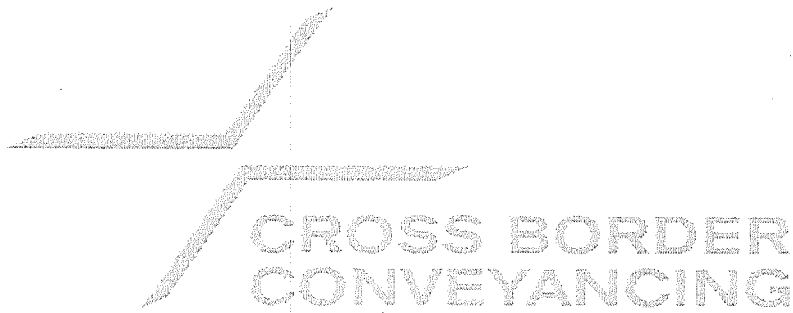




## **VENDORS STATEMENT**

PURSUANT TO SECTION 32 OF THE SALE OF LAND ACT 1962

VENDOR: Lauren Michelle Zitis (formerly Sayers)

PROPERTY: 232 Koorlong Avenue, Nichols Point VIC 3501

### **VENDORS REPRESENTATIVE**

Kasey Osborne

Phone: 0418 648 327

Address: PO Box 52 Mildura VIC 3502

Email: [kasey@crossborder.com.au](mailto:kasey@crossborder.com.au)

# 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 | 232 KOORLONG AVENUE, NICHOLS POINT VIC 3501 Being Lot 1 on Plan of Subdivision 802411H and being all of the land contained in Certificate of Title Volume 12002 Folio 482 |
|------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                    |                                                                                   |            |
|--------------------|-----------------------------------------------------------------------------------|------------|
| Vendor's name      | Lauren Michelle Zitis (formerly Sayers)                                           | Date       |
|                    |                                                                                   | 19/06/2026 |
| Vendor's signature |  |            |

|                       |      |
|-----------------------|------|
| Purchaser's name      | Date |
|                       | / /  |
| Purchaser's signature |      |
|                       |      |
| Purchaser's name      | Date |
|                       | / /  |
| Purchaser's signature |      |
|                       |      |

## 1. FINANCIAL MATTERS

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

- (a) ☒ Their total does not exceed:

\$6,000.00

| Authority                      | Amount       | Interest (if any) |
|--------------------------------|--------------|-------------------|
| (1) Mildura Rural City Council | See attached |                   |
| (2) Lower Murray Water         | See 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

\$0.00

To

Other particulars (including dates and times of payments):

### 1.3 Terms Contract

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

Not Applicable

### 1.4 Sale Subject to Mortgage

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

Not Applicable

### 1.5 Commercial and Industrial Property Tax Reform Act 2024 (Vic) (CIPT Act)

|                                                                                                                                                                                                                                         |                                                                     |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|
| (a) The Australian Valuation Property Classification Code (within the meaning of the CIPT Act) most recently allocated to the land is set out in the attached Municipal rates notice or property clearance certificate or is as follows | AVPC No. 110 – Detached Dwelling                                    |
| (b) Is the land tax reform scheme land within the meaning of the CIPT Act?                                                                                                                                                              | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO |
| (c) If the land is tax reform scheme land within the meaning of the CIPT Act, the entry date within the meaning of the CIPT Act is set out in the attached Municipal rates notice or property clearance certificate or is as follows    | Date:<br>OR<br><input checked="" type="checkbox"/> Not applicable   |

## 2. INSURANCE

### 2.1 Damage and Destruction

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

Not Applicable

### 2.2 Owner Builder

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

Not Applicable

### 3. LAND USE

#### 3.1 Easements, Covenants or Other Similar Restrictions

- (a) A description of any easement, covenant or other similar restriction affecting the land (whether registered or unregistered):
- ☒ Is in the attached copies of title document/s
- (b) Particulars of any existing failure to comply with that easement, covenant or other similar restriction are:
- To the best of the Vendor's knowledge there is no existing failure to comply with the terms of any easements, covenants or other similar restriction.

#### 3.2 Road Access

There is NO access to the property by road if the square box is marked with an 'X' ☐

#### 3.3 Designated Bushfire Prone Area

The land is in a designated bushfire prone area within the meaning of section 192A of the *Building Act* 1993 if the square box is marked with an 'X' ☐

#### 3.4 Planning Scheme

- ☒ Attached is a certificate with the required specified information.
- ☒ The required specified information is as follows:
- |                                   |                                       |
|-----------------------------------|---------------------------------------|
| (a) Name of planning scheme       | Mildura Planning Scheme               |
| (b) Name of responsible authority | Mildura Rural City Council            |
| (c) Zoning of the land            | See attached planning property report |
| (d) Name of planning overlay      | See attached planning property report |

### 4. NOTICES

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

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

Not Applicable

#### 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:

NIL

#### 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:

NIL

### 5. BUILDING PERMITS

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

Not Applicable

### 6. OWNERS CORPORATION

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

Not Applicable

## 7. GROWTH AREAS INFRASTRUCTURE CONTRIBUTION ("GAIC")

Words and expressions in this section 7 have the same meaning as in Part 9B of the *Planning and Environment Act* 1987.

Not Applicable

## 8. SERVICES

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

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

## 9. TITLE

Attached are copies of the following documents:

9.1 ☒ (a) Registered Title

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

## 10. SUBDIVISION

### 10.1 Unregistered Subdivision

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

Not Applicable

### 10.2 Staged Subdivision

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

- (a) Attached is a copy of the plan for the first stage if the land is in the second or subsequent stage.
- (b) The requirements in a statement of compliance relating to the stage in which the land is included that have Not been complied With are As follows:

NIL

- (c) The proposals relating to subsequent stages that are known to the vendor are as follows:

NIL

- (d) The contents of any permit under the *Planning and Environment Act* 1987 authorising the staged subdivision are:

NIL

### 10.3 Further Plan of Subdivision

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

Not Applicable

## 11. DISCLOSURE OF ENERGY INFORMATION

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

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

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

Not Applicable

## 12. DUE DILIGENCE CHECKLIST

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

Is attached

### **13. ATTACHMENTS**

*(Any certificates, documents and other attachments may be annexed to this section 13)*

*(Additional information may be added to this section 13 where there is insufficient space in any of the earlier sections)*

*(Attached is an "Additional Vendor Statement" if section 1.3 (Terms Contract) or section 1.4 (Sale Subject to Mortgage) applies)*

---

# Due diligence checklist

## What you need to know before buying a residential property

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

### Urban living

#### Moving to the inner city?

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

#### Is the property subject to an owners corporation?

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

### Growth areas

#### Are you moving to a growth area?

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

### Flood and fire risk

#### Does this property experience flooding or bushfire?

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

### Rural properties

#### Moving to the country?

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

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

#### Can you build new dwellings?

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

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

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

### Soil and groundwater contamination

#### Has previous land use affected the soil or groundwater?

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

(04/10/2016)

## **Land boundaries**

### **Do you know the exact boundary of the property?**

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

## **Planning controls**

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

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

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

### **Are there any proposed or granted planning permits?**

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

## **Safety**

### **Is the building safe to live in?**

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

## **Building permits**

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

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

### **Are any recent building or renovation works covered by insurance?**

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

## **Utilities and essential services**

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

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

## **Buyers' rights**

### **Do you know your rights when buying a property?**

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



Mildura Rural City Council

## Rate Instalment Notice

For the period 1 July 2025 to 30 June 2026

### Tax Invoice

ABN 42 498 937 037

Assessment No: 403717

Date of Issue: 22 April 2026

Mrs L M Sayers  
PO Box 246  
NICHOLS POINT VIC 3501

#### PROPERTY LOCATION & DESCRIPTION

232 Koorlong Avenue NICHOLS POINT VIC 3501

Lot 1 PS 802411H

#### INSTALMENT DETAILS

INSTALMENT 4 \$1,356.01

**Total** \$1,356.01

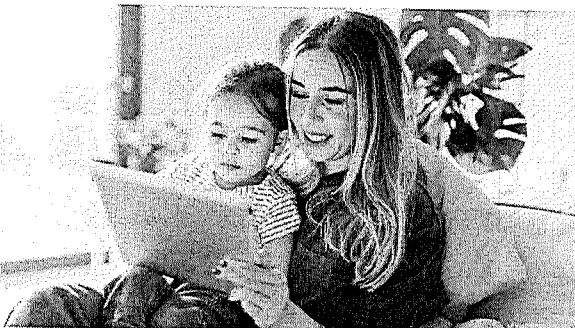
#### INSTALMENTS

Instalment due  
**\$1,356.01**

Instalment 4  
Due 31 May 2026

**\$1,356.01**

Payments received after 5pm on the due date will be considered late. Late payments will be charged interest at 10% p.a. from the date the instalment became due.



## Register for eNotices and turn paper into trees

Terms and conditions apply



 eNotices

2114C34DFZ

## Payment Slip

Tear off this slip and return it with your payment

Mrs L M Sayers  
232 Koorlong Avenue NICHOLS POINT  
Assessment No: 403717

**INSTALMENT 4**  
**AMOUNT DUE: \$1,356.01**



**Biller Code: 93922**  
**Ref: 4037172**

**Mobile & Internet Banking - BPAY®**  
Make this payment from your preferred bank account

**ATTENTION:**  
Your BPAY Reference Number has been updated and now consists of 7 digits

© Registered to BPAY Pty Ltd ABN 69 079 137 518

Internal Use Only





## INTEREST AND PENALTIES

Under Section 172 of the Local Government Act 1989, late payments will be subject to penalty interest calculated from the date when each quarterly instalment was due, irrespective of whether or not a ratepayer has chosen to pay by the instalment or lump sum option. Late payments will be subject to an interest rate of 10% pa (set under the Penalty Interest Rates Act 1983), on all overdue rates and charges until paid in full.

