

# **SECTION 32**

# **STATEMENT**

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

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<b>Vendor:</b>	JENNIFER ROBIN WEARING-SMITH
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<b>Property:</b>	2 ELOURA PLACE, GEMBROOK, VIC, 3783
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**VENDORS REPRESENTATIVE**  
MOUNTAIN CONVEYANCING

Tel: 03 9754 7615

Email: [office@mountainconveyancing.com.au](mailto:office@mountainconveyancing.com.au)

Ref: 24-6967

SECTION 32 STATEMENT  
2 ELOURA PLACE, GEMBROOK VIC 3783

**32A FINANCIAL MATTERS**

32A(a) Information concerning any rates, taxes, charges or other similar outgoings AND any interest payable on any part of them is contained in the attached certificate/s and as follows-

<b>Provider</b>	<b>Amount (&amp; interest if any)</b>	<b>Period</b>
Cardinia Shire Council	Approx \$1,300.00	Per annum
Yarra Valley Water	See attached certificate	Per annum
Land Tax	See attached certificate	Per annum
Owners Corporation #	See attached certificate	Per annum

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

**Their total does not exceed \$3,500.00**

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

32A(b) The particulars of any Charge (whether registered or not) over the land imposed by or under an Act to secure an amount due under that Act, including the amount owing under the charge are as follows:- Not Applicable

**32B INSURANCE**

- (a) Where the Contract does not provide for the land to remain at the risk of the Vendor, particulars of any policy of insurance maintained by the Vendor in respect of damage to or destruction of the land are as follows: - Not Applicable
- (b) Where there is a residence on the land which was constructed within the preceding six years, and section 137B of the *Building Act 1993* applies, particulars of the required insurance are as follows:- Not Applicable

**32C LAND USE**

(a) **RESTRICTIONS**

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

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

To the best of the Vendor's knowledge there is no existing failure to comply with the terms of any easement, covenant or similar restriction affecting the land. The Purchaser should note that there may be sewers, drains, water pipes, underground and/or overhead electricity cables, underground and/or overhead telephone cables and underground gas pipes laid outside any registered easements and which are not registered or required to be registered against the Certificate of Title.

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2 ELOURA PLACE, GEMBROOK VIC 3783

(b) BUSHFIRE

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

(c) ROAD ACCESS

There is access to the Property by Road.

(d) PLANNING

Planning Scheme:	Cardinia Planning Scheme
Responsible Authority:	Cardinia Shire Council
Zoning:	See attached certificate
Planning Overlay/s:	See attached certificate

**32D NOTICES**

- (a) Particulars of any Notice, Order, Declaration, Report or recommendation of a Public Authority or Government Department or approved proposal directly and currently affecting the land of which the Vendor might reasonably be expected to have knowledge are:- None to the Vendors knowledge however the Vendor has no means of knowing all decisions of the Government and other authorities unless such decisions have been communicated to the Vendor
- (b) The Vendor is not aware of any Notices, Property Management Plans, Reports or Orders in respect of the land issued by a Government Department or Public Authority in relation to livestock disease or contamination by agricultural chemicals affecting the ongoing use of the land for agricultural purposes.
- (c) Particulars of any Notice of intention to acquire served under Section 6 of the *Land Acquisition and Compensation Act, 1986* are: Not Applicable

**32E BUILDING PERMITS**

Particulars of any Building Permit issued under the *Building Act 1993* during the past seven years (where there is a residence on the land):-

Is contained in the attached Certificate/s.

**32F OWNERS CORPORATION**

Attached is a copy of the current Owners Corporation Certificate issued in respect of the land together with all documents and information required under section 151 of the *Owners Corporations Act 2006*.

**32G GROWTH AREAS INFRASTRUCTURE CONTRIBUTION (GAIC)**

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

**32H SERVICES**

The following are **not** connected if mark with X

SECTION 32 STATEMENT  
2 ELOURA PLACE, GEMBROOK VIC 3783

Electricity  Gas supply  Water supply  Sewerage  Telephone services

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

**32I TITLE**

Attached are the following document/s concerning Title:

- (a) In the case of land under the *Transfer of Land Act 1958* a copy of the Register Search Statement/s and the document/s, or part of the document/s, referred to as the diagram location in the Register Search Statement/s that identifies the land and its location.
- (b) In any other case, a copy of -
  - (i) the last conveyance in the Chain of Title to the land; or
  - (ii) any other document which gives evidence of the Vendors title to the land.
- (c) Where the Vendor is not the registered proprietor or the owner of the estate in fee simple, copies of the documents bearing evidence of the Vendor's right or power to sell the land.
- (d) In the case of land that is subject to a subdivision -
  - (i) a copy of the Plan of Subdivision which has been certified by the relevant municipal council (if the Plan of Subdivision has not been registered), or
  - (ii) a copy of the latest version of the plan (if the Plan of Subdivision has not been certified).

**ATTACHMENTS**

Attached to this Section 32 Statement please find:-

- All documents noted as attached within this Section 32 Statement
- **Due Diligence** Checklist

**DATE OF THIS STATEMENT**

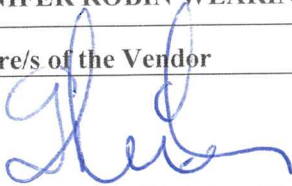
/  /20

**Name of the Vendor**

JENNIFER ROBIN WEARING-SMITH

**Signature/s of the Vendor**

x



GORDON WEARING-SMITH AS  
POWER OF ATTORNEY FOR  
JENNIFER WEARING-SMITH.

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

The Purchaser further acknowledges being directed to the DUE DILIGENCE CHECKLIST.

**DATE OF THIS ACKNOWLEDGMENT**

/  /20

**Name of the Purchaser**

**Signature/s of the Purchaser**

x

## 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.

### **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

SECTION 32 STATEMENT  
2 ELOURA PLACE, GEMBROOK VIC 3783

you information about any building permits issued for recent building works done to the property, and what you must do to plan new work. You can also commission a private building surveyor's assessment.

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

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

**Utilities and essential services**

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

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

**Buyers' rights**

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

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



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

VOLUME 11861 FOLIO 211

Security no : 124113049576E  
Produced 29/02/2024 11:46 AM

**LAND DESCRIPTION**

Lot 8 on Plan of Subdivision 739807F.  
PARENT TITLE Volume 10332 Folio 665  
Created by instrument PS739807F 16/03/2017

**REGISTERED PROPRIETOR**

Estate Fee Simple  
Sole Proprietor  
JENNIFER ROBIN WEARING-SMITH of 74-76 MAIN STREET GEMBROOK VIC 3783  
AN679981K 24/03/2017

**ENCUMBRANCES, CAVEATS AND NOTICES**

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

**DIAGRAM LOCATION**

SEE PS739807F 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: 2 ELOURA PLACE GEMBROOK VIC 3783

**OWNERS CORPORATIONS**

The land in this folio is affected by  
OWNERS CORPORATION 1 PLAN NO. PS739807F  
OWNERS CORPORATION 3 PLAN NO. PS739807F

DOCUMENT END





# Imaged Document Cover Sheet

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Document Type	<b>Plan</b>
Document Identification	<b>PS739807F</b>
Number of Pages (excluding this cover sheet)	<b>3</b>
Document Assembled	<b>29/02/2024 11:46</b>

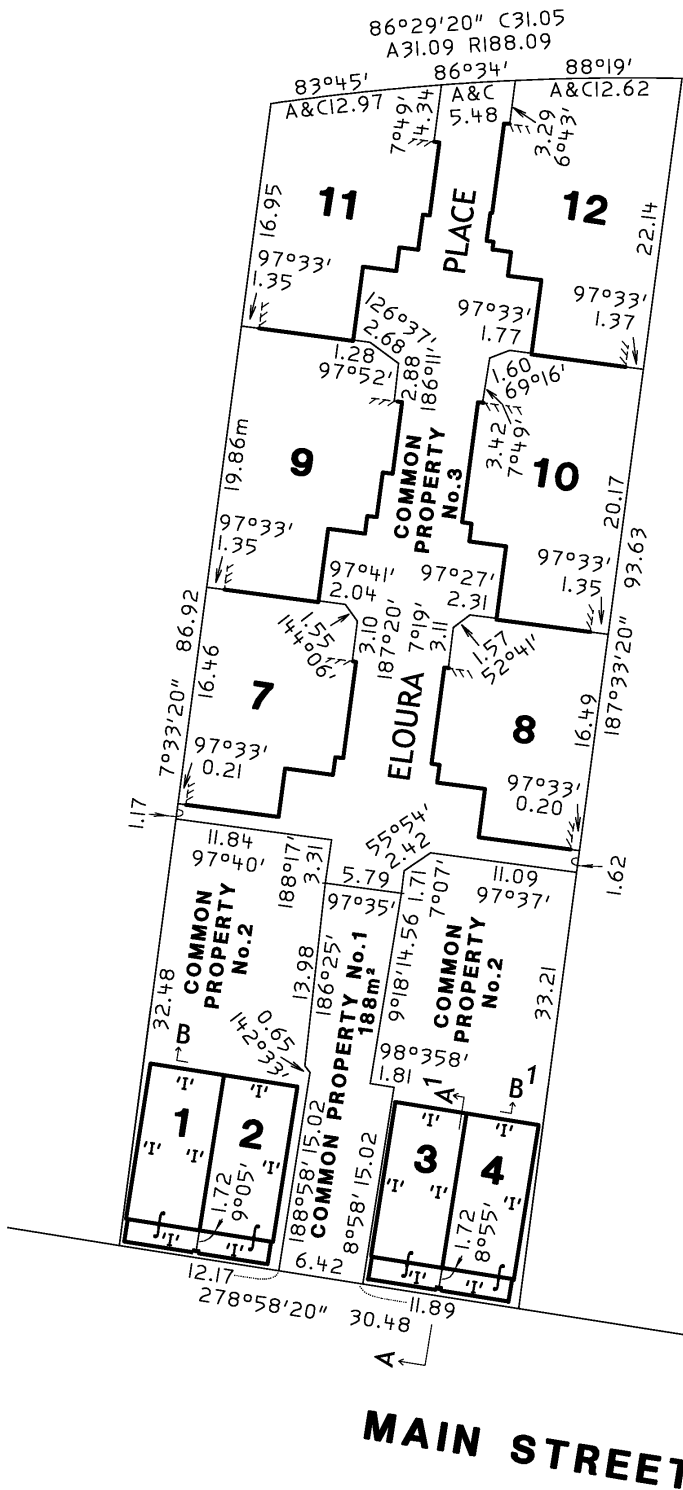
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The document is invalid if this cover sheet is removed or altered.

