Contribution Notice.**

Owners Corporation Certificate

Section 151 Owners Corporation Act 2006 and Reg 11 Owners Corporation Regulations 2007 Subdivision
Act 1988

Owners Corporation No. Strata Plan No. 633875C
Registered Address: 9 Hill Street FRANKSTON VIC 3199
Lot Address: As above

Vendor Name: James Austin
Reference: 35837632-016-2

Purchaser Name:
Contact Details:

This certificate is issued for Lot 2 / Unit 2 on Plan No. 633875C

The postal address of which is c/- Body Corporate Strata Group PO Box 7078 Hawthorn Vic 3122

IMPORTANT: The information in this certificate is issued on 11 March 2020. You should obtain a new certificate for current information prior to settlement.

1. The present fees for the above Lot are \$2072.52 per annum for the year commencing 01 April 2019 paid Quarterly. (The annual contribution fee is subject to change depending on the budget set for the year.)

Due Date	Contribution Amount
01 April 2019	\$518.13
01 July 2019	\$518.13
01 October 2019	\$518.13
01 January 2020	\$518.13

NOTE: The contribution amounts shown may vary slightly due to rounding.

2. The fees are paid up until 31 March 2020. If settlement should occur on or after any due date a further contribution fee will be due and payable plus the top up fee if the budget increases at the AGM.
3. The total of any Unpaid fees is now \$0.00. The total of any Unpaid Special Levy fees is \$0.00.
4. The following adjustment levy has been struck and is payable on the date indicated below:
Nil
5. The following special fees or levies have been struck and are payable on the dates indicated below:
Nil
6. The repairs, maintenance or other work or act which has been or is about to be performed which may incur an additional charges which have not been included in the annual fees and special levy fees are as follows:

Please refer to AGM Minutes.

7. The Owners Corporation has the following insurance cover:

Insurance Broker Name:	Strata Insurance
Insurance Underwriter:	Strata Insurance - SCI
Policy Number:	VRSC19005913
Sum Insured:	\$1,048,000.00
Premium:	\$2,335.69
Policy Renewal Date:	01 December 2020

The Insured**Owners Corporation No 633875C****Situation****9 Hill Street, Frankston VIC 3199****POLICY LIMITS / SUMS INSURED**

SECTION 1 PART A	1. Building	\$1,048,000
	2. Terrorism Cover under Section 1 Part A2	Applies
PART B	Loss of Rent/Temp Accommodation	\$157,200
OPTIONAL COVERS	1. Flood	Included
	2. Floating Floors	Included
SECTION 2 Liability		\$20,000,000
SECTION 3 Voluntary Workers		\$200,000/\$2,000
SECTION 5 Fidelity Guarantee		\$100,000
SECTION 6 Office Bearers' Liability		\$1,000,000
SECTION 9 PART A - Government Audit Costs - Professional Fees		\$25,000
PART B - Appeal Expenses		\$100,000
PART C - Legal Defence Expenses		\$50,000
SECTION 10 Lot Owners' Fixtures and Improvements		\$300,000

EXCESS

SECTION 1	\$500	Insured Property
SECTION 9	\$1,000	Legal Defence Expenses & 10% Contribution

Strata Solutions Internal Pty Ltd trading as Strata Insurance ABN 58 080 071 307 AFS Licence no 234722

Suite 4 232-236 Bluff Road Sandringham VIC 3191 Tel: 03 9597 0357

Email: contacts@stratainsurance.net

Web: www.stratainsurance.net

Insurer: Strata Insurance - SCI

Support Insurer: Allianz Australia Insurance Limited
ABN 15 000 122 850, AFS Licence No. 234708
2 Market Street
Sydney NSW 2000

Proportion: 100%

Insurance Brokers Code of Practice & External Disputes Resolution Service

Strata Solutions International Pty Ltd Trading as Strata Insurance subscribe to the Insurance Brokers Code of Practice and the Australian Financial Complaints Authority. AFCA is an administer an independent and free external dispute resolution service for our clients. Please visit www.stratainsurance.net or contact our office for further details.