In the absence of full payment or an agreed Rates Payment Plan, Council may utilise legal action to recover outstanding rates and charges. All associated legal costs will be borne by the ratepayer.

## RATES PAYMENT PLANS AND FINANCIAL HARDSHIP

Ratepayers experiencing difficulty in making full payment may apply to Council to enter a Rates Payment Plan to make smaller, more regular payments toward their rates and charges. Ratepayers who can demonstrate that making full payment or entering a Rates Payment Plan would cause financial hardship may apply for special consideration that may include a deferment or waiver.

## RATE DEBT MANAGEMENT POLICY

For information about Council's Rate Debt Management Policy refer to [mildura.vic.gov.au/Council/Policies-plans-and-strategies](http://mildura.vic.gov.au/Council/Policies-plans-and-strategies).

## ALLOCATION OF PAYMENTS

Payments received will be allocated as follows:

1. Legal Costs Owing (if any)
2. Interest Owing (if any)
3. Arrears Owing (if any)
4. Current Rates or Charges Owing

## PENSION CONCESSION

Eligible pensioners can claim a concession on their Council rates and Emergency Services and Volunteers Fund. If you have previously made an application and a concession isn't shown on your rate notice, please contact Council.

## SINGLE FARM ENTERPRISE

An exemption from paying the Emergency Services and Volunteers Fund fixed charge more than once may apply if multiple properties form a Single Farm Enterprise.

## ELECTRONIC NOTICES

Register for eNotices to receive your rate instalment notices via email. eNotices sends your rate instalment notice straight to your email account. Refer to front of notice for further details.

**Madden Avenue Service Centre**  
108 Madden Avenue, Mildura  
Phone: 03 5018 8100

**Deakin Avenue Service Centre**  
76 Deakin Avenue, Mildura  
Phone: 03 5018 8100

**Ouyen Service Centre**  
79 Oke Street, Ouyen  
Phone: 03 5018 8600

PO Box 105, Mildura Vic 3502  
[mrcc@mildura.vic.gov.au](mailto:mrcc@mildura.vic.gov.au)  
[mildura.vic.gov.au](http://mildura.vic.gov.au)

## How to pay

### IN PERSON

Visit any of Council's Service Centres to pay.

### DIRECT DEBIT

Options to pay fortnightly, monthly or quarterly by direct debit from a nominated bank account.

### AUSTRALIA POST

Visit any post office to pay by cash, cheque, EFTPOS, debit card, Mastercard or Visa. Or phone, 131 816 or visit [postbillpay.com.au](http://postbillpay.com.au)



**POST billpay**



Instalment \*41 4037172

Biller code: 0041  
Ref: 4037172

### CENTREPAY

Call Centrelink to arrange regular deductions from your Centrelink payments. Quote Centrepay Reference No: 555 054 730B and your Assessment Number.

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



l<sup>m</sup>w.vic.gov.au  
E contactus@l<sup>m</sup>w.vic.gov.au

URBAN ACCOUNT  
Date Of Issue 15/01/2026

731106-001 017744(38777) D033  
MS LM SAYERS  
PO BOX 246  
NICHOLS POINT VIC 3501

Reference No: 012319  
Amount Due: \$204.03  
Due Date: 18-FEB-2026

Tariffs and Charges Notice  
3rd Quarter 2025/26  
01/01/2026 - 31/03/2026  
POST \*850 700123193

Property Address : 216-234 KOORLONG AVENUE NICHOLS POINT VIC 3501 (Prop:12319) - Urban Account  
Lot 1 PS 802411H Vol 12002 Fol 482

Water Service Tariff  
Water by Measure Chg-Info on reverse

| Charge | Balance |
|--------|---------|
| 61.87  | 61.87   |
| 142.16 | 142.16  |

**TOTAL OWING \$204.03**

Payments/Credits since last Notice \$130.00  
New tariff rates have been applied from 1 July. For more info go to [www.lmw.vic.gov.au/billing-and-charges](http://www.lmw.vic.gov.au/billing-and-charges)



**Payment Slip - Methods of Payment**  
Online at [lmw.vic.gov.au](http://lmw.vic.gov.au) - Pay your Account

012319  
216-234 KOORLONG AVENUE NICHOLS POINT VIC 3501 (Prop:12319) -  
Urban Account



**Direct Debit**  
Please contact your local office



\*850 700123193 \$204.03



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

Amount Due **\$204.03**



**Billpay Code: 0850**  
**Ref: 7001 2319 3**

Pay in person at any Post Office.



**Bill Code: 78477**  
**Ref: 7001 2319 3**

Contact your bank or financial institution to make this payment from your cheque,  
savings, debit, credit card or transaction account. More info [bpay.com.au](http://bpay.com.au)



Payment Ref: 7001 2319 3

**By Phone**

Pay by phone: (03) 8672 0582 See reverse for  
Standard call charges apply In Person and By Mail options

pol  
2/17/2  
483353

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

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

VOLUME 12002 FOLIO 482

Security no : 124134353591R  
Produced 05/05/2026 11:06 AM

LAND DESCRIPTION

Lot 1 on Plan of Subdivision 802411H.

PARENT TITLES :

Volume 08029 Folio 078      Volume 10742 Folio 776      Volume 11367 Folio 117  
Created by instrument PS802411H 24/07/2018

REGISTERED PROPRIETOR

Estate Fee Simple

Sole Proprietor

LAUREN MICHELLE SAYERS of 232 KOORLONG AVENUE NICHOLS POINT VIC 3501  
AX305243C 28/09/2023

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AX305244A 28/09/2023

COMMONWEALTH BANK OF AUSTRALIA

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

AGREEMENT Section 173 Planning and Environment Act 1987  
AJ779553K 06/07/2012

AGREEMENT Section 173 Planning and Environment Act 1987  
AQ489921M 28/11/2017

DIAGRAM LOCATION

SEE PS802411H 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: 232 KOORLONG AVENUE NICHOLS POINT VIC 3501

ADMINISTRATIVE NOTICES

NIL

eCT Control 15940N COMMONWEALTH BANK OF AUSTRALIA  
Effective from 28/09/2023

DOCUMENT END

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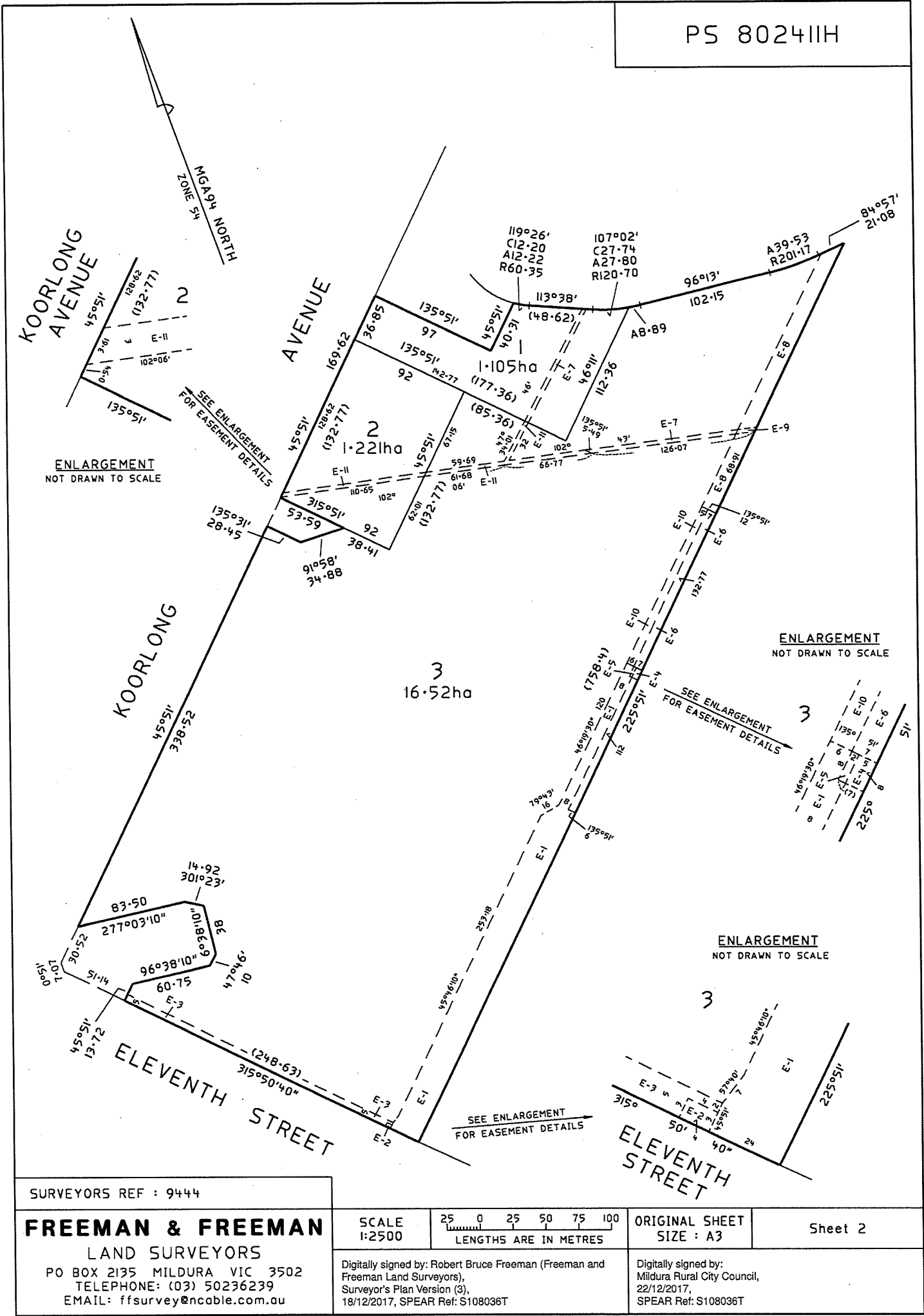
|                                                 |                         |
|-------------------------------------------------|-------------------------|
| Document Type                                   | <b>Plan</b>             |
| Document Identification                         | <b>PS802411H</b>        |
| Number of Pages<br>(excluding this cover sheet) | <b>2</b>                |
| Document Assembled                              | <b>05/05/2026 11:09</b> |