PLAN OF SUBDIVISION			EDITION 1	PS 739807F
<b>LOCATION OF LAND</b>  <b>PARISH:</b> GEMBROOK <b>TOWNSHIP:</b> -- <b>SECTION:</b> -- <b>CROWN ALLOTMENT:</b> A 11 <b>CROWN PORTION:</b> -- <b>TITLE REFERENCE:</b> C/T Vol. 10332 Fol. 665  <b>LAST PLAN REFERENCE:</b> PC 361115F  <b>POSTAL ADDRESS:</b> 74-76 MAIN STREET, GEMBROOK VIC, 3783. (at time of subdivision)  <b>MGA CO-ORDINATES:</b> E: 372 730                      ZONE: 55 (of approx centre of land                      N: 5 798 505                      GDA 94 in plan)			Council Name: Cardinia Shire Council  Council Reference Number: s16/078 Planning Permit Reference: T160221 SPEAR Reference Number: S083602S  Certification  This plan is certified under section 6 of the Subdivision Act 1988  Public Open Space  A requirement for public open space under section 18 of the Subdivision Act 1988 Has been made and the requirement has not been satisfied at Certification Has been made and the requirement has been satisfied at Statement of Compliance (Document updated 06/02/2017)  Digitally signed by: Simone Norbury for Cardinia Shire Council on 12/12/2016	
VESTING OF ROADS AND/OR RESERVES			NOTATIONS	
IDENTIFIER	COUNCIL/BODY/PERSON		BOUNDARIES SHOWN BY THICK CONTINUOUS LINES ARE DEFINED BY BUILDINGS  LOCATION OF BOUNDARIES DEFINED BY BUILDINGS:  INTERIOR FACE: BOUNDARIES SHOWN MARKED 'I' EXTERIOR FACE: ALL OTHER BOUNDARIES  CP No.2 IS ALL THE LAND IN THE PLAN EXCEPT LOTS 1 - 12 AND CP No's.1 & 3. AND INCLUDES THE STRUCTURE OF WALLS, FLOORS , CEILINGS AND STAIRS WITHIN OWNERS CORPORATION No. 2  CP No.3 IS ALSO TO BE KNOWN AS ELOURA PLACE  LOTS ON THIS PLAN MAY BE AFFECTED BY ONE OR MORE OWNERS CORPORATION. SEE OWNERS CORPORATION SEARCH REPORT FOR DETAILS.  <b>OTHER PURPOSE OF PLAN :</b> TO REMOVE EASEMENT E-1 SHOWN ON PC 361115F PURSUANT TO PLANNING PERMIT No. T 140501  CP = COMMON PROPERTY //////////////// INDICATES THE LOCATION OF STRUCTURE (NON BOUNDARY)	
NIL	NIL			
NOTATIONS			CP No.2 IS ALL THE LAND IN THE PLAN EXCEPT LOTS 1 - 12 AND CP No's.1 & 3. AND INCLUDES THE STRUCTURE OF WALLS, FLOORS , CEILINGS AND STAIRS WITHIN OWNERS CORPORATION No. 2  CP No.3 IS ALSO TO BE KNOWN AS ELOURA PLACE  LOTS ON THIS PLAN MAY BE AFFECTED BY ONE OR MORE OWNERS CORPORATION. SEE OWNERS CORPORATION SEARCH REPORT FOR DETAILS.  <b>OTHER PURPOSE OF PLAN :</b> TO REMOVE EASEMENT E-1 SHOWN ON PC 361115F PURSUANT TO PLANNING PERMIT No. T 140501  CP = COMMON PROPERTY //////////////// INDICATES THE LOCATION OF STRUCTURE (NON BOUNDARY)	
<b>DEPTH LIMITATION:</b> Does not Apply				
<b>SURVEY:</b> This plan is based on survey.  <b>STAGING:</b> This is not a staged subdivision. Planning Permit No. T 140501  This survey has been connected to permanent mark No's. 77 & 153 In Proclaimed Survey Area No. N/A			CP No.2 IS ALL THE LAND IN THE PLAN EXCEPT LOTS 1 - 12 AND CP No's.1 & 3. AND INCLUDES THE STRUCTURE OF WALLS, FLOORS , CEILINGS AND STAIRS WITHIN OWNERS CORPORATION No. 2  CP No.3 IS ALSO TO BE KNOWN AS ELOURA PLACE  LOTS ON THIS PLAN MAY BE AFFECTED BY ONE OR MORE OWNERS CORPORATION. SEE OWNERS CORPORATION SEARCH REPORT FOR DETAILS.  <b>OTHER PURPOSE OF PLAN :</b> TO REMOVE EASEMENT E-1 SHOWN ON PC 361115F PURSUANT TO PLANNING PERMIT No. T 140501  CP = COMMON PROPERTY //////////////// INDICATES THE LOCATION OF STRUCTURE (NON BOUNDARY)	
EASEMENT INFORMATION				
LEGEND: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)				
EASEMENTS AND RIGHTS IMPLIED BY SECTION 12(2) OF THE SUBDIVISION ACT 1988 APPLY TO ALL THE LAND IN THIS PLAN				
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
HANSEN SURVEYING P/L			SURVEYORS FILE REF: 6144	ORIGINAL SHEET SIZE: A3
ABN 89 126 307 051 TITLE SURVEYS-SUBDIVISIONS-TOWN PLANNING P.O. Box 714 Belgrave Unit 1 1569 Burwood Highway, Belgrave 3160 Telephone: (03) 9754 3930 Fax: (03) 9752 5069 Email: hansurv@bigpond.com			Digitally signed by: Peter Clyde Hansen (Hansen Surveying Pty Ltd), Surveyor's Plan Version (6), 15/03/2017	SHEET 1 OF 3
Digitally signed by: Peter Clyde Hansen (Hansen Surveying Pty Ltd), Surveyor's Plan Version (6), 15/03/2017			PLAN REGISTERED TIME :2:55PM DATE: 16/3/17 E.Thai Assistant Registrar of Titles	

**PS 739807F**

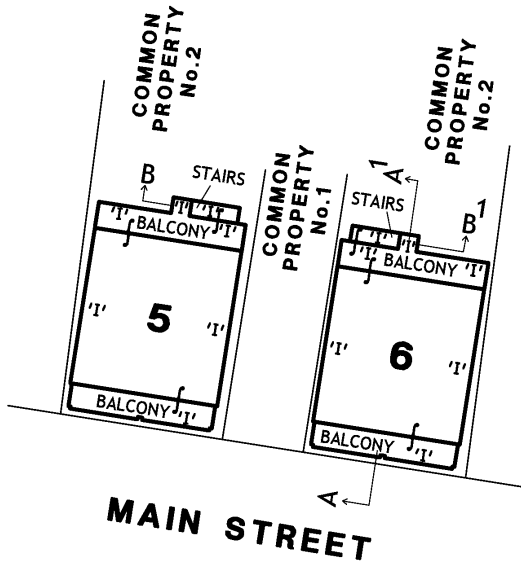
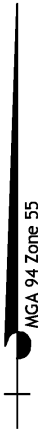


**DIAGRAM 1**  
**GROUND LEVEL**



<b>HANSEN SURVEYING P/L</b> ABN 89 126 307 051 TITLE SURVEYS-SUBDIVISIONS-TOWN PLANNING P.O. Box 714 Belgrave Unit 1 1569 Burwood Highway, Belgrave 3160 Telephone: (03) 9754 3930 Fax: (03) 9752 5069 Email: hansurv@bigpond.com	SCALE 1:400	4 0 4 8 12 16 Lengths are in METRES	ORIGINAL SHEET SIZE: A3	SHEET 2
	Digitally signed by: Peter Clyde Hansen (Hansen Surveying Pty Ltd), Surveyor's Plan Version (6), 15/03/2017		Digitally signed by: Cardinia Shire Council, 12/12/2016, SPEAR Ref: S083602S	

**PS 739807F**

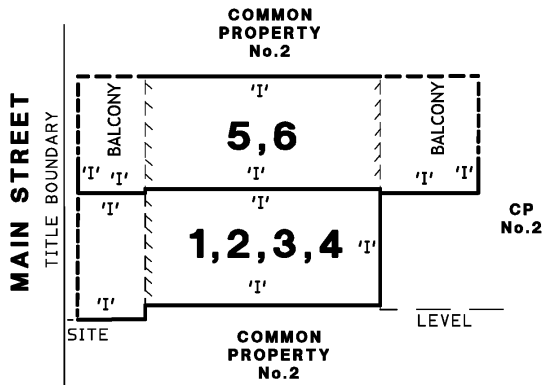


**DIAGRAM 2**  
LEVEL 1

LEVEL 1  
DIAGRAM 2

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GROUND LEVEL  
DIAGRAM 1

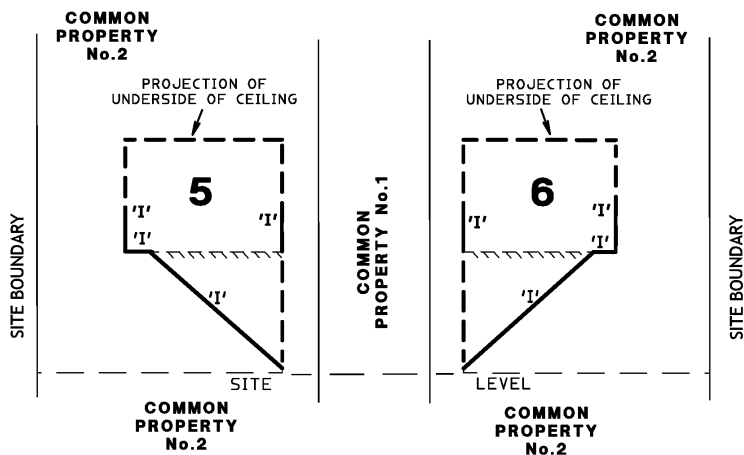


**DIAGRAM 3**  
SECTION A-A<sup>1</sup>  
TYPICAL  
(Not to Scale)

LEVEL 1  
DIAGRAM 2

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GROUND LEVEL  
DIAGRAM 1



**DIAGRAM 4**  
SECTION B-B<sup>1</sup>  
TYPICAL  
(Not to Scale)

**HANSEN SURVEYING P/L**

ABN 89 126 307 051  
TITLE SURVEYS-SUBDIVISIONS-TOWN PLANNING  
P.O. Box 714 Belgrave  
Unit 1 1569 Burwood Highway, Belgrave 3160  
Telephone: (03) 9754 3930 Fax: (03) 9752 5069  
Email: hansurv@bigpond.com

SCALE 1:400

Lengths are in METRES

Digitally signed by: Peter Clyde Hansen (Hansen Surveying Pty Ltd),  
Surveyor's Plan Version (6),  
15/03/2017

ORIGINAL SHEET  
SIZE: A3

SHEET 3

Digitally signed by:  
Cardinia Shire Council,  
12/12/2016,  
SPEAR Ref: S083602S

## ENDURING POWER OF ATTORNEY

Regulation 5

Name of principal: **JENNIFER WEARING-SMITH**  
Address of principal: **2 Eloura Court, Gembrook, Victoria**

### APPOINTMENT

I appoint **GORDON WEARING-SMITH** of 97 Dublin Road, Ringwood East, Victoria to be my attorney.

### AUTHORISATION

I authorise my attorney:

to do anything on my behalf that I can lawfully do by an attorney (including both personal and financial matters).

### REVOCATION

I specify that all previous Enduring Powers of Attorney made by me under *Part XIA* of the *Instruments Act 1958* and the *Guardianship and Administration Act 1986* and under the *Powers of Attorney Act 2014* are revoked.

Note: Under section 55 of the Act, an enduring power of attorney is revoked by a later enduring power of attorney of the principal, unless the principal specifies otherwise in the later enduring power of attorney.

Under sections 152 and 153 of the Act, an enduring power of attorney is taken to include an existing enduring power of attorney made under the *Instruments Act 1958* and an existing appointment of an enduring guardian made under the *Guardianship and Administration Act 1986*.