Strata Solutions International Pty Ltd trading as Strata Insurance ABN 58 080 071 307 AFS Licence no 234722

Suite 4 232-236 Bluff Road Sandringham VIC 3191 Tel: 03 9597 0357

Email: contacts@stratainsurance.net

Web: www.stratainsurance.net

8. The Owners Corporation has resolved that members may arrange their own insurance under Section 63 of the Act as follows:
Nil

9. The total funds held by the Owners Corporation as at 11 March 2020 are:

Admin Fund: \$4,606.31

Sinking Fund: \$0.00

Total Fund Held: \$4,606.31

10. The Owners Corporation has liabilities that are not covered by annual fees, special levies and repairs and maintenance as set out above as follows:

None known as of this stage except that the Manager has the authority to raise a cash flow levy at any stage should the Owners Corporation hold insufficient funds to meet the building insurance premium and/or ongoing working capital requirements of the common property.

11. The Owners Corporation has granted contracts, leases, licenses or agreements affecting the common property as follows:
Nil

12. The Owners Corporation has made agreement to provide services to members and occupiers for a fee as follows:
Nil

13. The Owners Corporation has notices or orders served within in the last 12 months that have not been satisfied as follows:
Nil

14. The Owners Corporation is party to any proceedings or aware of any notices or orders which may give rise to proceedings as follows: Nil

15. The Owners Corporation has resolved to appoint a manager.

16. No proposal has been made for the appointment of an administrator.

17. Any other Information:

This Certificate is valid for sixty (60) days from the date of this Certificate.

If you wish to make payment of the settlement amount via EFT please utilise the BPAY details located on the attached Contribution Notice.

18. The following documents are attached:

1. OC Certificate Pack Front Cover
2. Minutes Of Most Recent Meeting
3. Model Rules
4. Statement of Advice and Information

Signed on behalf of the Owners Corporation 633875C by



Genevieve Allison
Body Corporate Strata Group
PO Box 7078 Hawthorn Vic 3122



In capacity as Manager pursuant to an instrument of delegation made by the Owners Corporation
Further information can be obtained by an inspection of the owners corporation register

MTB

MINUTES OF AN ANNUAL GENERAL MEETING OF OWNERS CORPORATION PS 633875C

ADDRESS OF THE OWNERS CORPORATION:

9 Hill Street, FRANKSTON VIC 3199

The Annual General Meeting of the Owners Corporation of 9 Hill Street, FRANKSTON VIC 3199 was held:

Date / Time of Meeting: 16/05/2019 at 11:00 AM
Address of Meeting: CONFERENCE CALL

PRESENT:

Lot #	Unit #	Attendance	Owner Name Representative
3	3	Yes	Booth, Ross Proxy to MTB Manager

MTB Manager: Guan Liu

Quorum

A quorum of 50% was not achieved. In the absence of a quorum and in accordance with Section 78 of the Owners Corporation Act 2006 the meeting was held. All resolutions of this meeting are interim resolutions for 29 days after which time if no petition for a Special General Meeting has been received in accordance with Section 78 (4b) the interim resolutions will be passed as resolutions of the Owners Corporation

Minutes of the meeting:

1 CHAIRPERSON

- Resolved that the Owners Corporation Manager chair the meeting

MOTION: CARRIED

2 MINUTES FROM PREVIOUS ANNUAL GENERAL MEETING

- Resolved that the minutes of the last general meeting of the owners corporation be confirmed as a true record of the proceedings of that meeting.