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|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|
| PLAN OF SUBDIVISION                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                              | LR use only<br>EDITION 1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | PS 802411H                               |                                                                                                                                      |
| <p style="text-align: center;">Location of Land</p> <p>Parish: MILDURA<br/> Township: _____<br/> Section: _____<br/> Crown Allotment: _____<br/> Crown Portion: 5 (PART)</p> <p>Title References: Vol 8029 Fol 078,<br/> Vol 10742 Fol 776 &amp;<br/> Vol 11367 Fol 117.</p> <p>Last Plan Reference: TP 846029T (LOT 1),<br/> PS 50492IU (LOT 2) &amp;<br/> PS 704115J (LOT 2)</p> <p>Postal Address: 232 &amp; 236 - 254 KOORLONG AVENUE &amp;<br/> 2926 - 2958 ELEVENTH STREET,<br/> NICHOLS POINT, 3501.</p> <p>MGA94 Co-ordinates: E 610130<br/> (Of approx. centre of plan) N 6213130 Zone 54</p> |                                              | <p>Council Name: Mildura Rural City Council</p> <p>Council Reference Number: 007.2016.00000387.001<br/> Planning Permit Reference: 2016.387<br/> SPEAR Reference Number: S108036T</p> <p>Certification</p> <p>This plan is certified under section 6 of the Subdivision Act 1988</p> <p>Public Open Space</p> <p>A requirement for public open space under section 18 of the Subdivision Act 1988 has not been made</p> <p>Digitally signed by: Natalie Jayne Dean for Mildura Rural City Council on 22/12/2017</p> <p>Statement Of Compliance issued: 31/01/2018</p> |                                          |                                                                                                                                      |
| Vesting of Roads or Reserves                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                              | Notations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                          |                                                                                                                                      |
| Identifier                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Council/Body/Person                          | <p>THE RESERVATIONS AND CONDITIONS CONTAINED IN INSTRUMENT OF TRANSFER 313921 AFFECT PART OF THE LAND IN THIS PLAN.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                          |                                                                                                                                      |
| NIL                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | NIL                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                          |                                                                                                                                      |
| Notations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                          |                                                                                                                                      |
| <p>Depth Limitation: DOES NOT APPLY</p> <p>Survey:- This plan is / <del>is not</del> based on survey.<br/> LOTS 1 &amp; 2 AND THE CONNECTION TO ELEVENTH STREET ARE THE RESULT OF SURVEY.<br/> LOT 3 IS THE BALANCE OF TITLES.<br/> <i>To be completed where applicable.</i><br/> This survey has been connected to permanent marks no(s).84&amp;324</p> <p>In Proclaimed Survey Area no. _____</p> <p>Staging      This <del>is</del> is not a staged subdivision<br/> Planning Permit No. 005.2016.00000387.001</p>                                                                                  |                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                          |                                                                                                                                      |
| Easement Information                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                          |                                                                                                                                      |
| <p><b>Legend:</b>    E - Encumbering Easement or Condition in Crown Grant in the Nature of an Easement<br/> A - Appurtenant Easement                      R - Encumbering Easement (Road)</p>                                                                                                                                                                                                                                                                                                                                                                                                          |                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                          |                                                                                                                                      |
| Easement Reference                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Purpose                                      | Width (Metres)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Origin                                   | Land Benefited/In Favour Of                                                                                                          |
| E-1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | WATER SUPPLY                                 | SEE DIAG.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | PS 50492IU                               | FIRST MILDURA IRRIGATION TRUST                                                                                                       |
| E-2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | WATER SUPPLY & DRAINAGE                      | 3                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | PS 50492IU                               | FIRST MILDURA IRRIGATION TRUST                                                                                                       |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | WATER SUPPLY & DRAINAGE                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | PS 50492IU                               | LOT 1 ON PS 50492IU                                                                                                                  |
| E-3                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | WATER SUPPLY & DRAINAGE                      | SEE DIAG.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | PS 50492IU                               | LOT 1 ON PS 50492IU                                                                                                                  |
| E-4                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | WAY & WATER SUPPLY                           | SEE DIAG.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | AF50165IY                                | LAND IN VOL 8850 FOL 595                                                                                                             |
| E-5                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | WATER SUPPLY                                 | SEE DIAG.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | PS 50492IU                               | FIRST MILDURA IRRIGATION TRUST                                                                                                       |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | WAY & WATER SUPPLY                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | AF50165IY                                | LAND IN VOL 8850 FOL 595                                                                                                             |
| E-6                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | WAY & WATER SUPPLY                           | 7                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | AF506724V                                | LAND IN VOL 11017 FOL 226                                                                                                            |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | PIPELINES OR ANCILLARY PURPOSES              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | THIS PLAN AND SECTION 136 WATER ACT 1989 | LOWER MURRAY URBAN & RURAL WATER CORPORATION                                                                                         |
| E-7                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | DRAINAGE                                     | 3                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | PS 704115J                               | LOWER MURRAY URBAN & RURAL WATER CORPORATION                                                                                         |
| E-8                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | PIPELINES OR ANCILLARY PURPOSES              | 12                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | PS 704115J                               | LOWER MURRAY URBAN & RURAL WATER CORPORATION                                                                                         |
| E-9                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | DRAINAGE AND PIPELINES OR ANCILLARY PURPOSES | 3                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | PS 704115J                               | LOWER MURRAY URBAN & RURAL WATER CORPORATION                                                                                         |
| E-10                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | PIPELINES OR ANCILLARY PURPOSES              | SEE DIAG.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | THIS PLAN AND SECTION 136 WATER ACT 1989 | LOWER MURRAY URBAN & RURAL WATER CORPORATION                                                                                         |
| E-11                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | DRAINAGE                                     | 3                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | THIS PLAN AND SECTION 136 WATER ACT 1989 | LOWER MURRAY URBAN & RURAL WATER CORPORATION                                                                                         |
| FREEMAN & FREEMAN<br>LAND SURVEYORS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                              | SURVEYORS REF : 9444                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                          | ORIGINAL SHEET<br>SIZE : A3                                                                                                          |
| PO BOX 2135 MILDURA VIC 3502<br>TELEPHONE: (03) 50236239<br>EMAIL: ffsurvey@ncable.com.au                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                              | Digitally signed by: Robert Bruce Freeman (Freeman and Freeman Land Surveyors),<br>Surveyor's Plan Version (3),<br>18/12/2017, SPEAR Ref: S108036T                                                                                                                                                                                                                                                                                                                                                                                                                    |                                          | Sheet 1 of 2 Sheets<br><br>PLAN REGISTERED<br>TIME: 04:35 pm      DATE: 24/07/2018<br>Tarek Mahmoud<br>Assistant Registrar of Titles |



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**AQ489921M**

**FORM 18**

Section 181

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

**Planning and Environment Act 1987**

**Lodged by:**

**Name:** MIR LAWYERS  
**Phone:** 03 50237900  
**Address:** 61 Deakin Avenue, Mildura VIC 3500  
**Ref:** SAYERS, HELMS & ANOR.  
**Customer Code:** 1008B

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

**LAND:** Lot 2 on PS704115J contained in Certificate of Title Volume 11367 Folio 117;  
Lot 1 on TP846029T contained in Certificate of Title Volume 08029 Folio 078; and  
Lot 2 on PS504921U contained in Certificate of Title Volume 10742 Folio 776

**AUTHORITY:** Mildura Rural City Council of 108-116 Madden Avenue, Mildura, Victoria 3500

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

**A COPY OF THIS AGREEMENT IS ATTACHED TO THIS APPLICATION**

Signature of Authority .....  
Name of Officer ..... Gerard Jose  
Position ..... Chief Executive Officer  
Mildura Rural City Council  
Date ..... 23.11.17

**AQ489921M**

**MILDURA RURAL CITY COUNCIL**  
**and**  
**AARON LEIGH SAYERS and LAUREN**  
**MICHELLE SAYERS**  
**and**  
**KAREN MARIE HELMS**  
**and**  
**P & E MARCIANO INVESTMENTS PTY LTD**  
**(ACN 119 614 176)**

**SECTION 173 AGREEMENT**  
**232, 236-254 KOORLONG AVENUE and**  
**2926-2958 ELEVENTH STREET NICHOLS**  
**POINT**



**MIR Lawyers**  
61 Deakin Avenue  
MILDURA VIC 3500  
DX 50022 MILDURA  
  
Phone: 03 5023 7900  
Fax: 03 5023 7560  
Ref: KEM/DD/102205-164

KEM-102205-164-I-V3

**AQ489921M**

Section 173 Agreement – 232, 236-254 Koorlong Avenue and 2926-2958 Eleventh Street Nichols Point

**THIS AGREEMENT** is made on the 23 day of November 2017.

**PARTIES**

**BETWEEN** **MILDURA RURAL CITY COUNCIL** of 108 – 116 Madden Avenue, Mildura in the State of Victoria ("**the Council**")

**AND** **AARON LEIGH SAYERS and LAUREN MICHELLE SAYERS** both of Mildura in the State of Victoria **AND KAREN MARIE HELMS** of Nichols Point in the State of Victoria **AND P & E MARCIANO INVESTMENTS PTY LTD (ACN 119 614 176)** whose registered address is situate at 133 Langtree Avenue Mildura in the State of Victoria ("**the Owners**")