### COMMENCEMENT

The powers under this enduring power of attorney for all matters are exercisable immediately.

### CONDITIONS AND INSTRUCTIONS

The exercise of power under this enduring power of attorney is not subject to any conditions or instructions.

Signed: *(Signature of principal)*

  
Jennifer Wearing-Smith

Date:

12. 4. 14

**CERTIFICATE OF WITNESSES**

Witnessed by

Name of first witness: AMY DUNCAN RILEY

Address of first witness: SUITE 5, 40 OLD PRINCE HWY BUNNINGS VIC 307

Name of second witness: ASHLEY VAN DER LEE


Address of second witness: SUITE 5, 40 OLD PRINCE HWY BUNNINGS VIC 307

Each witness certifies that:

the principal appeared to freely and voluntarily sign this instrument in our presence; and

- at that time, the principal appeared to me to have decision making capacity in relation to the making of this enduring power of attorney; and
- I am not an attorney under this enduring power of attorney; and
- I am not a relative of the principal or of an attorney under this enduring power of attorney; and
- I am not a care worker or accommodation provider for the principal.

Signed:

First witness: *[signature of first witness]* 

Qualification: *[if first witness is acting as a medical practitioner or person authorised to witness affidavits]* None

Second witness: *[signature of second witness]* 

Qualification: *[if second witness is acting as a medical practitioner or person authorised to witness affidavits]* LEGAL SECRETARY

Date: 12/4/2021

**STATEMENT OF ACCEPTANCE OF APPOINTMENT – ATTORNEY**

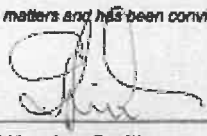
Name of attorney: **GORDON WEARING-SMITH**  
Address of attorney: **97 Dublin Road, Ringwood East, Victoria**

I accept my appointment as attorney under this enduring power of attorney and state that:

- I am eligible under Part 3 of the Powers of Attorney Act 2014 to act as an attorney under an enduring power of attorney; and
  - I understand the obligations of an attorney under an enduring power of attorney and under the Powers of Attorney Act 2014 and the consequences of failing to comply with those obligations; and
  - I undertake to act in accordance with the Powers of Attorney Act 2014 that relate to the enduring powers of attorney.
- I have disclosed to the principal that I have been convicted or found guilty of an offence involving dishonesty.

*[Tick this box if the attorney is appointed for financial matters and has been convicted or found guilty of an offence involving dishonesty]*

Signed: *[signature of attorney]*

  
\_\_\_\_\_  
Gordon Wearing-Smith

Date:

12-4-21  
\_\_\_\_\_

Witnessed by:

Name of witness:

THOMAS WELLS ELDT  
\_\_\_\_\_

Address of witness:

SUITE 5, 40 OLD PRINCES HIGHWAY BEACONSFIELD VIC 3807  
\_\_\_\_\_

I witnessed the signing of the statement of acceptance by the attorney.

Signed: *[signature of witness]*

  
\_\_\_\_\_

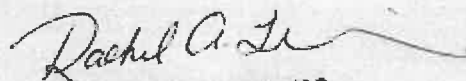
Date:

12-4-21  
\_\_\_\_\_

Note: Each attorney must sign a statement of acceptance and it must be witnessed separately in the enduring power of attorney.

I certify that this is a true and complete copy of the corresponding page of the original and that it and the preceding ( 3 ) copy pages comprise a true and complete copy of the original Power of Attorney

DATED this 21 day of April 2021



**RACHEL ANNE LAPINSKAS**  
SUITE 5, 40 OLD PRINCES HIGHWAY  
BEACONSFIELD VIC 3807  
AN AUSTRALIAN LEGAL PRACTITIONER  
WITHIN THE MEANING OF THE LEGAL  
PROFESSION UNIFORM LAW (VICTORIA)







# Department of Environment, Land, Water & Planning

## Owners Corporation Search Report

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Produced: 29/02/2024 11:46:10 AM

**OWNERS CORPORATION 2**  
**PLAN NO. PS739807F**

The land in PS739807F is affected by 3 Owners Corporation(s)

### Land Affected by Owners Corporation:

Common Property 2, Lots 1 - 6.

### Limitations on Owners Corporation:

Limited to Common Property

### Postal Address for Services of Notices:

74-76 MAIN STREET GEMBROOK VIC 3783

PS739807F 16/03/2017

### Owners Corporation Manager:

NIL

### Rules:

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

### Owners Corporation Rules:

NIL

### Additional Owners Corporation Information:

NIL

### Notations:

Folio of the Register for Common Property No. 2 is in the name of Owners Corporation 1.

### Entitlement and Liability:

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

Land Parcel	Entitlement	Liability
Common Property 2	0	0
Lot 1	10	10
Lot 2	10	10
Lot 3	10	10
Lot 4	10	10
Lot 5	10	10
Lot 6	10	10



# Department of Environment, Land, Water & Planning

## Owners Corporation Search Report

Produced: 29/02/2024 11:46:10 AM

**OWNERS CORPORATION 2  
PLAN NO. PS739807F**

### Entitlement and Liability:

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

Land Parcel	Entitlement	Liability
<b>Total</b>	<b>60.00</b>	<b>60.00</b>

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

Statement End.



# Department of Environment, Land, Water & Planning

## Owners Corporation Search Report

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Produced: 29/02/2024 11:46:11 AM

**OWNERS CORPORATION 3**  
**PLAN NO. PS739807F**

The land in PS739807F is affected by 3 Owners Corporation(s)

### Land Affected by Owners Corporation:

Common Property 3, Lots 7 - 12.

### Limitations on Owners Corporation:

Limited to Common Property

### Postal Address for Services of Notices:

74-76 MAIN STREET GEMBROOK VIC 3783

PS739807F 16/03/2017

### Owners Corporation Manager:

NIL

### Rules:

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

### Owners Corporation Rules:

NIL

### Additional Owners Corporation Information:

NIL

### Notations:

Folio of the Register for Common Property No. 3 is in the name of Owners Corporation 1.

### Entitlement and Liability:

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

Land Parcel	Entitlement	Liability
Common Property 3	0	0
Lot 7	10	10
Lot 8	10	10
Lot 9	10	10
Lot 10	10	10
Lot 11	10	10
Lot 12	10	10



# Department of Environment, Land, Water & Planning

## Owners Corporation Search Report

Produced: 29/02/2024 11:46:11 AM

**OWNERS CORPORATION 3  
PLAN NO. PS739807F**

### Entitlement and Liability:

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

Land Parcel	Entitlement	Liability
<b>Total</b>	<b>60.00</b>	<b>60.00</b>

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

Statement End.



# Department of Environment, Land, Water & Planning

## Owners Corporation Search Report

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Produced: 29/02/2024 11:46:10 AM

**OWNERS CORPORATION 1**  
**PLAN NO. PS739807F**

The land in PS739807F is affected by 3 Owners Corporation(s)

### Land Affected by Owners Corporation:

Common Properties 1 - 3, Lots 1 - 12.

### Limitations on Owners Corporation:

Unlimited

### Postal Address for Services of Notices:

74-76 MAIN STREET GEMBROOK VIC 3783

OC033934H 16/03/2017

### Owners Corporation Manager:

NIL

### Rules:

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

### Owners Corporation Rules:

NIL

### Additional Owners Corporation Information:

OC033932M 16/03/2017

OC033933K 16/03/2017

OC033934H 16/03/2017

### Notations:

NIL

### Entitlement and Liability:

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

Land Parcel	Entitlement	Liability
Common Property 1	0	0
Common Property 2	0	0
Common Property 3	0	0
Lot 1	10	10
Lot 2	10	10
Lot 3	10	10



# Department of Environment, Land, Water & Planning

## Owners Corporation Search Report

Produced: 29/02/2024 11:46:10 AM

**OWNERS CORPORATION 1  
PLAN NO. PS739807F**

### Entitlement and Liability:

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

Land Parcel	Entitlement	Liability
Lot 4	10	10
Lot 5	10	10
Lot 6	10	10
Lot 7	10	10
Lot 8	10	10
Lot 9	10	10
Lot 10	10	10
Lot 11	10	10
Lot 12	10	10
<b>Total</b>	<b>120.00</b>	<b>120.00</b>

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

Statement End.

## ROADS PROPERTY CERTIFICATE

The search results are as follows:

Melania Serwylo  
4/1567 Burwood highway  
TECOMA 3160

Client Reference: 24-6967

NO PROPOSALS. As at the 29th February 2024, VicRoads has no approved proposals requiring any part of the property described in your application. You are advised to check your local Council planning scheme regarding land use zoning of the property and surrounding area.

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

2 ELOURA PLACE, GEMBROOK 3783  
SHIRE OF CARDINIA

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

Date of issue: 29th February 2024

Telephone enquiries regarding content of certificate: 13 11 71

**[Vicroads Certificate] # 72004188 - 72004188113730 '24-6967'**

29th February 2024

Melania Serwylo C/- LANDATA  
LANDATA

Dear Melania Serwylo C/- LANDATA,

**RE: Application for Water Information Statement**

<b>Property Address:</b>	2 ELOURA PLACE GEMBROOK 3783
<b>Applicant</b>	Melania Serwylo C/- LANDATA LANDATA
<b>Information Statement</b>	30832009
<b>Conveyancing Account Number</b>	7959580000
<b>Your Reference</b>	24-6967

Thank you for your recent application for a Water Information Statement (WIS). We are pleased to provide you the WIS for the above property address. This statement includes:

- Yarra Valley Water Property Information Statement
- Melbourne Water Property Information Statement
- Asset Plan
- Rates Certificate

If you have any questions about Yarra Valley Water information provided, please phone us on **1300 304 688** or email us at the address [enquiry@yvw.com.au](mailto:enquiry@yvw.com.au). For further information you can also refer to the Yarra Valley Water website at [www.yvw.com.au](http://www.yvw.com.au).

Yours sincerely,



Chris Brace  
GENERAL MANAGER  
RETAIL SERVICES



## **Yarra Valley Water Property Information Statement**

Property Address	2 ELOURA PLACE GEMBROOK 3783
------------------	------------------------------

STATEMENT UNDER SECTION 158 WATER ACT 1989

### **THE FOLLOWING INFORMATION RELATES TO SECTION 158(3)**

Sewerage services have been provided to this property as part of Yarra Valley Water's Community Sewerage Program. To confirm whether the property is connected to sewerage services, please contact Yarra Valley Water on 1300 853 811. For properties not currently connected to sewerage services, please contact Yarra Valley Water on 1300 651 511 to apply to connect.

Existing sewer mains will be shown on the Asset Plan.

### **THE FOLLOWING INFORMATION RELATES TO SECTION 158(4)**

Provision of a sewerage service to your property is scheduled to occur via Yarra Valley Water's Backlog Sewerage Program. For information on when this area will be sewered, call our Customer Contact Centre on 1300 304 688 or visit our website [www.yvw.com.au](http://www.yvw.com.au). Upon sewer becoming available for connection, the property owner will be subject to a \$500 contribution under section 268 and 269 of the Water Act 1989. Connection of the property to sewer is required within 12 months of the service becoming available unless the existing septic system meets the current EPA Onsite Wastewater Management requirements. Connection must be made at the owner's expense.