MOTION: CARRIED

3 APPOINTMENT OF OWNERS CORPORATION MANAGER

Resolved that the Owners Corporation appoints MTB Australia (MTB) as the Manager of Owners Corporation PS 633875C for a further three years; and

- Resolved that the Owners Corporation appoint a representative and alternative representative for the purposes of the Appointment; and
- Resolved that the Owners Corporation and the committee delegate to the Manager all the powers and functions of the Owners Corporation (other than a power or function that requires a unanimous resolution or a special resolution or this power of delegation) that are necessary to enable the Manager to perform its duties under the Appointment; and
- Resolved that two persons who are owners (or a director of a corporation that is a lot owner) of separate lots and are members of the Owners Corporation witness the affixing of the common seal of the Owners Corporation in accordance with Sections 20 and 21 of the Owners Corporations Act 2006

- d. Resolved that to the extent permitted by law the Owners Corporation under the Appointment releases and indemnifies the Manager and holds the Manager harmless from and against all actions, omissions, claims, demands, losses, costs, damages and expenses (including without limitation reasonable legal costs on a solicitor and own client basis) ("the loss") in relation to or arising directly or indirectly out of the performance or non-performance by the Manager of any services or the exercise of its functions and powers pursuant to the Appointment or otherwise from any cause of action whatsoever including negligence except to the extent that the loss is caused by or contributed to by the Manager's dishonesty or fraud.

MOTION: CARRIED

4 MANAGERS REPORT

A Reflection of the previous year

- Insurance renewal on 27.11.2018
- Debt Recovery
- Ongoing Gardening Services
- Obtained Sinking Fund/ Maintenance Report - 24.05.2018
- Payment of Utilities
- Maintain Owners Corporation Records
- Financial Reviews of Accounts
- AGM Preparations

Resolved that the above Reports be Acknowledged

MOTION: CARRIED

5 REPORTS TO BE ADOPTED AND MINUTED MAINTENANCE REPORT

A report was obtained on 24.05.2018

COMPLAINTS REPORT

Pursuant to S.159 of the Owners Corporations Act 2006 the Dispute Resolutions Report for the past year is as follows: **No. of complaints on which action was taken under Division 10: Nil**

Nature of complaints: Not applicable

No. of complaints of which action was taken: Not applicable

Nature of matter in respect of action being taken: Not Applicable

No. of matters in which an application was made to VCAT: None

Nature of matters in which an application has been made to VCAT: Not Applicable

Outcome of matters in which an application was made to VCAT: Not Applicable

Pursuant to S.159(2), this report must not identify the person who made a complaint or the lot Owner or Occupier alleged to have committed the breach.

Resolved that the above Reports be Accepted

MOTION: CARRIED

6 ANNUAL FINANCIAL REPORT

- a. Resolved that the accounts for the period ended 31/03/2019 be adopted.
- b. Resolved that Interest be charged on the late payment of fees as prescribed in the Owners Corporation Act 2006
- c. Resolved that an auditor not be engaged to audit the annual accounts.

MOTION: CARRIED

7 DEBT RECOVERY

- a. Resolved in accordance with s28 of the Owners Corporations Act 2006 (Vic), and to the extent permitted by law, any costs incurred by the Owners Corporation in the recovery of fees and/or levies owing to the Owners Corporation, will be charged to the lot owner responsible for incurring those costs
- b. Resolved this includes all charges related to debt recovery and debt collection procedures, including but not limited to costs incurred by third party agencies, solicitor, VCAT and Management.

MOTION: CARRIED

**8 INSURANCE AND VALUATION REPORT
VALUATION REPORT**

- Valuation Amount: \$1030000
- Valuation completed: 08/06/2016
- Valuation Next Due 08/06/2019

- a. Resolved that the Manager obtains a registered building insurance valuation for the correct amount of replacement and that \$330 is included in the budget, and further that the Manager be authorised to raise a special levy to for the endorsement to increase the sum insured.
- b. Resolved that the Owners Corporation Manager be authorised to effect to reinsure the property of the expiration of the current policies and take out cover at the recommended amount and to pay the premium from the Owners Corporation. If there are insufficient funds the Manager has approval to raise a special levy, if required.