**RECITALS**

- A. The Owners are registered or are entitled to be registered as the proprietors of the Land.
- B. The Council is the responsible authority under the Planning and Environment Act 1987 ("the Act") for the Mildura Planning Scheme ("the Planning Scheme").
- C. The Owners have made an application to the Council for a planning permit under the Planning Scheme for the development of the Land for a two (2) lot subdivision ("the Development").
- D. The Council has agreed to the Development subject to the conditions contained in the planning permit issued on 30 January 2017, amended on 30 August 2017 and numbered 005.2016.00000387.002 ("the Permit").
- E. Condition 4 of the Permit provides:
  - 4. Prior to the issue of a Statement of Compliance, the owner must enter into an agreement with the Responsible Authority in accordance with Section 173 of the Planning and Environment Act, 1987. The agreement must be to the satisfaction of the Responsible Authority and must provide for the following:

That:

    - The land may not be further subdivided (other than for a resubdivision which is in accordance with the provisions of this incorporated document); and

KEM-102205-164-1-V3

**AQ489921M**

Section 173 Agreement – 232, 236-254 Koorlong Avenue and 2926-2958 Eleventh Street Nichols Point

- No further dwellings may be constructed on any lot, except for new lots created which are in accordance with the following:
  - (a) The new lot is at least 0.2 hectares but not greater than 2 hectares in area, and the following requirements are met:
    - the new lot is located within the Mildura East Growth Area or the Mildura South Growth Area (Map 2); and
    - the new lot is created from original lots which included an equivalent lot of at least 0.2 hectares but not greater than 2 hectares; and
    - the equivalent original lot was not encumbered by a Section 173 agreement stating that no further dwelling is allowed;
    - the number of lots of at least 0.2 hectares but not greater than 2 hectares without an existing dwelling is not increased; and
    - the new lot is not located within the Mildura South By-pass Corridor (Map 2).
  - (b) The new lot is at least 10 hectares in area and all of the following requirements are met:
    - the new lot is created from original lots which included an equivalent lot of at least 10 hectares; and
    - the equivalent original lot was not encumbered by a section 173 agreement stating that no further dwelling is allowed; and
    - the number of lots of at least 10 hectares without an existing dwelling is not increased.

Any variation to an agreement prepared under Section 173 of the Act, including amending or ending the agreement, requires approval from both the responsible authority and the Minister for Planning.

This agreement is to be registered on the title to all Lots and any cost associated with its preparation must be borne by the owner.

**THE PARTIES AGREE:**

**1. DEFINITIONS**

In this Agreement unless inconsistent with the context or subject matter: -

**“Act”** means the Planning and Environment Act 1987 (Vic);

**“Council”** means the Mildura Rural City Council and any or its successors or assigns;

**“Land”** means the property situate at 232, 236-254 Koorlong Avenue and 2926-2958 Eleventh Street Nichols Point in the State of Victoria and described as:

Lot 2 on PS704115J contained in Certificate of Title Volume 11367 Folio 117; and

Lot 1 on TP846029T contained in Certificate of Title Volume 08029 Folio 078;

Lot 2 on PS504921U contained in Certificate of Title Volume 10742 Folio 776

**“Lot”** means any allotment created as a result of the Development;

**“Owner”** means the person or persons described as Owner at the time of entering into this Agreement and the person or persons entitled from time to time to be registered by the Registrar of Titles as the proprietor or proprietors of an estate in fee simple of the Land or any allotment created by any subdivision of the same and shall include the singular and the plural;

**“Permit”** means planning permit number 005.2016.00000387.002 issued by the Council on 30 January 2017 and amended on 30 August 2017.

**2. INTERPRETATION**

In this Agreement, unless a contrary intention appears:

- (a) the singular includes the plural and vice versa;
- (b) words importing any gender include all other genders;
- (c) “person” includes a firm, a body corporate, or an unincorporated association;
- (d) a reference to a person includes a reference to the person's executors, administrators, successors, substitutes, assigns, employees, servants, agents, consultants, contractors, advisers, financiers, subcontractors, licensees and invitees;
- (e) a reference to this Agreement or another instrument includes any variation or replacement of any of them;

- (f) a reference to a statute, ordinance, code or other law includes regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of any of them.

**3. SECTION 173 AGREEMENT**

**3.1 Agreement under Section 173 of the Act**

The Council and the Owners have agreed that without restricting or limiting their respective powers to enter into this Agreement and insofar as it can be so treated this Agreement shall be treated as an agreement under Section 173 of the Act.

**3.2 Covenants Run with the Land**

The Owners acknowledge and agree that any obligation imposed on the Owners under this Agreement takes effect as a covenant which is annexed to the Land and runs at law and in equity with the Land until this Agreement ends.

**4. COMMENCEMENT**

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

**5. OWNER'S COVENANTS**

**5.1 Successors in title**

The Owners will not sell, transfer, dispose of, assign, mortgage or otherwise part with possession of all or part of the Land after execution of this Agreement and before its registration at the Land Titles Office without first disclosing to its successors the existence and nature of this Agreement.

**5.2 Registration**

The Owners will do all things necessary to enable the Council to register this Agreement on the Certificate of Title to the Land in accordance with Section 181 of the Act including signing any further agreement, acknowledgement or document to enable the Agreement to be registered under that Section.

**5.3 Performance of Covenants**

The Owners will do all things necessary including the signing of such further agreements, undertakings, covenants, consents, approvals or other documents for the purpose of ensuring that it carries out the covenants and agreements and

obligations contained in this Agreement and to enable the Council to enforce the performance by the Owners of such covenants, agreements and undertakings.

**5.4 Comply with Permit**

The Owners will comply with and carry out the conditions of the Permit.

**5.5 Costs**

The Owners will pay the Council's costs of and incidental to the preparation and execution of this Agreement and the registration of this Agreement at the Land Titles Office pursuant to Section 181 of the Act and any duties or fees payable in connection with either the Agreement or the registration of the Agreement at the Land Titles Office.

**5.6 No further subdivision**

The Owners acknowledge and agree that the land will not be further subdivided other than for a resubdivision which is in accordance with the provisions of the Incorporated Document.

**5.7 No further dwellings**

The Owners will not construct or permit to be constructed any further dwellings on any lot except for new lots created which are in accordance with the following:

- (a) The new lot is at least 0.2 hectares but not greater than 2 hectares in area, and the following requirements are met:
- the new lot is located within the Mildura East Growth Area or the Mildura South Growth Area (Map 2); and
  - the new lot is created from original lots which included an equivalent lot of at least 0.2 hectares but not greater than 2 hectares; and
  - the equivalent original lot was not encumbered by a Section 173 agreement stating that no further dwelling is allowed;
  - the number of lots of at least 0.2 hectares but not greater than 2 hectares without an existing dwelling is not increased; and

- the new lot is not located within the Mildura South By-pass Corridor (Map 2).

(b) The new lot is at least 10 hectares in area and all of the following requirements are met:

- the new lot is created from original lots which included an equivalent lot of at least 10 hectares; and
- the equivalent original lot was not encumbered by a section 173 agreement stating that no further dwelling is allowed; and
- the number of lots of at least 10 hectares without an existing dwelling is not increased

#### **5.8 Variation of agreement**

The Owners acknowledge and agree that any variation to this Agreement including amending or ending the Agreement requires the approval of both the Responsible Authority and the Minister for Planning.

### **6. ADDITIONAL MATTERS**

#### **6.1 Severance**

If any provision of this Agreement is not valid it shall not affect the validity of the other provisions of this Agreement but shall be read down or severed so as to leave the other provisions of this Agreement in effect.

#### **6.2 Proper law**

This Agreement is governed by and the parties submit to the jurisdiction of the laws of the State of Victoria.

#### **6.3 Joint & several**

This Agreement is binding on the Owners and the Owners for the time being of any Lot created by the Development. In the event that there is more than one Owner of any Lot the covenants, undertakings, warranties and liabilities of the Owners of the Lot shall be joint and several.

**6.4 No Waiver**

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

**7. DEFAULT OF OWNERS**

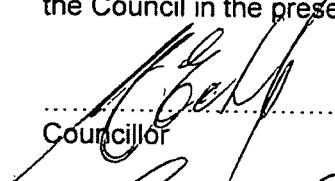
In the event of the Owners defaulting or failing to perform any of the obligations under this Agreement, the Council may without prejudice to any other remedies rectify such default and the cost of any works undertaken by the Council to rectify any default shall be borne by the Owners and any such costs together with any amount payable to Council pursuant to this Agreement shall be capable of being recovered by the Council in any Court of competent jurisdiction as a civil debt recoverable summarily.

**EXECUTED** as a deed.

**AQ489921M**

Section 173 Agreement – 232, 236-254 Koorlong Avenue and 2926-2958 Eleventh Street Nichols Point

**THE COMMON SEAL** of the )  
**MILDURARURAL CITY COUNCIL** )  
was affixed hereto by authority of )  
the Council in the presence of: )

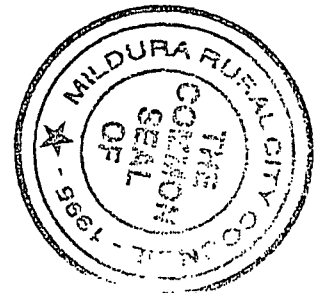
  
Councillor

  
Councillor

  
Chief Executive Officer

**SIGNED SEALED & DELIVERED** )  
by the said **AARON LEIGH SAYERS** )  
in the presence of: **RONALD HELMS.** )

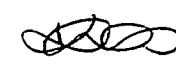
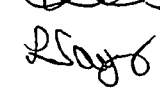
  

**SIGNED SEALED & DELIVERED** )  
by the said **LAUREN MICHELLE SAYERS** )  
in the presence of: **RONALD HELMS** )


**SIGNED SEALED & DELIVERED** )  
by the said **KAREN MARIE HELMS** in )  
the presence of: **LAUREN SAYERS** )

**SIGNED** for and on behalf of )  
**P & E MARCIANO INVESTMENTS** )  
**PTY LTD** in the presence of: **RONALD HELMS** )



  
Director

  
Director

**AQ489921M**

Section 173 Agreement – 232, 236-254 Koorlong Avenue and 2926-2958 Eleventh Street Nichols Point

**MORTGAGEE'S CONSENT**

**COMMONWEALTH BANK OF AUSTRALIA** being the registered Mortgagee under Mortgage No **AL704905K** which encumbers the land firstly described in clause 1 in the attached agreement **HEREBY CONSENTS** to the Owners, **AARON LEIGH SAYERS** and **LAUREN MICHELLE SAYERS**, encumbering the land with the within Agreement.