This property is located within a pressure sewer area. Yarra Valley Water will be responsible for providing a pressure sewer pump unit to the property including all associated plumbing and electrical works. The owner will be responsible for all internal plumbing works between the pressure sewer pumping unit and the house. Prior to connection, the owner must agree to terms and conditions contained within the document titled Using Your Pressure Sewer System - Owners Manual. Copies of this document are available upon request by calling 1300 304 688 or can be downloaded from our website at [www.yvw.com.au](http://www.yvw.com.au).

This Property is a part of a development that is serviced by private water and/or sewer infrastructure. This infrastructure (or pipeline) is known as a private extension and may extend some distance in length from your property before connecting to Yarra Valley Water infrastructure. Any maintenance or supply issues associated with the private extension are the responsibility of the property owners. Yarra Valley Water is responsible for maintaining the water service from the water main up to and including the development main meter or manifold, and the sewer service from the sewer main up to the sewer branch including the inspection shaft /27 A.

Where the property is serviced through a private fire service the property owner is fully responsible for

the maintenance of this service including the isolating valve connected to our water main.

Yarra Valley Water does not guarantee the continuity of service or supply, water quality or water pressure within the private extension.

This property is connected to a pressure sewer system. As such, it is subject to special terms and conditions which are contained within the document titled "Your Pressure Sewer System - An Owners Guide". Copies of this document are available upon request by calling 1300 304 688 or can be downloaded from our website at [www.yvw.com.au/pressureguide](http://www.yvw.com.au/pressureguide)

Please note: Unless prior consent has been obtained, the Water Act prohibits:

1. The erection and/or placement of any building, wall, bridge, fence, embankment, filling, material, machinery or other structure over or under any sewer or drain.
2. The connection of any drain or sewer to, or interference with, any sewer, drain or watercourse.

## **Melbourne Water Property Information Statement**

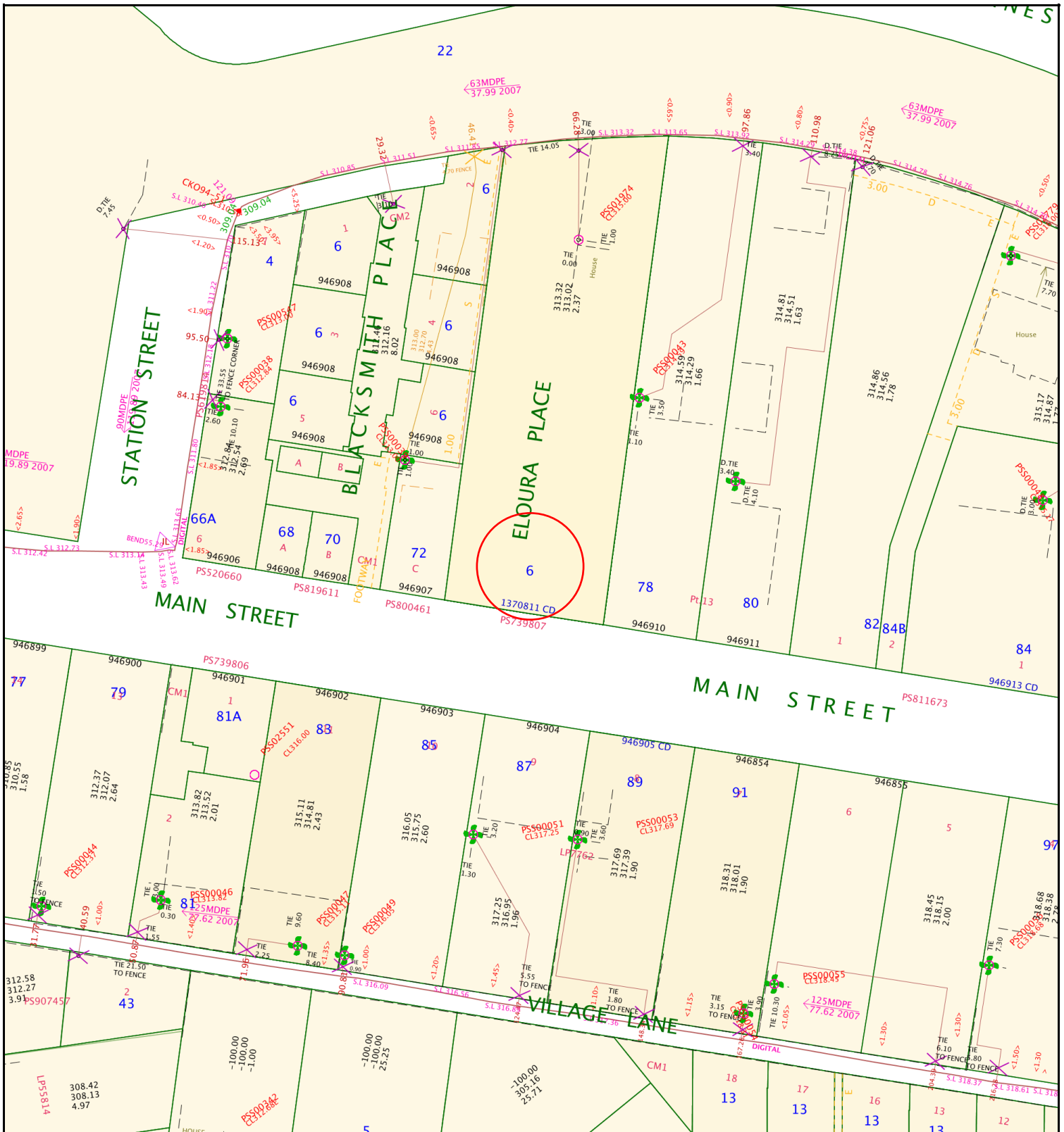
Property Address	2 ELOURA PLACE GEMBROOK 3783
------------------	------------------------------

### STATEMENT UNDER SECTION 158 WATER ACT 1989

Please note: Unless prior consent has been obtained, the Water Act prohibits:

1. The erection and/or placement of any building, wall, bridge, fence, embankment, filling, material, machinery or other structure over or under any sewer or drain.
2. The connection of any drain or sewer to, or interference with, any sewer, drain or watercourse.

If you have any questions regarding Melbourne Water encumbrances or advisory information, please contact Melbourne Water on 9679 7517.



**Yarra Valley Water  
Information Statement  
Number: 30832009**

**Address** 2 ELOURA PLACE GEMBROOK 3783

**Date** 29/02/2024

**Scale** 1:1000



**Yarra  
Valley  
Water**

ABN 93 066 902 501



Existing Title		Access Point Number		GLV2-42 MW Drainage Channel Centreline	
Proposed Title		Sewer Manhole		MW Drainage Underground Centreline	
Easement		Sewer Pipe Flow		MW Drainage Manhole	
Existing Sewer		Sewer Offset		MW Drainage Natural Waterway	
Abandoned Sewer		Sewer Branch			

**Disclaimer:** This information is supplied on the basis Yarra Valley Water Ltd:  
 - Does not warrant the accuracy or completeness of the information supplied, including, without limitation, the location of Water and Sewer Assets;  
 - Does not accept any liability for loss or damage of any nature, suffered or incurred by the recipient or any other persons relying on this information;  
 - Recommends recipients and other persons using this information make their own site investigations and accommodate their works accordingly;

Melania Serwilo C/- LANDATA  
LANDATA  
certificates@landata.vic.gov.au

## RATES CERTIFICATE

Account No: 8384931955  
Rate Certificate No: 30832009

Date of Issue: 29/02/2024  
Your Ref: 24-6967

With reference to your request for details regarding:

Property Address	Lot & Plan	Property Number	Property Type
2 ELOURA PL, GEMBROOK VIC 3783	8\PS739807	5137730	Residential

Agreement Type	Period	Charges	Outstanding
Residential Water Service Charge	01-01-2024 to 31-03-2024	\$20.04	\$20.04
Residential Water and Sewer Usage Charge <i>Step 1 – 13.000000kL x \$3.34380000 = \$43.47</i> Estimated Average Daily Usage \$0.47	14-09-2023 to 15-12-2023	\$43.47	\$0.00
Residential Sewer Service Charge	01-01-2024 to 31-03-2024	\$114.46	\$114.46
Drainage Fee	01-01-2024 to 31-03-2024	\$29.38	\$29.38


### Other Charges:

Interest	No interest applicable at this time		
	No further charges applicable to this property		
	<b>Balance Brought Forward</b>		\$0.00
	<b>Total for This Property</b>		\$163.88

The property above forms part of the property for which the charges below are applicable

Property Address	Lot & Plan	Property Number	Property Type
74-76 MAIN ST, GEMBROOK VIC 3783		1434125	Superseded

Agreement Type	Period	Charges	Outstanding
<b>Other Charges:</b>			
Interest	No interest applicable at this time		
	No further charges applicable to this property		
	<b>Balance Brought Forward</b>		\$0.00
	<b>Total for This Property</b>		\$0.00



GENERAL MANAGER  
RETAIL SERVICES

**Note:**

**1. From 1 July 2023, the Parks Fee will be charged quarterly instead of annually.**

**2. From 1 July 2023, for properties that have water and sewer services, the Residential Water and Sewer Usage charge replaces the Residential Water Usage and Residential Sewer Usage charges.**

3. This statement details all tariffs, charges, and penalties due and payable to Yarra Valley Water as of the date of this statement and includes tariffs and charges (other than for usage charges yet to be billed) which are due and payable to the end of the current financial quarter.

4. All outstanding debts are due to be paid to Yarra Valley Water at settlement. Any debts that are unpaid at settlement will carry over onto the purchaser's first quarterly account and follow normal credit and collection activities - pursuant to section 275 of the Water Act 1989.

5. If the total due displays a (-\$ cr), this means the account is in credit. Credit amounts will be transferred to the purchaser's account at settlement.

6. Yarra Valley Water provides information in this Rates Certificate relating to waterways and drainage as an agent for Melbourne Water and relating to parks as an agent for Parks Victoria - pursuant to section 158 of the Water Act 1989.

7. The charges on this rates certificate are calculated and valid at the date of issue. To obtain up-to-date financial information, please order a Rates Settlement Statement prior to settlement.

8. From 01/07/2023, Residential Water Usage is billed using the following step pricing system: 249.56 cents per kilolitre for the first 44 kilolitres; 318.98 cents per kilolitre for 44-88 kilolitres and 472.56 cents per kilolitre for anything more than 88 kilolitres. From 1 July 2023, this charge is applicable for properties with water service only.

9. From 01/07/2023, Residential Water and Sewer Usage is billed using the following step pricing system: 334.38 cents per kilolitre for the first 44 kilolitres; 438.73 cents per kilolitre for 44-88 kilolitres and 509.73 cents per kilolitre for anything more than 88 kilolitres. From 1 July 2023, this charge is applicable for residential properties with both water and sewer services.

10. From 01/07/2023, Residential Recycled Water Usage is billed 188.71 cents per kilolitre.

11. From 01/07/2022 up to 30/06/2023, Residential Sewer Usage was calculated using the following equation: Water Usage (kl) x Seasonal Factor x Discharge Factor x Price (/kl) 1.1540 per kilolitre. From 1 July 2023, this charge will no longer be applicable for residential customers with both water and sewer services.

12. The property is a serviced property with respect to all the services, for which charges are listed in the Statement of Fees above.