Under Division 6, Insurance section 54,55,56 & 59 of the Owners Corporation Act 2006, the Owners Corporation must take out full reinstatement and replacement insurance on all buildings and the common property. If owners have already taken out their own building insurance we recommend that they refer to the Owners Portal to view the current Insurance Policy and the Certificate of Currency to ensure that they are included under the policy. If the Owners Corporation has included the building please contact your insurance company.

MOTION: CARRIED

9 INSURANCE EXCESS PAYMENTS

- a. Resolved that each lot owner will be responsible for the excess of an insurance claim, when claimable damage has been restricted to that lot exclusively, in accordance with s46-53 of the Owners Corporations Act 2006 (Vic).

MOTION: CARRIED

10 SINKING FUND PLAN

- a. That the 10 year Maintenance / Sinking Fund report is approved in part, or full, as recorded and that \$3000 will be added to the budget.
- b. That an \$AMOUNT is added to the budget as a sinking fund contribution

The Owners Corporation Manager recommends that the sinking fund budget is established for future building works.

MOTION: LOST - DEFER TO NEXT AGM

11 GUTTER CLEANING

- a. Resolved that Owners continue to carry out their own gutter cleaning and inspection on a regular basis.

MOTION: CARRIED

12 APPEARANCE

- a. Resolved that the external appearance of a lot cannot be changed except if authorised by ordinary resolution at a General Meeting or by postal ballot.
- b. Resolved that items, except plants, cannot protrude above fence lines or the top railing of balconies except if authorised by ordinary resolution at a General Meeting or by postal ballot.

MOTION: CARRIED

13 GENERAL BUSINESS

General Business to was discussed by the Owners at the meeting

- None.
- .
- .
- .

MOTION: CARRIED

14 BUDGET

- Resolved that the budget of Admin Fund \$ 6217.50 be approved.
- Resolved that Owners be requested to pay the first levy within 28 days of the date of issue to assist the cash flow of the Owners Corporation.
- Resolved further to the levy notice request, that the levy be payable within 28 days of the date of issue of the levy.
- Resolved that the levies are payable quarterly.
- Resolved that a special levy be raised to compensate for the administration expenses that will be incurred prior to full year levies being collected.
- Resolved that the levy for the first quarter of the next financial year be sent to owners based on the levies struck at this annual general meeting and any adjustments will be reflected in the levies due following the next annual general meeting.

MOTION: CARRIED

15 EXECUTIVE COMMITTEE

That the Owners Corporation appoints members of the Owners Corporation to form a Committee of Management and is delegated authority to make decisions on all matters concerning the Owners Corporation that do not require a Special Resolution, or Unanimous Resolution, in accordance with the Owners Corporations Act 2006 (Vic), or as otherwise specified by General Resolution of the Owners Corporation

Current Committee Members:

Chairman
Committee Secretary
Member

No Member elected as Chairperson or Committee.

CLOSURE: There being no further business, the chairperson declared the meeting closed at 11:30 AM.

Owners Portal

Owners have now access to the owner portal via our website, www.mtbaustralia.com.au. There will be documents available through the portal, thus saving you charges from ordering it direct from our office.

All minutes and the buildings financial reports will be available for owners to access from the Owner's Portal.

Insurance

Insurance information is available on the Owners Portal. Please contact reception if you have lost your login details.

Managers Report

Owners Corporation Managers Professional Indemnity Details pursuant to S.126(2) of the Owners Corporations Act 2006 the details follows:

Name of Insurer: Chubb Insurance Australia Limited
Policy Holder: MTB Australia
Policy Number: 93321576
Policy Expiration: 19th December 2019*
Level of Cover: \$ 2 Million

* Policy is renewed annually

Owners Corporation Seal

The seal was used to seal the Management Agreement

Warning to Owners

No owner/tenant is permitted to carry out maintenance to the common area without written permission of the Owners Corporation. To carry out unauthorised work could be in breach of the OH&S Act. It is an owner's responsibility to convey this to their tenant. Owners must ensure they are taking all safety measures to keep their property complaint and safe at all times.