**DATED this**

**day of**

**2017.**

.....  
**FOR AND ON BEHALF OF COMMONWEALTH BANK  
OF AUSTRALIA**

SIGNED, SEALED AND DELIVERED in Sydney  
for and on behalf of the COMMONWEALTH BANK  
of AUSTRALIA by its Attorney



**Elmira Abdulkhalikova**

under Power dated 11 December 2000 a certified  
copy of which is filed in Permanent Order Book  
No. 277 at Page 016 who certifies that he/she is

**SENIOR CONVEYANCING OFFICER**  
Sydney of COMMONWEALTH BANK OF AUSTRALIA  
in the presence of:

  
**David Wall**

150 George Street Parramatta NSW 2150

**AQ489921M**

Section 173 Agreement – 232, 236-254 Koorlong Avenue and 2926-2958 Eleventh Street Nichols Point

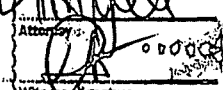
**MORTGAGEE'S CONSENT**

**BENDIGO AND ADELAIDE BANK LTD** being the registered Mortgagee under Mortgage Number **AG946643F** which encumbers the land secondly described in clause 1 in the attached agreement **HEREBY CONSENTS** to the Owner, **KAREN MARIE HELMS** encumbering the land with the within Agreement.

**DATED this** \_\_\_\_\_ **day of** \_\_\_\_\_ **2017.**

.....  
**FOR AND ON BEHALF OF BENDIGO AND  
ADELAIDE BANK LTD**

EXECUTED by  
BENDIGO and ADELAIDE BANK LTD  
ABN 11 088 049 178  
by being signed by its Attorney  
**Kelsey Alexandra McGill**  
who certify that they are the  
**LOAN SERVICES OFFICER**  
being authorised Officer of the Company  
under Power of Attorney dated 7 March 2016  
a certified copy of which is filed in Permanent  
Order Book No. 277 at Page 036 Item 15 in the  
presence of:-

  
Attorney:  
  
Witness Signature  
**Danyel Walee Doorley**  
Witness Name

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**AJ779553K**

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**FORM 18**

Section 181

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

**Planning and Environment Act 1987**

**Lodged by:**

**Name:** Martin Irwin & Richards Lawyers  
**Phone:** 03 50237900  
**Address:** 61 Deakin Avenue, Mildura VIC 3500  
**Ref:** **MATHESON**  
**Customer Code:** 1008B

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

**LAND:** Lot 2 on PS200671B contained in Certificate of Title Volume 09631 Folio 263

**AUTHORITY:** Mildura Rural City Council of 108-116 Madden Avenue, Mildura, Victoria 3500

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

**A COPY OF THIS AGREEMENT IS ATTACHED TO THIS APPLICATION**

Signature of Authority .....  
Name of Officer ..... *Mark Henderson*  
Position ..... *CEO*  
Date ..... *29.6.12*

**AJ779553K**



**MILDURA RURAL CITY COUNCIL**

**and**

**TREVOR WILLIAM MATHESON**

**SECTION 173 AGREEMENT  
216-234 KOORLONG AVENUE NICHOLS  
POINT**



**Martin Irwin & Richards  
Lawyers**

61 Deakin Avenue  
MILDURA VIC 3500  
DX 50022 MILDURA

Phone: 03 5023 7900  
Fax: 03 5021 2700  
Ref: KEM:DD 12-0699

**AJ779553K**

06/07/2012 \$110.30 173



Section 173 Agreement – 216-234 Koorlong Avenue Nichols Point

**THIS AGREEMENT** is made on the 29<sup>th</sup> day of June 2012.

**PARTIES**

**BETWEEN** **MILDURA RURAL CITY COUNCIL** of 108 – 116 Madden Avenue, Mildura in the State of Victoria ("**the Council**")

**AND** **TREVOR WILLIAM MATHESON** of Koorlong Avenue Mildura in the State of Victoria ("**the Owner**")

**RECITALS**

- A. The Owner is registered or is entitled to be registered as the proprietor of the Land.
- B. The Council is the responsible authority under the Planning and Environment Act 1987 ("**the Act**") for the Mildura Planning Scheme ("**the Planning Scheme**").
- C. The Owner has made an application to the Council for a planning permit under the Planning Scheme for the development of the Land for a two (2) lot subdivision dwelling excision ("**the Development**").
- D. The Council has agreed to the Development subject to the conditions contained in the planning permit issued on 13 January 2012 and numbered 005.20011.00000298.001 ("**the Permit**").
- E. Condition 7 of the Permit provides:
  - 7. Prior to the issue of a Statement of Compliance, the owner must enter into an agreement with the Responsible Authority in accordance with Section 173 of the Planning and Environment Act, 1987. The agreement must be to the satisfaction of the Responsible Authority and must provide for the following:

That:

    - (i) This land has been subject to a subdivision in accordance with Mildura Planning Scheme;
    - (ii) Any allotment created pursuant to planning permit 005.2011.00000298.001 (or any subsequent amendment to this permit) may not be further subdivided (other than for a

**AJ779553K**

06/07/2012 \$110.30 173



Section 173 Agreement – 216-234 Koorlong Avenue Nichols Point

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resubdivision which is in accordance with the provisions of the current Mildura Older Irrigated Area Incorporated Document);

- (iii) No further dwellings may be constructed on either Lot;
- (iv) Any variation to this Agreement including amending or ending the Agreement requires approval from both the Responsible Authority and the Minister for Planning.

This agreement is to be registered on the title to all Lots created in the plan of subdivision under Section 181 of the Act and any cost associated with the process including preparation, lodging and checking of the Agreement must be borne by the owner.

#### **THE PARTIES AGREE:**

##### **1. DEFINITIONS**

In this Agreement unless inconsistent with the context or subject matter: -

**“Act”** means the Planning and Environment Act 1987 (Vic);

**“Council”** means the Mildura Rural City Council and any or its successors or assigns;

**“Land”** means the property situate at 216-234 Koorlong Avenue Nichols Point in the State of Victoria and described as:

- Lot 2 on PS200671B contained in Certificate of Title Volume 09631 Folio 263

**“Lot”** means any allotment created as a result of the Development;

**“Owner”** means the person or persons described as Owner at the time of entering into this Agreement and the person or persons entitled from time to time to be registered by the Registrar of Titles as the proprietor or proprietors of an estate in fee simple of the Land or any allotment created by any subdivision of the same and shall include the singular and the plural;

**“Permit”** means planning permit number 005.2011.00000298.001 issued by the Council on 13 January 2012.

##### **2. INTERPRETATION**

In this Agreement, unless a contrary intention appears:

- (a) the singular includes the plural and vice versa;

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Section 173 Agreement – 216-234 Koorlong Avenue Nichols Point



- (b) words importing any gender include all other genders;
- (c) "person" includes a firm, a body corporate, or an unincorporated association;
- (d) a reference to a person includes a reference to the person's executors, administrators, successors, substitutes, assigns, employees, servants, agents, consultants, contractors, advisers, financiers, subcontractors, licensees and invitees;
- (e) a reference to this Agreement or another instrument includes any variation or replacement of any of them;
- (f) a reference to a statute, ordinance, code or other law includes regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of any of them.

### **3. SECTION 173 AGREEMENT**

#### **3.1 Agreement under Section 173 of the Act**

The Council and the Owner have agreed that without restricting or limiting their respective powers to enter into this Agreement and insofar as it can be so treated this Agreement shall be treated as an agreement under Section 173 of the Act.

#### **3.2 Covenants Run with the Land**

The Owner acknowledges and agrees that any obligation imposed on the Owner under this Agreement takes effect as a covenant which is annexed to the Land and runs at law and in equity with the Land until this Agreement ends.

### **4. COMMENCEMENT**

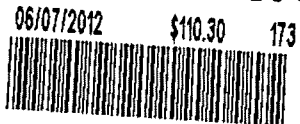
This Agreement will come into force and effect from the date of this Agreement.

### **5. OWNER'S COVENANTS**

#### **5.1 Successors in title**

The Owner will not sell, transfer, dispose of, assign, mortgage or otherwise part with possession of all or part of the Land after execution of this Agreement and before its registration at the Land Titles Office without first disclosing to its successors the existence and nature of this Agreement.

**AJ779553K**



Section 173 Agreement – 216-234 Koorlong Avenue Nichols Point

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**5.2 Registration**

The Owner will do all things necessary to enable the Council to register this Agreement on the Certificate of Title to the Land in accordance with Section 181 of the Act including signing any further agreement, acknowledgement or document to enable the Agreement to be registered under that Section.

**5.3 Performance of Covenants**

The Owner will do all things necessary including the signing of such further agreements, undertakings, covenants, consents, approvals or other documents for the purpose of ensuring that it carry out the covenants and agreements and obligations contained in this Agreement and to enable the Council to enforce the performance by the Owner of such covenants, agreements and undertakings.

**5.4 Comply with Permit**

The Owner will comply with and carry out the conditions of the Permit.

**5.5 Costs**

The Owner will pay the Council's costs of and incidental to the preparation and execution of this Agreement and the registration of this Agreement at the Land Titles Office pursuant to Section 181 of the Act and any duties or fees payable in connection with either the Agreement or the registration of the Agreement at the Land Titles Office.

**5.6 No further subdivision**

The Owner will not subdivide or permit to be subdivided any allotment created pursuant to Planning Permit 005.2011.00000298.001 or any subsequent amended to this permit other than for a resubdivision which is in accordance with the provisions of the current Mildura Older Irrigated Area Incorporated Document.