To ensure you accurately adjust the settlement amount, we strongly recommend you book a **Special Meter Reading**:

- Special Meter Readings ensure that actual water use is adjusted for at settlement.
- Without a Special Meter Reading, there is a risk your client's settlement adjustment may not be correct.

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**Property No:** 5137730

**Address:** 2 ELOURA PL, GEMBROOK VIC 3783

**Water Information Statement Number:** 30832009

## HOW TO PAY



**Bill Code:** 314567  
**Ref:** 83849319551

**Amount  
Paid**

**Date  
Paid**

**Receipt  
Number**

# PLANNING CERTIFICATE

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

## CERTIFICATE REFERENCE NUMBER

1008792

## APPLICANT'S NAME & ADDRESS

MELANIA SERWYLO C/- LANDATA  
MELBOURNE

## VENDOR

WEARING-SMITH, JENNIFER

## PURCHASER

NA, NA

## REFERENCE

24-6967

This certificate is issued for:

LOT 8 PLAN PS739807, LOT CM3 PLAN PS739807, LOT CM2 PLAN PS739807, LOT CM1 PLAN PS739807 ALSO  
KNOWN AS 2 ELOURA PLACE GEMBROOK  
CARDINIA SHIRE

The land is covered by the:

CARDINIA PLANNING SCHEME

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

The land:

- is included in a COMMERCIAL 1 ZONE
- is within a SIGNIFICANT LANDSCAPE OVERLAY - SCHEDULE 1
- and abuts a TRANSPORT ZONE 2 - PRINCIPAL ROAD NETWORK

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

Historic buildings and land protected under the Heritage Act 1995 are recorded in the Victorian  
Heritage Register at:

<http://vhd.heritage.vic.gov.au/>

29 February 2024

**Sonya Kilkenny**  
Minister for Planning

Additional site-specific controls may apply.  
The Planning Scheme Ordinance should be  
checked carefully.

The above information includes all  
amendments to planning scheme maps  
placed on public exhibition up to the date  
of issue of this certificate and which are  
still the subject of active consideration

Copies of Planning Schemes and  
Amendments can be inspected at the  
relevant municipal offices.

LANDATA@  
T: (03) 9102 0402  
E: [landata.enquiries@servictoria.com.au](mailto:landata.enquiries@servictoria.com.au)

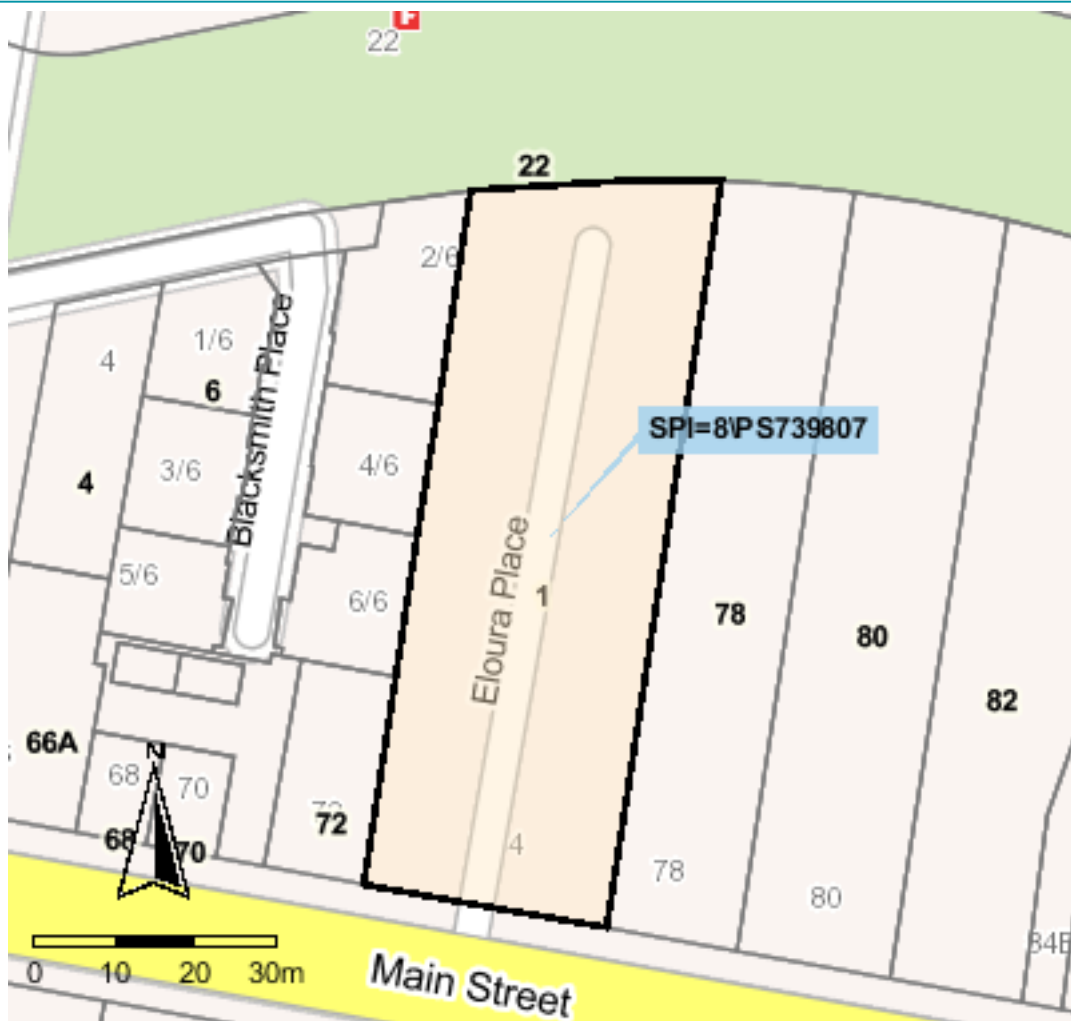


The attached certificate is issued by the Minister for Planning of the State of Victoria and is protected by statute.

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

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

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



Copyright © State Government of Victoria. Service provided by [maps.land.vic.gov.au](http://maps.land.vic.gov.au)

### Choose the authoritative Planning Certificate

#### *Why rely on anything less?*

As part of your section 32 statement, the authoritative Planning Certificate provides you and / or your customer with the statutory protection of the State of Victoria.  
Order online before 4pm to receive your authoritative Planning Certificate the same day, in most cases within the hour.  
Next business day delivery, if further information is required from you.

### Privacy Statement

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

# Property Clearance Certificate

## Land Tax



MELANIA SERWYLO

<b>Your Reference:</b>	LD:72004188-019-4.24-6967
<b>Certificate No:</b>	71847778
<b>Issue Date:</b>	29 FEB 2024
<b>Enquiries:</b>	KXM15

**Land Address:** 2 ELOURA PLACE GEMBROOK VIC 3783

Land Id	Lot	Plan	Volume	Folio	Tax Payable
43848643	8	739807	11861	211	\$500.00

**Vendor:** JENNIFER WEARING-SMITH

**Purchaser:** NA NA

Current Land Tax	Year	Taxable Value	Proportional Tax	Penalty/Interest	Total
MRS JENNIFER ROBIN WEARING-SMITI	2024	\$80,000	\$500.00	\$0.00	\$500.00

**Comments:** Land Tax will be payable but is not yet due - please see notes on reverse.

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

**Comments:**

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

**Paul Broderick**  
Commissioner of State Revenue

<b>CAPITAL IMPROVED VALUE:</b>	<b>\$475,000</b>
<b>SITE VALUE:</b>	<b>\$80,000</b>
<b>CURRENT LAND TAX CHARGE:</b>	<b>\$500.00</b>

# Notes to Certificate - Land Tax

Certificate No: 71847778

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## Power to issue Certificate

1. Pursuant to section 95AA of the *Taxation Administration Act 1997*, the Commissioner of State Revenue must issue a Property Clearance Certificate (Certificate) to an owner, mortgagee or bona fide purchaser of land who makes an application specifying the land for which the Certificate is sought and pays the application fee.

## Amount shown on Certificate

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

## Land tax is a first charge on land

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

## Information for the purchaser

4. Pursuant to section 96 of the *Land Tax Act 2005*, if a purchaser of the land described in the Certificate has applied for and obtained a certificate, the amount recoverable from the purchaser by the Commissioner cannot exceed the amount set out in the certificate, described as the "Current Land Tax Charge" overleaf. A purchaser cannot rely on a Certificate obtained by the vendor.

## Information for the vendor

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

## Apportioning or passing on land tax to a purchaser

6. A vendor is prohibited from apportioning or passing on land tax to a purchaser under a contract of sale of land entered into on or after 1 January 2024, where the purchase price is less than \$10 million (to be indexed annually from 1 January 2025, as set out on the website for Consumer Affairs Victoria).

## General information

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

## For Information Only

LAND TAX CALCULATION BASED ON SINGLE OWNERSHIP

Land Tax = \$500.00

Taxable Value = \$80,000

Calculated as \$500 plus ( \$80,000 - \$50,000) multiplied by 0.000 cents.

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## Land Tax - Payment Options

**BPAY**



Billers Code: 5249  
Ref: 71847778

**Telephone & Internet Banking - BPAY®**

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

[www.bpay.com.au](http://www.bpay.com.au)

**CARD**



Ref: 71847778

**Visa or Mastercard**

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

[sro.vic.gov.au/paylandtax](http://sro.vic.gov.au/paylandtax)

# Property Clearance Certificate

## Windfall Gains Tax



MELANIA SERWYLO

**Your Reference:** LD:72004188-019-4.24-6967

**Certificate No:** 71847778

**Issue Date:** 29 FEB 2024

**Land Address:** 2 ELOURA PLACE GEMBROOK VIC 3783

Lot	Plan	Volume	Folio
8	739807	11861	211

**Vendor:** JENNIFER WEARING-SMITH

**Purchaser:** NA NA

WGT Property Id	Event ID	Windfall Gains Tax	Deferred Interest	Penalty/Interest	Total
		\$0.00	\$0.00	\$0.00	\$0.00

**Comments:** No windfall gains tax liability identified.

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

**CURRENT WINDFALL GAINS TAX CHARGE:**

**\$0.00**

A handwritten signature in black ink, appearing to read "Paul Broderick".

**Paul Broderick**  
Commissioner of State Revenue

# Notes to Certificate - Windfall Gains Tax

Certificate No: 71847778

---

## Power to issue Certificate

1. Pursuant to section 95AA of the *Taxation Administration Act 1997*, the Commissioner of State Revenue must issue a Property Clearance Certificate (Certificate) to an owner, mortgagee or bona fide purchaser of land who makes an application specifying the land for which the Certificate is sought and pays the application fee.

## Amount shown on Certificate

2. The Certificate shows in respect of the land described in the Certificate:
  - Windfall gains tax that is due and unpaid, including any penalty tax and interest
  - Windfall gains tax that is deferred, including any accrued deferral interest
  - Windfall gains tax that has been assessed but is not yet due
  - Windfall gains tax that has not yet been assessed (i.e. a WGT event has occurred that rezones the land but any windfall gains tax on the land is yet to be assessed)
  - Any other information that the Commissioner sees fit to include such as the amount of interest accruing per day in relation to any deferred windfall gains tax.