- Keep balcony furniture away from exterior walls.
- Keep goods, materials and clothes drying on a balcony a safe distance of 1 metre from air conditioning units.
- Where a barbecue is allowed, maintain a safe distance of 50cm from exterior walls, separating walls, anything else that could burn, as well as any electrical ignition sources.
- Store gas bottles outside and upright away from heat sources.
- Smokers should use heavy, high-sided ashtrays made from glass, enamel or metal to prevent them from tipping over and cigarettes should be fully extinguished.

www.mfb.vic.gov.au/Community/Home-Safety/Booklet.html

Occupational Health and Safety

Member of the Owners Corporation are reminded the Owners Corporation has obligations under the Occupational Health and Safety Act 2004 to ensure the property is safe for anyone entering the property. All common property is deemed to be a 'work place' and must comply fully with requirements of the Act and any revisions or Code of Practice. The Owners Corporation must ensure the common property is free from hazard to the health and safety for contractors, employees, volunteers and self employed person coming on to the property.

Owners are reminded that they have a 'Duty of Care' to inspect the common area on a regular basis and report any potential hazards to the Manager for attention.

Maintenance / Sinking Fund

There is a requirement under the ACT that the property must be maintained, repaired when required and kept from deteriorating. Also by maintaining the property the issues of OH & S risks are reduced because it can be proposed that certain aspects of the property are going to be repaired/replaced in an ordered schedule, these actions will provide a defence that the owners 'did not maintain the property' that lead to a liability claim. When funds are placed into a Maintenance Fund only capital expenditure can be spent from these funds. This fund can not have withdrawals from the fund to pay for reoccurring expenses ie: electricity, water, insurance etc.... Owners can decide which item is next on the list or defer others if there is further acceptable life in the asset. Balance of the maintenance fund can also be invested into a 'investment account' and earn bank interest to help increase the fund balance. All expenditure authorized must be voted and approved by 75% of all owners

Maintenance/sinking funds are separately accounted for and are a distinct advantage to intended purchasers. It also removes the sudden calls for additional fees as the property is well maintained regularly and is an attractive investment to its owners.

Privacy Forms & Updating Details

Owners are required to complete a privacy form if their details have changed. This form can be downloaded from our website, www.mtbaust.com.au If Owners would like their levies EMAILED, please complete the privacy form and tick the box. All change of details must be submitted in writing to our office

Key Request / Storage Forms

Key request forms can be requested from our office.

Melbourne Office: Office 29, 245 St Kilda Road ST KILDA VIC 3182

P: 1300 653 317

F: 1300 658 242

All Correspondence: PO Box 287 Flinders Lane Melbourne VIC 8009 E: reception@mtbaust.com.au W: www.mtbaust.com.au

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

Schedule 2—Model rules for an owners corporation

**Schedule 2—Model rules for an
owners corporation**

Regulation 11

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.

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

Schedule 2—Model rules for an owners corporation

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.

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

Schedule 2—Model rules for an owners corporation

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

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

Schedule 2—Model rules for an owners corporation

- (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.

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

Schedule 2—Model rules for an 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

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

Schedule 2—Model rules for an owners corporation

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**.

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

Schedule 2—Model rules for an owners corporation

- (8) This process is separate from and does not limit any further action under Part 10 of the **Owners Corporations Act 2006**.

Authorised by the Chief Parliamentary Counsel

Statement of advice and information for prospective purchasers and lot owners

Schedule 3, Regulation 12, Owners Corporations Regulations 2007

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 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 the documents you have received from the owners corporation, you should seek expert advice.

Due diligence checklist

What you need to know before buying a residential property

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

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.

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- 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.