**5.7 No further dwellings**

The Owner will not construct or permit to be constructed any dwellings on any allotment created pursuant to Planning Permit 005.2011.00000298.001 or any subsequent amendment to this permit.

**AJ779553K**

Section 173 Agreement – 216-234 Koorlong Avenue Nichols Point

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**5.8 Variation of agreement**

The Owner acknowledges and agrees that any variation to this Agreement including amending or ending the Agreement requires the approval of both the Responsible Authority and the Minister for Planning.

**6. ADDITIONAL MATTERS**

**6.1 Severance**

If any provision of this Agreement is not valid it shall not effect the validity of the other provisions of this Agreement but shall be read down or severed so as to leave the other provisions of this Agreement in effect.

**6.2 Proper law**

This Agreement is governed by and the parties submit to the jurisdiction of the laws of the State of Victoria.

**6.3 Joint & several**

This Agreement is binding on the Owner and the Owner for the time being of any Lot created by the Development. In the event that there is more than one Owner of any Lot the covenants, undertakings, warranties and liabilities of the Owners of the Lot shall be joint and several.

**6.4 No Waiver**

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

**7. DEFAULT OF OWNER**

In the event of the Owner defaulting or failing to perform any of the obligations under this Agreement, the Council may without prejudice to any other remedies rectify such default and the cost of any works undertaken by the Council to rectify any default shall be borne by the Owner and any such costs together with any amount payable to Council pursuant to this Agreement shall be capable of being

AJ779553K  
06/07/2012 \$110.30 173  

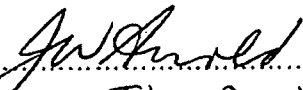

Section 173 Agreement – 216-234 Koorlong Avenue Nichols Point

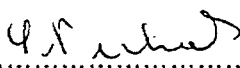
recovered by the Council in any Court of competent jurisdiction as a civil debt recoverable summarily.

EXECUTED as a deed.

THE COMMON SEAL of the )  
MILDURA RURAL CITY COUNCIL )  
was affixed hereto by authority of )  
the Council in the presence of: )

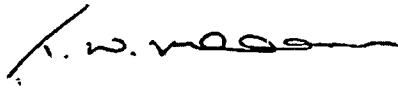


  
.....  
Councillor John Arnold

  
.....  
Councillor Sue Nichols

  
.....  
Chief Executive Officer

SIGNED SEALED & DELIVERED  
by the said TREVOR WILLIAM  
MATHESON in the presence of:

)   
)  
) Margaret A. Maguire  
MARGARET A. MAGUIRE

**AJ779553K**

06/07/2012 \$110.30 173



Section 173 Agreement – 216-234 Koorlong Avenue Nichols Point

**MORTGAGEE'S CONSENT**

**COMMONWEALTH BANK OF AUSTRALIA** being the registered Mortgagee under Mortgage No **U996560E** which encumbers the land firstly described in clause 1 in the attached agreement **HEREBY CONSENTS** to the Owner, **TREVOR WILLIAM MATHESON**, encumbering the land with the within Agreement.

DATED this

05

day of

June

2012.

.....  
FOR AND ON BEHALF OF COMMONWEALTH  
BANK OF AUSTRALIA



# PLANNING PROPERTY REPORT



Department  
of Transport  
and Planning

From [www.planning.vic.gov.au](http://www.planning.vic.gov.au) at 05 May 2026 11:04 AM

## PROPERTY DETAILS

Address: **232 KOORLONG AVENUE NICHOLS POINT 3501**  
Lot and Plan Number: **Lot 1 PS802411**  
Standard Parcel Identifier (SPI): **1\PS802411**  
Local Government Area (Council): **MILDURA**  
Council Property Number: **403717**  
Planning Scheme: **Mildura**  
Directory Reference: **Vicroads 3 E5**

[www.mildura.vic.gov.au](http://www.mildura.vic.gov.au)

[Planning Scheme - Mildura](#)

## UTILITIES

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

## STATE ELECTORATES

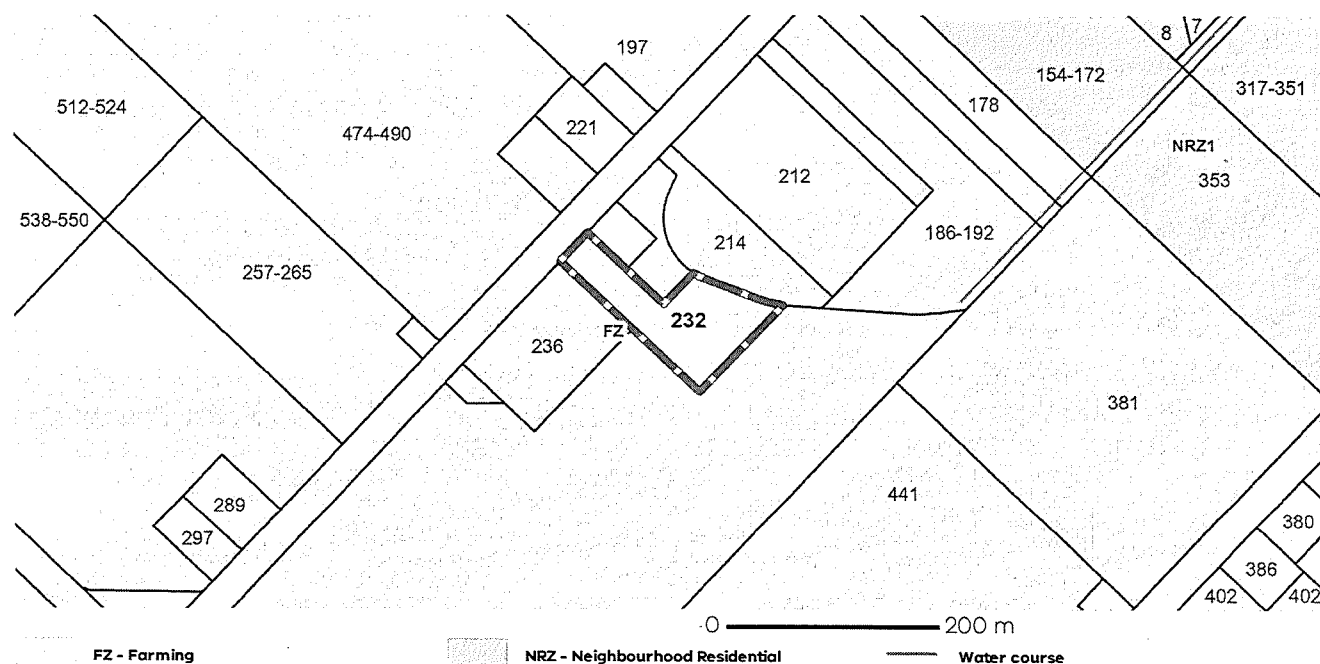
Legislative Council: **NORTHERN VICTORIA**  
Legislative Assembly: **MILDURA**  
**OTHER**  
Registered Aboriginal Party: **First People of the Millewa-Mallee**  
Fire Authority: **Country Fire Authority**

[View location in VicPlan](#)

## Planning Zones

### FARMING ZONE (FZ)

### SCHEDULE TO THE FARMING ZONE (FZ)



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

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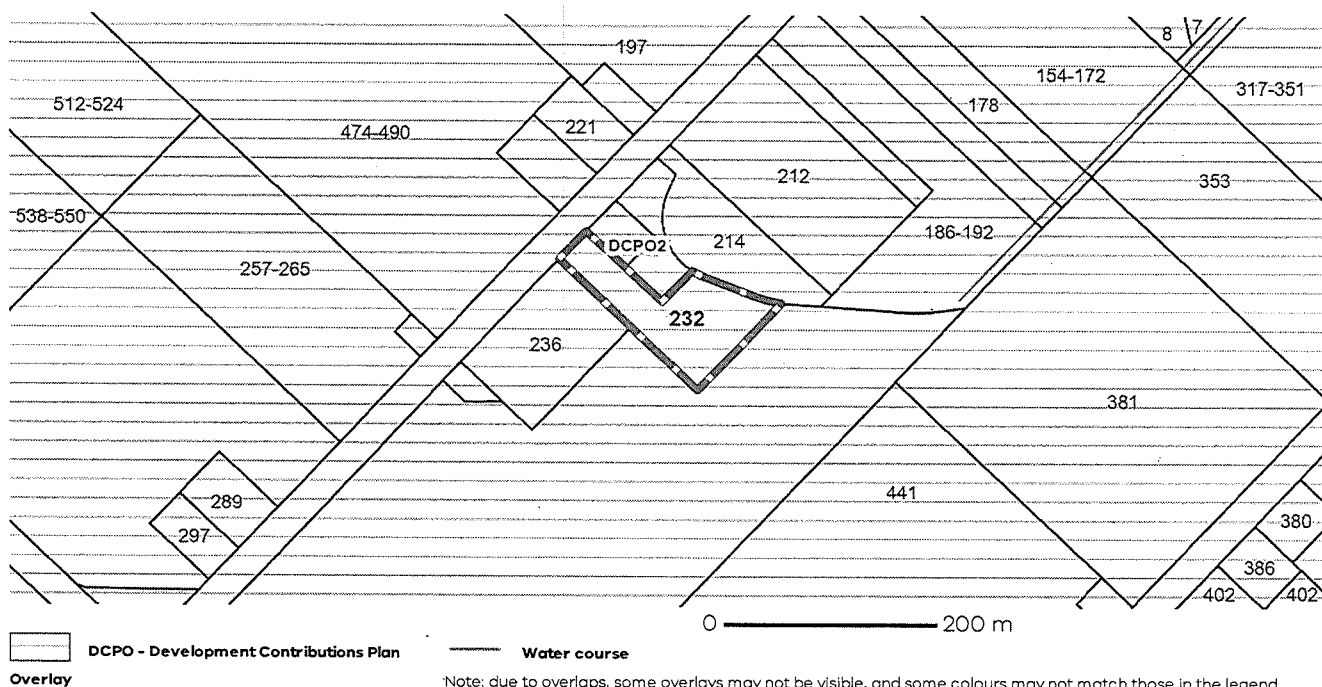
**Disclaimer:** This content is provided for information purposes only. No claim is made as to the accuracy or authenticity of the content. The Victorian Government does not accept any liability to any person for the information provided.  
Read the full disclaimer at <https://www.vic.gov.au/disclaimer>