## Windfall gains tax is a first charge on land

3. Pursuant to section 42 of the *Windfall Gains Tax Act 2021*, windfall gains tax, including any accrued interest on a deferral, is a first charge on the land to which it relates. This means it has priority over any other encumbrances on the land, such as a mortgage, and will continue as a charge even if ownership of the land is transferred. Therefore, a purchaser may become liable for any unpaid windfall gains tax.

## Information for the purchaser

4. Pursuant to section 42 of the *Windfall Gains Tax Act 2021*, if a bona fide purchaser for value of land applies for and obtains a Certificate in respect of the land, the maximum amount recoverable from the purchaser by the Commissioner is the amount set out in the certificate, described as the "Current Windfall Gains Tax Charge" overleaf.
5. If the certificate states that a windfall gains tax is yet to be assessed, note 4 does not apply.
6. A purchaser cannot rely on a Certificate obtained by the vendor.

## Information for the vendor

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

## Passing on windfall gains tax to a purchaser



8. A vendor is prohibited from passing on a windfall gains tax liability to a purchaser where the liability has been assessed under a notice of assessment as at the date of the contract of sale of land or option agreement. This prohibition does not apply to a contract of sale entered into before 1 January 2024, or a contract of sale of land entered into on or after 1 January 2024 pursuant to the exercise of an option granted before 1 January 2024.

## General information

9. A Certificate showing no liability for the land does not mean that the land is exempt from windfall gains tax. It means that there is nothing to pay at the date of the Certificate.
10. An updated Certificate may be requested free of charge via our website, if:
  - The request is within 90 days of the original Certificate's issue date, and
  - There is no change to the parties involved in the transaction for which the Certificate was originally requested.
11. Where a windfall gains tax liability has been deferred, interest accrues daily on the deferred liability. The deferred interest shown overleaf is the amount of interest accrued to the date of issue of the certificate.

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## Windfall Gains Tax - Payment Options

<p><b>BPAY</b></p>  <p>Billers Code: 416073 Ref: 71847776</p> <p><b>Telephone &amp; Internet Banking - BPAY®</b></p> <p>Contact your bank or financial institution to make this payment from your cheque, savings, debit or transaction account.</p> <p><a href="http://www.bpay.com.au">www.bpay.com.au</a></p>	<p><b>CARD</b></p>  <p>Ref: 71847776</p> <p><b>Visa or Mastercard</b></p> <p>Pay via our website or phone 13 21 61. A card payment fee applies.</p> <p><a href="http://sro.vic.gov.au/payment-options">sro.vic.gov.au/payment-options</a></p>	<p><b>Important payment information</b></p> <p>Windfall gains tax payments must be made using only these specific payment references.</p> <p>Using the incorrect references for the different tax components listed on this property clearance certificate will result in misallocated payments.</p>
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PROPERTY INFORMATION CERTIFICATE  
Building Regulations 2018  
Regulation 51(1)



1 March 2024

Property number: 5000022272  
Your reference: 72004188-026-2  
Receipt number: -

Melania Serwylo c/o LANDATA

**Land (property) Address:** Lot 8 (2) Eloura Pl, Gembrook VIC 3783

**Building Permits or certificates of final inspection issued by the relevant Building Surveyor for the construction on the property during the last 10 years are as follows:**

<b>Permit No:</b> BS-U30045/009515/0 BS-U30045/008929/0	<b>Permit Issue Date:</b> 27/07/2016, 04/03/2016	<b>Final Certificate Date:</b> 13/06/2017, 16/12/2016
<b>Details of Build:</b> 1) Construction of 4 offices and 2 units 2) Multi-Unit Development		
<b>Building Surveyor:</b> Brett Threlfall - Building Surveying Victoria		

**Please note that Council is unaware of any current statement(s) issued under the Building Act 1993 and Building Regulations 2018 Notices or Orders currently against the property.**

**Outstanding building related orders or Notices pertaining to the Building Act 1993: -**

Type	Issue Date	Details

**Residential Notes:**

- As of 1 December 2019, all pools and spas must be registered with Council and a compliance certificate provided confirming that the existing pool barrier is compliant with the relevant Australian standards.
- The Building Regulations also require working Smoke Alarms to be installed within all residential buildings. Fines or prosecution may result if these legal requirements are not satisfied.
- As of the 11 March 2009 all building works for Class1, Class 2, Class 3 and associated 10a buildings must comply with the Bushfire protection requirements of the Building Code of Australia as required by the Bushfire construction Regulations 2018.

Note: This summary is an extract of Council's records only made at the date the information is provided. The information provided does not guarantee the status of the building. An inspection has not been specifically conducted because of your enquiry. The reply provided has been prepared as accurately as possible as at the date of the reply, from information currently available to Council. Council accepts no liability for any omissions or errors contained in the information supplied. Where any doubt or concern is raised professional advice should be sought.

Yours sincerely,

Lisa Fuss - Administration Officer Regulatory Services

# Sample owners corporation certificate

Owners Corporation Act 2006 Section 151, Owners Corporations Regulations 2018 Regulation 16

Owners corporation number

Address

**2 ELOURA Place, Gembrook VIC**

This certificate is issued for lot

**8**

on plan of subdivision  
number

**739807F**

Postal address

2 Eloura Place, Gembrook VIC 3783

Applicant for the certificate

Mountain Conveyancing

Address for delivery of certificate

4/1567 Burwood Highway, Tecoma VIC 3160

Date that the application was  
received

## Important:

The information in this certificate is issued on (insert date) 12 March 2024

You can inspect the owners corporations register for additional information and you should obtain a new certificate for current information prior to settlement.

1.	The current annual fees for the lot annually are: \$526.25 annually
2.	The date which the fees for the lot have been paid up to is: 30 June 2024.
3.	The total of any unpaid fees or charges for the lot is: NA
4.	The special fees or levies which have been struck, and the dates on which they were struck and are payable are: NA
5.	Repairs, maintenance or other work which has been or is about to be performed, and which may incur additional charges not included in annual fees, maintenance fund or special fees as set out above: NA

6.	<p>The owners corporation has the following insurance cover:</p> <ul style="list-style-type: none"> <li>• company name: Strata Unit Underwriters</li> <li>• policy number: 01R8200539</li> <li>• type of policy: Commercial Strata Insurance</li> <li>• buildings covered: 74 Main Street Gembrook</li> <li>• building amount: \$3,978,000.00</li> <li>• public liability amount: \$20,000,000</li> <li>• renewal date: 30 June 2024</li> </ul>
7.	<p>Has the owners corporation resolved that the members may arrange their own insurance under section 63 of the Act? If so, provide the date of that resolution: NA</p>
8.	<p>The total funds held by the owners corporation: NA – insurance only</p>
9.	<p>Are there any liabilities of the owners corporation that are not covered by annual fees, special levies and repairs and maintenance as set out above? If so, provide details: NA</p>
10.	<p>Are there any current contracts, leases, licences or agreements affecting the common property? If so, provide details: NA</p>
11.	<p>Are there any current agreements to provide services to lot owners, occupiers or the public? If so, provide details: NA</p>
12.	<p>Are there any notices or orders served on the owners corporation in the last 12 months that have not been satisfied? If so, provide details: There are no notices or orders as at 12 March 2024</p>
13.	<p>Are there any legal proceedings to which the owners corporation is a party and any circumstances of which the owners corporation is aware that are likely to give rise to proceedings? If so, provide details: NA</p>
14.	<p>Has the owners corporation appointed or resolved to appoint a manager? If so, provide details: NA</p>
15.	<p>Has an administrator been appointed for the owners corporation, or has there been a proposal for the appointment of an administrator? NA</p>
16.	<p>A copy of the minutes of the most recent annual general meeting of the owners corporation. NA</p>
17.	<p>Documents required to be attached to the owners corporation certificate are:</p> <ul style="list-style-type: none"> <li>• A copy of all resolutions made at the last annual general meeting</li> <li>• A copy of the consolidated rules registered at Land Victoria</li> <li>• A copy of Schedule 3 of the Owners Corporations Regulations 2018 entitled “Statement of advice and information for prospective purchasers and lot owners”</li> </ul>



18.	<p>Note:</p> <p>More information can be obtained by an inspection of the owners corporation register.</p> <p>Please make your request to inspect the owners corporation register in writing to:</p> <p>Insurance only – murrays@tudorinsurance.com.au</p>
-----	---

This owners corporation certificate was prepared by: **Mountain Conveyancing**

Postal address 4/1567 Burwood Highway, Tecoma VIC 3160

---

(signature) \_\_\_\_\_

(print name) \_\_\_\_\_

(name of management company if relevant) as delegate of the owners corporation \_\_\_\_\_

**The common seal of owners corporation number**

was affixed in accordance with Section 20 of the *Owners Corporations Act 2006* and in the presence of:



Signature of lot owner \_\_\_\_\_

Name of lot owner (block letters) \_\_\_\_\_

Lot number \_\_\_\_\_

Date \_\_\_\_\_

Signature of lot owner \_\_\_\_\_

Name of lot owner (block letters) \_\_\_\_\_

Lot number \_\_\_\_\_

Date \_\_\_\_\_

# CERTIFICATE OF CURRENCY



To whom it may concern,

Strata Unit Underwriting Agency Pty Ltd  
T/A Strata Unit Underwriters | ABN 30 089 201 534 | AFSL 246719  
Unit 5/263 Alfred Street, North Sydney, New South Wales 2060  
info@suu.com.au | www.suu.com.au | T: 1300 668 066 | F: 1300 668 166

**Date:** 14/09/2023

**Reference No:** DOC0000383209

This policy referred to is current at the date of issue of this certificate and whilst a due date has been indicated, it should be noted that the policy may be cancelled in the future. Accordingly, reliance should not be placed on the expiry date. This is to certify cover has been granted in terms of the Insurers Standard Policy, a copy of which is available on request. This certificate is not a substitute for the Policy of Insurance issued to you. The Policy, not this certificate, details your rights and obligations and the extents of your insurance cover.

**Insured:** Owners Corporation 739807

**Type of Insurance:** Commercial Strata

**Policy Number:** 01R8200539

**Period of Insurance:** From 4:00PM 30/06/2023  
To 4:00PM 30/06/2024

## OVERVIEW

<b>Insured:</b>	Owners Corporation 739807
<b>Situation:</b>	74 MAIN STREET, GEMBROOK VIC 3783
<b>Section 1:</b>	Building including common contents \$3,978,000.00
	Loss of Rent/Temporary Accommodation (15%) \$596,700.00
	Catastrophe or Emergency Not included
	Additional Loss of Rent/Temporary Accommodation Not included
	Floating Floors Not included
	Flood Included
<b>Section 2:</b>	Glass Included
<b>Section 3:</b>	Theft Included
<b>Section 4:</b>	Liability \$ 20,000,000
<b>Section 5:</b>	Fidelity Guarantee \$100,000
<b>Section 6:</b>	Office Bearers Liability \$ 250,000
<b>Section 7:</b>	Voluntary Workers (Weekly/Capital Benefit) \$2,000/\$200,000
<b>Section 8:</b>	Government Audit Costs \$25,000
<b>Section 9:</b>	Legal Expenses \$50,000
<b>Section 10:</b>	Workplace, Health and Safety Breaches \$100,000
<b>Section 11:</b>	Machinery Breakdown Not Insured
<b>Section 12:</b>	Lot Owners Improvements (Per Lot) \$250,000
<b>Section 13:</b>	Workers Compensation Not included

On behalf of the Insurers: Insurance Australia Limited  
Trading as CGU Insurance | ABN: 11 000 016 722

# CERTIFICATE OF CURRENCY



Policy Number: 01R8200539

Insured: Owners Corporation 739807

## EXCESSES

### Section 1 - Building including Common Contents

\$1,000.00 all claims + as per policy wording

### Section 2 - Glass

\$1,000.00 all claims

### Section 3 - Theft

\$1,000.00 all claims

## SPECIAL TERMS/CONDITIONS

### Flood

This policy is extended to include flood. The word 'flood' is deleted from exclusion e on page 20 and exclusion e on page 23.