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

## Planning Overlays

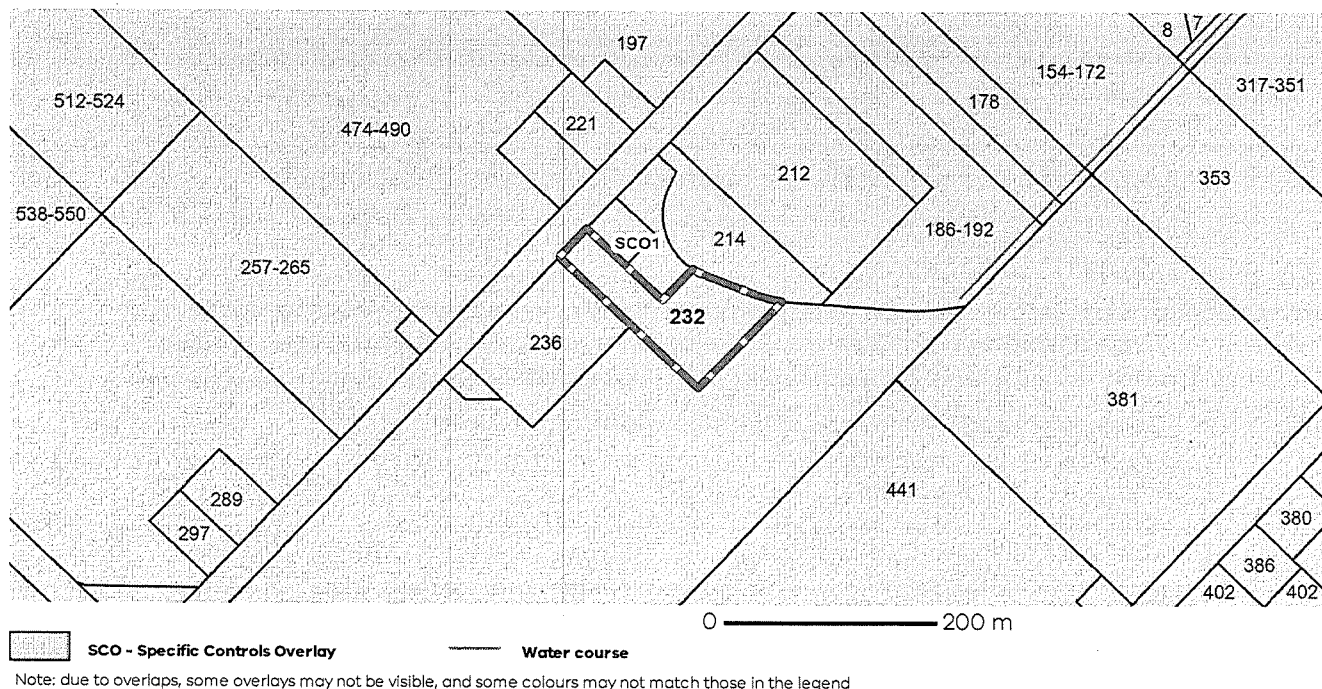
### DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY (DCPO)

#### DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY - SCHEDULE 2 (DCPO2)



### SPECIFIC CONTROLS OVERLAY (SCO)

#### SPECIFIC CONTROLS OVERLAY - PS MAP REF SCO1 SCHEDULE (SCO1)

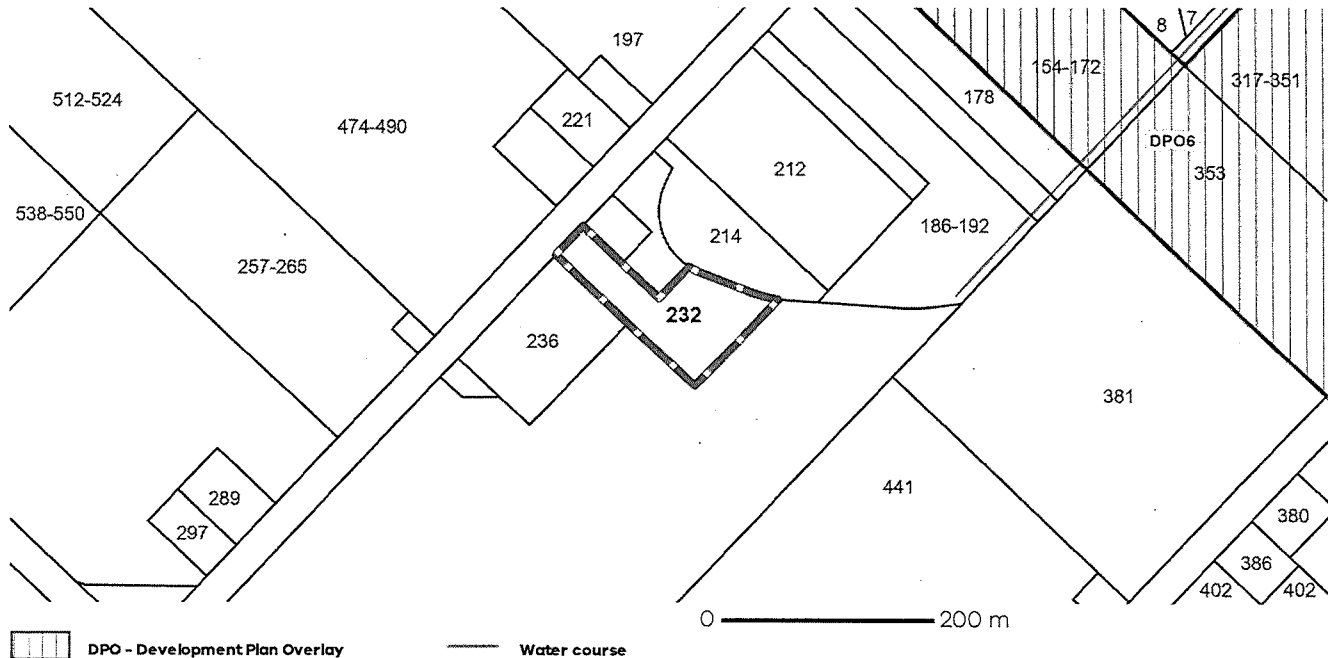


## Planning Overlays

### OTHER OVERLAYS

Other overlays in the vicinity not directly affecting this land

### DEVELOPMENT PLAN OVERLAY (DPO)



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

## Further Planning Information

Planning scheme data last updated on 30 April 2026.

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

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

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

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

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

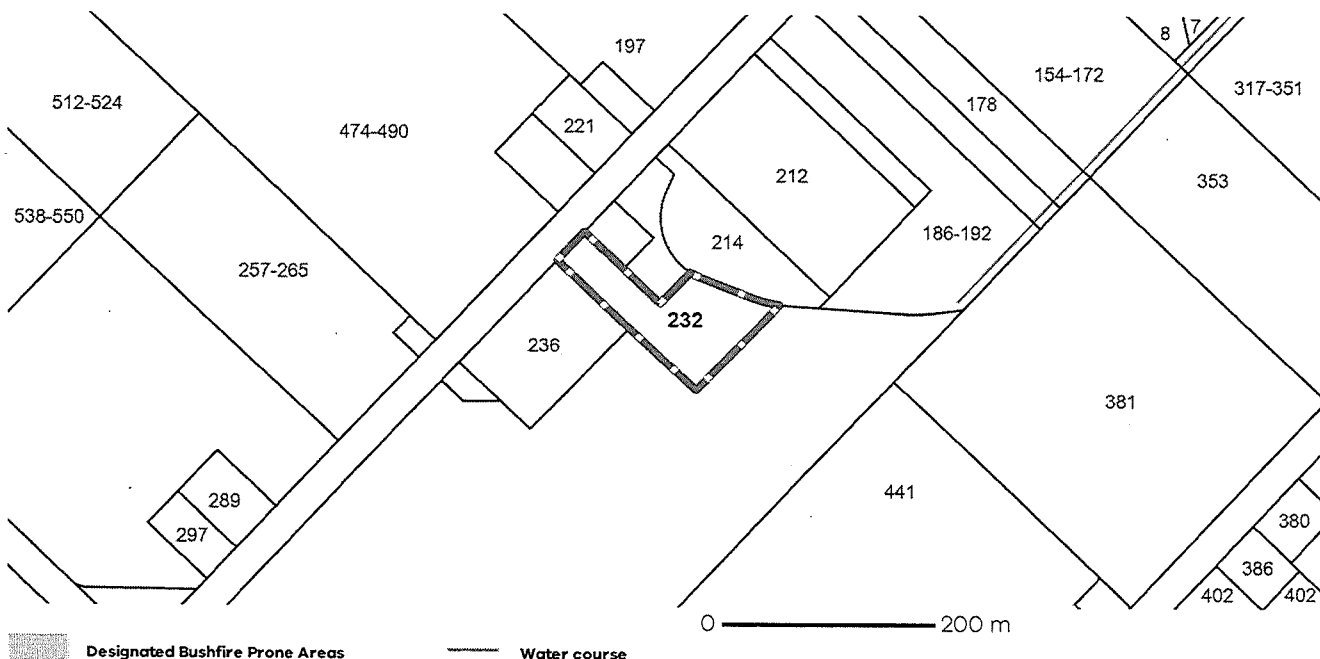
## Designated Bushfire Prone Areas

**This property is not in a designated bushfire prone area.**

**No special bushfire construction requirements apply. Planning provisions may apply.**

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

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



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

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

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

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

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

## Native Vegetation

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

To help identify native vegetation on this property and the application of Clause 52.17 please visit the Native Vegetation Regulations Map (NVR Map) <https://mapshare.vic.gov.au/nvr/> and [Native vegetation \(environment.vic.gov.au\)](https://www.environment.vic.gov.au) or please contact your relevant council.

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

# PROPERTY REPORT



Energy,  
Environment  
and Climate Action

Created at 05 May 2026 11:03 AM

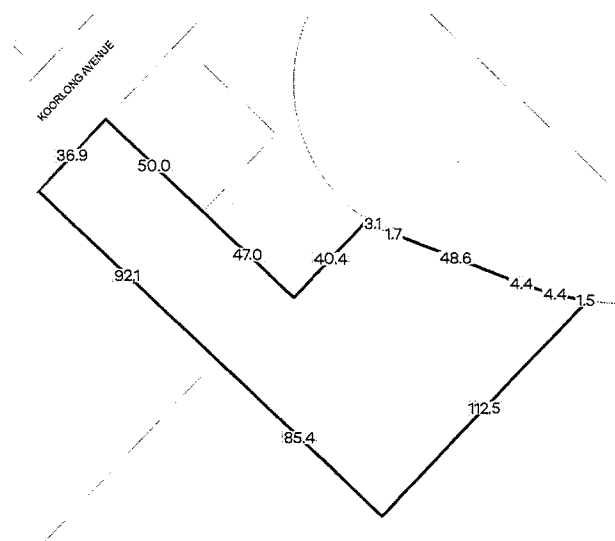
## PROPERTY DETAILS

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Local Government Area (Council): **MILDURA**  
Council Property Number: **403717**  
Directory Reference: **Vicroads 3 E5**

[www.mildura.vic.gov.au](http://www.mildura.vic.gov.au)

## SITE DIMENSIONS

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



**Area:** 11073 sq. m (1.11 ha)

**Perimeter:** 553 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.

8 overlapping dimension labels are not being displayed

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

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

## UTILITIES

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

## STATE ELECTORATES

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

## PLANNING INFORMATION

Property Planning details have been removed from the Property Reports to avoid duplication with the Planning Property Reports from the Department of Transport and Planning which are the authoritative source for all Property Planning information.

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

Planning Property Reports can be found via these two links

**Vicplan** <https://mapshare.vic.gov.au/vicplan/>

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

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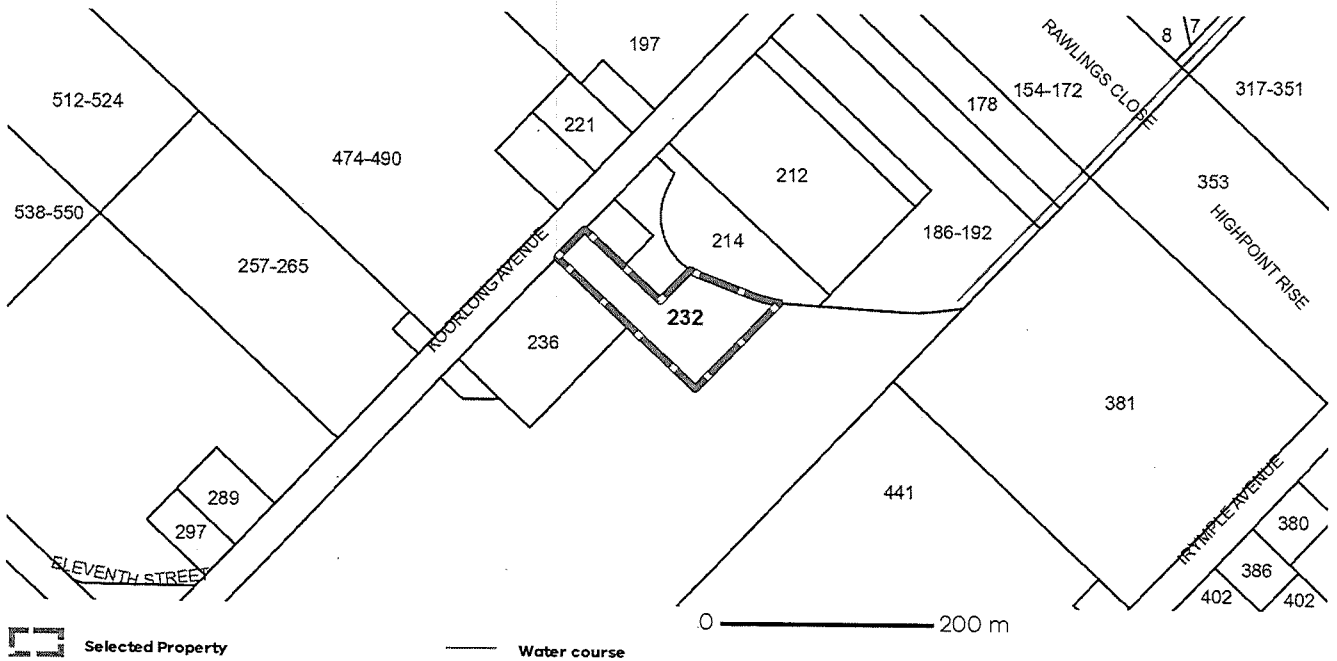
PROPERTY REPORT: 232 KOORLONG AVENUE NICHOLS POINT 3501

# PROPERTY REPORT



Energy,  
Environment  
and Climate Action

## Area Map



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PROPERTY REPORT: 232 KOORLONG AVENUE NICHOLS POINT 3501



Build with confidence!



Building Amendment (Swimming Pool and Spa) Regulations 2019  
S.R. No. 116/2019

**S.R. No. 116/2019**

FORM 23

Regulations 147Y(4), 147ZB(2)

Building Act 1993  
Building Regulations 2018

## Certificate of Pool and Spa Barrier Compliance

Issued to:

|                                                                                           |                                              |
|-------------------------------------------------------------------------------------------|----------------------------------------------|
| 1. Name of owner of the land (the property) on which the swimming pool or spa is located: | Aaron & Lauren Sayers                        |
| 2. Postal address:                                                                        | 232 Koorlong Avenue, Nichols Point, VIC 3501 |
| 3. Telephone number:                                                                      | 0419 535 033                                 |
| 4. Email address:                                                                         | laurensayers5834@yahoo.com.au                |

### Property details

|                    |                            |             |                 |                                                        |               |          |      |
|--------------------|----------------------------|-------------|-----------------|--------------------------------------------------------|---------------|----------|------|
| Number             | 232                        | Street/Road | Koorlong Avenue | City/suburb/town                                       | Nichols Point | Postcode | 3501 |
| Lot/s              | 1                          | LP/PS       | PS802411H       | Volume                                                 | 12002         | Folio    | 482  |
| Crown allotment    | N/A                        | Section     | N/A             | Parish                                                 | N/A           | County   | N/A  |
| Municipal District | Mildura Rural City Council |             |                 | Allotment area (for new dwellings only) m <sup>2</sup> |               | 0        |      |

### Type of swimming pool or spa: *[please tick]*

- Permanent swimming pool ☒
- Permanent spa ☐
- Relocatable swimming pool ☐
- Relocatable spa ☐

|                                                                        |                                     |
|------------------------------------------------------------------------|-------------------------------------|
| 5. Date of construction of the swimming pool or spa:                   | 28/04/2020                          |
| 6. Applicable barrier standard:                                        | AS1926.1-2012                       |
| 7. The applicable barrier standard applies under: <i>[please tick]</i> |                                     |
| • Division 2 of Part 9A of the Building Regulations 2018               | <input type="checkbox"/>            |
| • relevant deemed to satisfy provisions of the BCA                     | <input checked="" type="checkbox"/> |
| • a performance solution in accordance with the BCA                    | <input type="checkbox"/>            |
| 8. Date(s) of inspection(s) of the swimming pool or spa barrier:       | 14 May 2026                         |

### Certificate of compliance

Following inspection of the swimming pool barrier on the date(s) referred to in item 8 of this certificate, I certify that the barrier complies with the applicable barrier standard.

**Building Amendment (Swimming Pool and Spa) Regulations 2019**  
S.R. No. 116/2019

**S.R. No. 116/2019**

|                                               |                                                                                     |
|-----------------------------------------------|-------------------------------------------------------------------------------------|
| Signature of swimming pool and spa inspector: |  |
| Date:                                         | 14 May 2026                                                                         |

9. I confirm that I did not carry out building work on the barrier to address identified non-compliance of the barrier prior to certifying the barrier's compliance with the applicable barrier standard.

**Inspector details**

|                                               |                                    |
|-----------------------------------------------|------------------------------------|
| 10. Name of registered building practitioner: | Ryan Kee                           |
| 11. ARBN                                      | 55 140 846 759                     |
| 12. Address:                                  | 133B Lime Avenue Mildura, VIC 3500 |
| 13. Email:                                    | ryan@andersongroupmildura.com.au   |
| 14. Building practitioner registration no.:   | IN-L 39873                         |
| 15. Municipal council name:                   | Mildura Rural City Council         |



## Mildura Rural City Council

File: 036.2020.00000830.001  
15/06/2026

Mrs Lauren Sayers  
PO Box 246  
NICHOLS POINT VIC 3501

Dear Mrs Sayers

**SWIMMING POOL Registration Details**  
232 Koorlong Avenue NICHOLS POINT 3501  
LOT: 1 PS: 802411H  
PA: 45452

Council has received your Certificate of Barrier Compliance (CBC) for a SWIMMING POOL located at 232 Koorlong Avenue NICHOLS POINT 3501

Date CBC issued: **14/05/2026**

Due Date for next CBC: **14/05/2030**

Please lodge the next CBC within **30 days** of receiving it and prior to the due date.

If you make any alterations to the safety barrier that requires a building permit during this time, you are required to obtain a new CBC and lodge it with Council within 14 days of receiving it.

Should you require any further information please contact the Building Department on 03 5018 8248.

Yours sincerely

**MARK YANTSES**  
**MUNICIPAL BUILDING SURVEYOR**  
MY/BM