# CERTIFICATE OF CURRENCY



## IMPORTANT NOTICES

It is important to read and consider the Product Disclosure Statement when deciding whether to purchase this insurance. You should consider whether this product is appropriate for your financial circumstances, objectives and needs. After reading this notice if any matter relating to your policy is unclear to you or you have any questions at all in relation to the insurance, please contact us for an answer or explanation as soon as possible.

Strata Unit Underwriting Agency Pty Limited T/A Strata Unit Underwriters (SUU) hereby gives notice that this contract is issued under an authority by the Insurer/s named on Your Quotation or Policy Schedule. SUU is an agent of the Insurer and not the Insured.

Clients who are not fully satisfied with our services should contact our Internal Disputes Resolution Officer. SUU also subscribes to the Australian Financial Complaints Authority, a free customer service. Further information is available within the Product Disclosure Statement (PDS) or via our website.

Please review the sums insured as noted on your Quotation or Policy Schedule to ensure they are up-to-date and take into account your objectives, financial situation, needs and requirements of any relevant legislation.

When answering our questions you must be honest, as the answers will form the basis of our decision to insure you. Your answers apply to you and to anyone else that may be insured under the policy. If you have not answered our questions in this way, we may reduce or refuse to pay a claim, or cancel the policy.

## GENERAL ADVICE WARNING

The general advice provided has not taken into account your objectives, financial situation or needs. You must therefore assess whether it is appropriate, in the light of your own individual objectives, financial situation or needs, to act upon this advice.

## **Model rules for an owners corporation**

### **1. Health, safety and security**

#### **1.1 Health, safety and security of lot owners, occupiers of lots and others**

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

#### **1.2 Storage of flammable liquids and other dangerous substances and materials**

(1) Except with the approval in writing of the owners corporation, an owner or occupier of a lot must not use or store on the lot or on the common property any flammable chemical, liquid or gas or other flammable material.

(2) This rule does not apply to—

(a) chemicals, liquids, gases or other material used or intended to be used for domestic purposes; or

(b) any chemical, liquid, gas or other material in a fuel tank of a motor vehicle or internal combustion engine.

#### **1.3 Waste disposal**

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

#### **1.4 Smoke penetration**

A lot owner or occupier in a multi-level development must ensure that smoke caused by the smoking of tobacco or any other substance by the owner or occupier, or any invitee of the owner or occupier, on the lot does not penetrate to the common property or any other lot.

#### **1.5 Fire safety information**

A lot owner must ensure that any occupier of the lot owner's lot is provided with a copy of fire safety advice and any emergency preparedness plan that exists in relation to the lot prior to the occupier commencing occupation of the lot.

### **2. Committees and sub-committees**

#### **2.1 Functions, powers and reporting of committees and sub-committees**

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

### **3. Management and administration**

#### **3.1 Metering of services and apportionment of costs of services**

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

### **4. Use of common property**

#### **4.1 Use of common property**

- (1) An owner or occupier of a lot must not obstruct the lawful use and enjoyment of the common property by any other person entitled to use the common property.
- (2) An owner or occupier of a lot must not, without the written approval of the owners corporation, use for the owner or occupier's own purposes as a garden any portion of the common property.
- (3) An approval under subrule (2) may state a period for which the approval is granted.
- (4) If the owners corporation has resolved that an animal is a danger or is causing a nuisance to the common property, it must give reasonable notice of this resolution to the owner or occupier who is keeping the animal.
- (5) An owner or occupier of a lot who is keeping an animal that is the subject of a notice under subrule (4) must remove that animal.
- (6) Subrules (4) and (5) do not apply to an animal that assists a person with an impairment or disability.
- (7) The owners corporation may impose reasonable conditions on a lot owner's right or an occupier's right to access or use common property to protect the quiet enjoyment, safety and security of other lot owners, including but not limited to imposing operating hours on facilities such as gymnasiums and swimming pools.

#### **4.2 Vehicles and parking on common property**

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

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

### 4.3 Damage to common property

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

## 5. Lots

### 5.1 Change of use of lots

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

#### Example

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

### 5.2 External appearance of lots

- (1) An owner or occupier of a lot must obtain the written approval of the owners corporation before making any changes to the external appearance of their lot.
- (2) An owners corporation cannot unreasonably withhold approval, but may give approval subject to reasonable conditions to protect quiet enjoyment of other lot owners, structural integrity or the value of other lots and/or common property.
- (3) The owners corporation cannot unreasonably prohibit the installation of sustainability items on the exterior of the lot, including by prohibiting the installation of a sustainability item only on aesthetic grounds.
- (4) The owners corporation may require that the location of a sustainability item, or the works involved in installing a sustainability item, must not unreasonably disrupt the quiet enjoyment of other lot owners or occupiers or impede reasonable access to, or the use of, any other lot or the common property.
- (5) The owners corporation may impose reasonable conditions on the installation of a sustainability item on the exterior of the lot related to the colour, mounting and location of the sustainability item provided that these conditions do not increase the cost of installing the sustainability item or reduce its impact as a sustainability item.

### 5.3 Requiring notice to the owners corporation of renovations to lots

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

## 6. Behaviour of persons

### 6.1 Behaviour of owners, occupiers and invitees on common property

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

### 6.2 Noise and other nuisance control

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

## 7. Dispute resolution

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



# Statement of advice and information for prospective purchasers and lot owners

Schedule 3, Regulation 17, Owners Corporations Regulations 2018

## What is an owners corporation?

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

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

## How are decisions made by an owners corporation?

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

## Owners corporation rules

The owners corporation rules may deal with matters such as car parking, noise, pets, the appearance or use of lots, behaviour of owners, occupiers or guests and grievance procedures.

You should look at the owners corporation rules to consider any restrictions imposed by the rules.

## Lot entitlement and lot liability

The plan of subdivision will also show your lot entitlement and lot liability. Lot liability represents the share of owners corporation expenses that each lot owner is required to pay.

Lot entitlement is an owner's share of ownership of the common property, which determines voting rights. You should make sure that the allocation of lot liability and entitlement for the lot you are considering buying seems fair and reasonable.

## Further information

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

## Management of an owners corporation

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

If you are uncertain about any aspect of the owners corporation or the documents you have received from the owners corporation, you should seek expert advice.

# PLANNING PROPERTY REPORT

From [www.planning.vic.gov.au](http://www.planning.vic.gov.au) at 12 March 2024 10:50 AM

## PROPERTY DETAILS

Address: **2 ELOURA PLACE GEMBROOK 3783**  
Lot and Plan Number: **Lot 8 PS739807**  
Standard Parcel Identifier (SPI): **8\PS739807**  
Local Government Area (Council): **CARDINIA**  
Council Property Number: **5000022272**  
Planning Scheme: **Cardinia**  
Directory Reference: **Melway 312 K10**

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

[Planning Scheme - Cardinia](#)

## UTILITIES

Rural Water Corporation: **Southern Rural Water**  
Melbourne Water Retailer: **Yarra Valley Water**  
Melbourne Water: **Inside drainage boundary**  
Power Distributor: **AUSNET**

## STATE ELECTORATES

Legislative Council: **EASTERN VICTORIA**  
Legislative Assembly: **MONBULK**

## OTHER

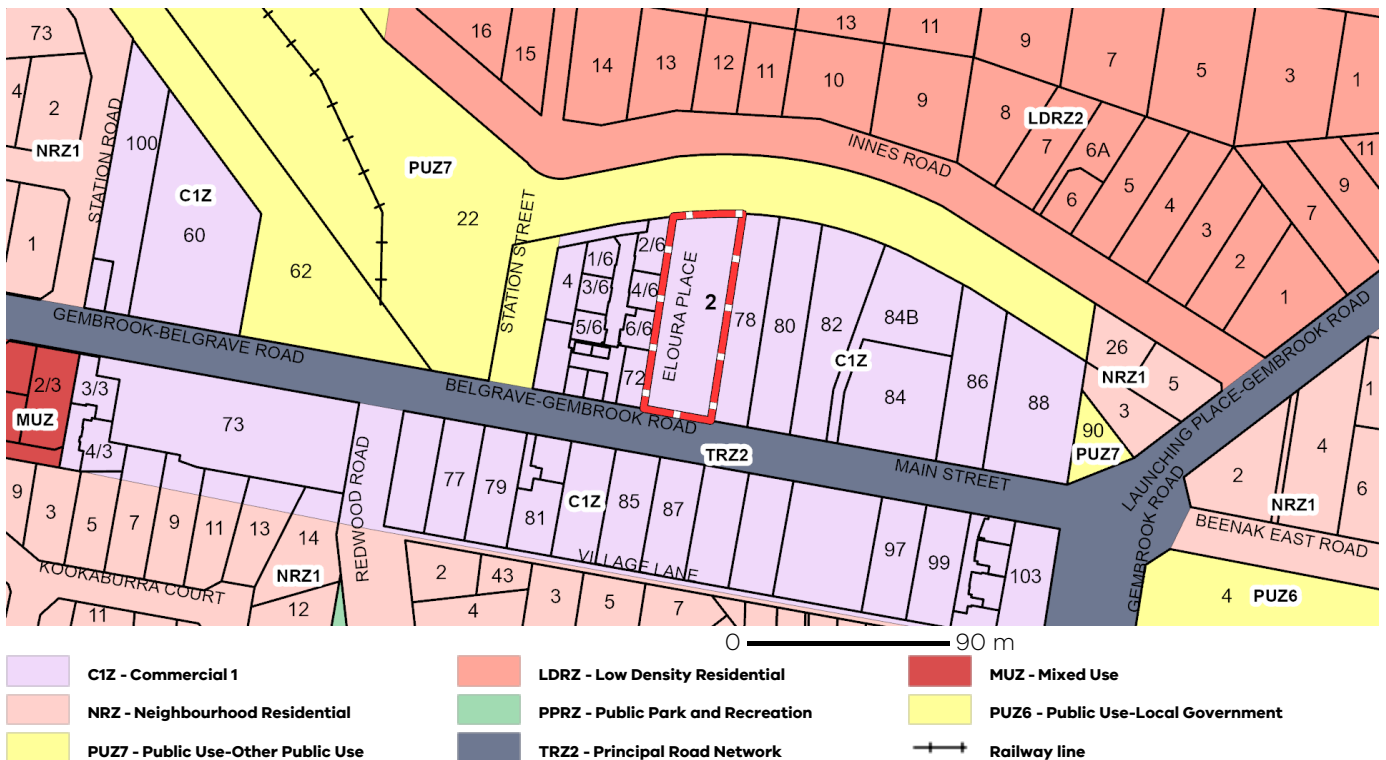
Registered Aboriginal Party: **Wurundjeri Woi Wurrung Cultural  
Heritage Aboriginal Corporation**

[View location in VicPlan](#)

## Planning Zones

[COMMERCIAL 1 ZONE \(C1Z\)](#)

[SCHEDULE TO THE COMMERCIAL 1 ZONE \(C1Z\)](#)



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

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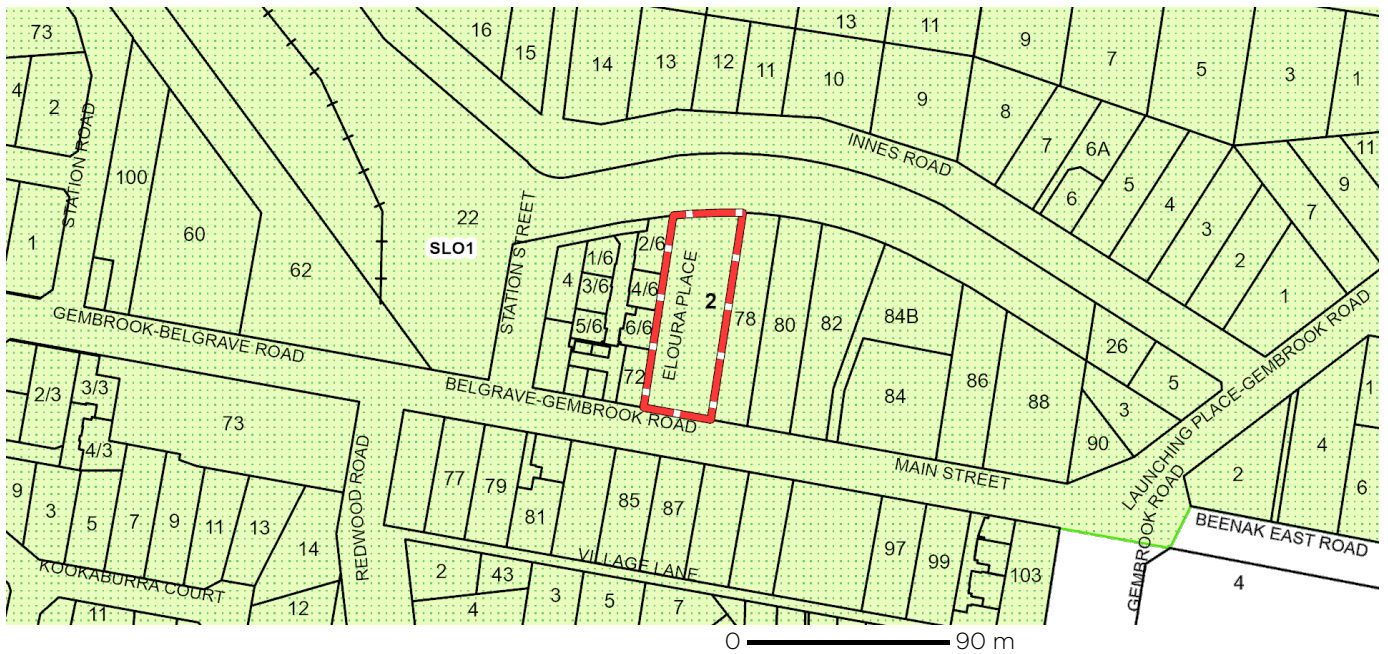
**Disclaimer:** This content is provided for information purposes only. No claim is made as to the accuracy or authenticity of the content. The Victorian Government does not accept any liability to any person for the information provided.  
Read the full disclaimer at <https://www.delwp.vic.gov.au/disclaimer>

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

## Planning Overlays

[SIGNIFICANT LANDSCAPE OVERLAY \(SLO\)](#)

[SIGNIFICANT LANDSCAPE OVERLAY - SCHEDULE 1 \(SLO1\)](#)



 SLO - Significant Landscape Overlay       Railway line

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

### OTHER OVERLAYS

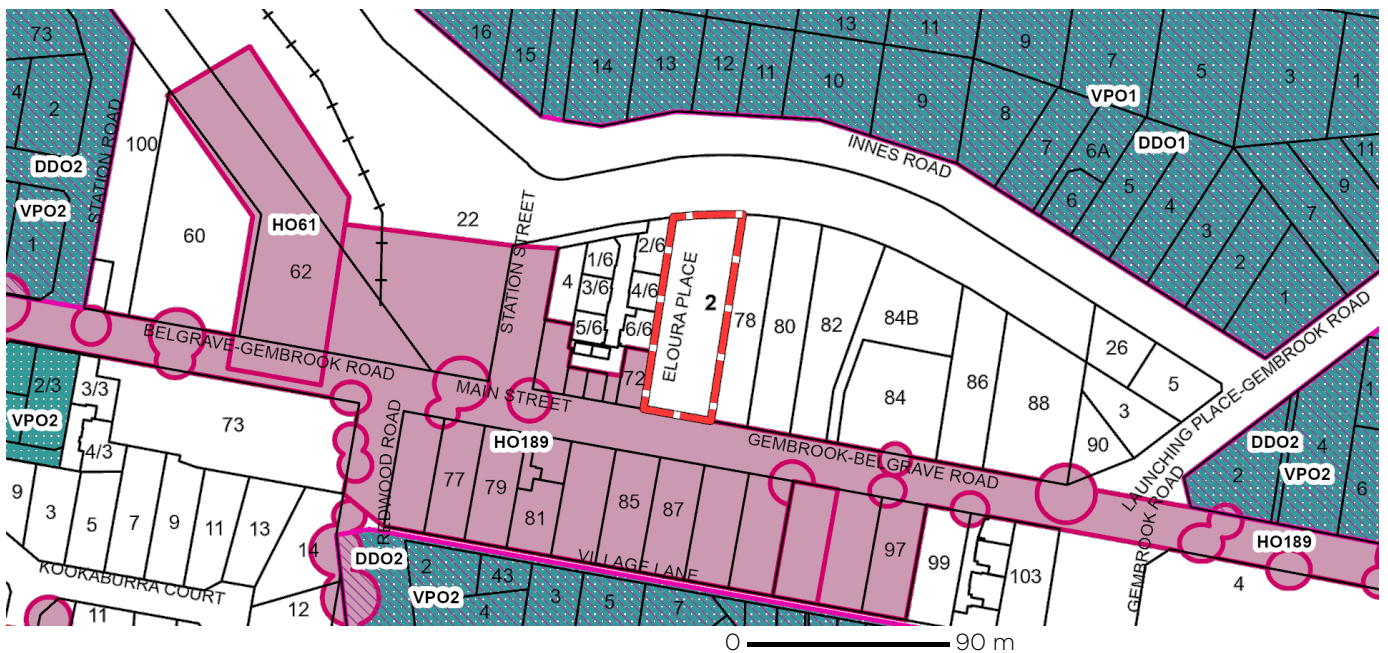
Other overlays in the vicinity not directly affecting this land

[BUSHFIRE MANAGEMENT OVERLAY \(BMO\)](#)

[DESIGN AND DEVELOPMENT OVERLAY \(DDO\)](#)

[HERITAGE OVERLAY \(HO\)](#)

[VEGETATION PROTECTION OVERLAY \(VPO\)](#)



 BMO - Bushfire Management Overlay       DDO - Design and Development Overlay       HO - Heritage Overlay  
 VPO - Vegetation Protection Overlay       Railway line

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

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

## Further Planning Information

Planning scheme data last updated on 7 December 2023.

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

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

Information about the State and local policy, particular, general and operational provisions of the local planning scheme that may affect the use of this land can be obtained by contacting the local council

or by visiting <https://www.planning.vic.gov.au>

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

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

To obtain a Planning Certificate go to Titles and Property Certificates at Landata - <https://www.landata.vic.gov.au>

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

To view planning zones, overlay and heritage information in an interactive format visit

<https://mapshare.maps.vic.gov.au/vicplan>

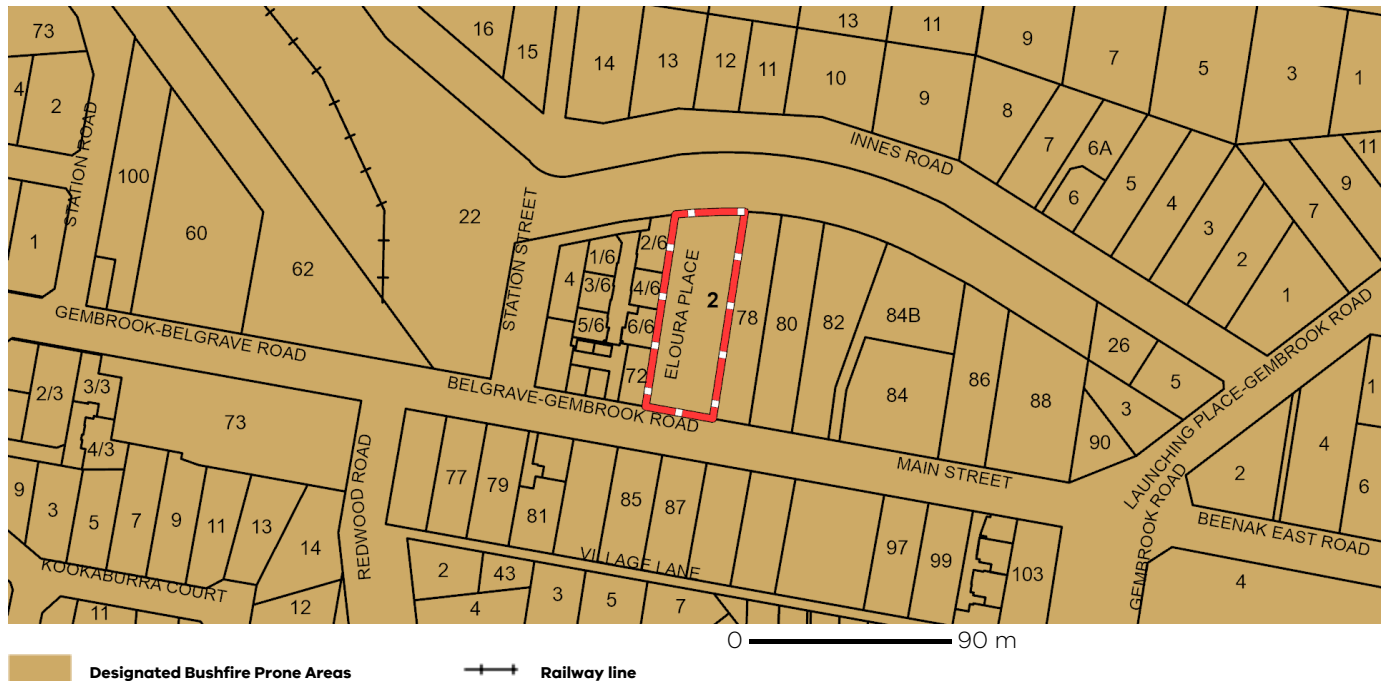
For other information about planning in Victoria visit <https://www.planning.vic.gov.au>

## Designated Bushfire Prone Areas

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

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

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



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

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

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

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

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

## Native Vegetation

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

To help identify native vegetation on this property and the application of Clause 52.17 please visit the Native Vegetation Information Management system <https://nvim.delwp.vic.gov.au/> and [Native vegetation \(environment.vic.gov.au\)](http://Native%20vegetation%20(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 \(environment.vic.gov.au\)](http://NatureKit%20(environment.vic.gov.au))