


# 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.

<b>Land</b>	89 OSTLERS ROAD, LAKES ENTRANCE VIC 3909
-------------	--

Vendor's name	Lianne Lesley Smith	Date
Vendor's signature		7/8/2024

Purchaser's name		Date
Purchaser's signature	<hr/>	
Purchaser's name		Date
Purchaser's signature	<hr/>	

# 1. FINANCIAL MATTERS

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

(a)  Their amounts are:

Authority	Amount	Interest (if any)
(1) East Gippsland Shire Council (rates not struck for this rating period however not expected to exceed)	\$3,200.00	
(2) East Gippsland Water	\$252.52	

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

Not Applicable

## 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

# 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:

Not Applicable

## 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

The required specified information is as follows:

- (a) Name of planning scheme East Gippsland Planning Scheme  
(b) Name of responsible authority East Gippsland Shire Council  
(c) Zoning of the land LDRZ - Low Density Residential Zone  
(d) Name of planning overlay Design and Development Overlay, Erosion Management Overlay, Environmental Significance Overlay & Vegetation Protection Overlay.

## 4. NOTICES

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

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

Are as follows

There are no notices to the Vendor's knowledge

### 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:

There are no notices to the Vendor's knowledge

### 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:

There are no notices to the Vendor's knowledge

## 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 checked="" type="checkbox"/>
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## 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)*

Register Search Statement Volume 10102 Folio 105

Plan of Subdivision PS318986B

Covenant S440753D

Section 173 Agreement S254205E

Application by Surviving Proprietor

LandVic Property Report

Planning Property Report

# Due diligence checklist

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

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

### Urban living

#### Moving to the inner city?

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

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

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

### Growth areas

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

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

### Flood and fire risk

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

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

### Rural properties

#### Moving to the country?

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

- Is the surrounding land use compatible with your lifestyle expectations? Farming can create noise or odour that may be at odds with your expectations of a rural lifestyle.
- 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.



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

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

Page 1 of 1

VOLUME 10102 FOLIO 105

Security no : 124116841195E  
Produced 23/07/2024 12:03 PM

**LAND DESCRIPTION**

Lot 9 on Plan of Subdivision 318986B.  
PARENT TITLE Volume 03471 Folio 198  
Created by instrument PS318986B 19/02/1993

**REGISTERED PROPRIETOR**

Estate Fee Simple  
Joint Proprietors  
WAYNE RONALD SMITH  
LIANNE LESLEY SMITH both of 19 CREIGHTON STREET LAKES ENTRANCE VIC 3909  
AH748220G 27/01/2011

**ENCUMBRANCES, CAVEATS AND NOTICES**

COVENANT (as to whole or part of the land) in instrument S440753D 15/04/1993

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  
S254205E 10/11/1992

**DIAGRAM LOCATION**

SEE PS318986B 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: 89 OSTLERS ROAD LAKES ENTRANCE VIC 3909

DOCUMENT END





# Imaged Document Cover Sheet

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Document Type	<b>Plan</b>
Document Identification	<b>PS318986B</b>
Number of Pages (excluding this cover sheet)	<b>4</b>
Document Assembled	<b>23/07/2024 12:03</b>

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<b>PLAN OF SUBDIVISION</b>		STAGE No.	LTO USE ONLY <b>EDITION 2</b>	PLAN NUMBER <b>PS 318986 B</b>	
<b>LOCATION OF LAND</b> PARISH: COLQUHOUN TOWNSHIP: — SECTION: — CROWN ALLOTMENT: 123B (PART) CROWN PORTION: — LTO BASE RECORD: PARISH 1 (2412) TITLE REFERENCES: VOL 3471 FOL 198 LAST PLAN REFERENCE/S: LP 133045 LOT 3 POSTAL ADDRESS: OSTLERS ROAD, (At time of subdivision) LAKES ENTRANCE 3909 AMG Co-ordinates (of approx centre of land in plan) E 587 250 N 5809 700 ZONE: 55		<b>COUNCIL CERTIFICATION AND ENDORSEMENT</b> COUNCIL NAME: SHIRE OF TAMBO REF: S/0153/318986B 1. This plan is certified under Section 6 of the Subdivision Act 1988. <del>2. This plan is certified under Section 11(7) of the Subdivision Act 1988.</del> <del>Date of original certification under Section 6: / /</del> <del>3. This is a statement of compliance issued under Section 21 of the Subdivision Act 1988.</del> OPEN SPACE (i) A requirement for public open space under Section 18 of the Subdivision Act 1988 has/has not been made. (ii) The requirement has been satisfied. <del>(iii) The requirement is to be satisfied in Stage .....</del> Council Delegate <del>Council Seal</del> Date 30 / 9 / 92  <del>Re-certified under Section 11(7) of the Subdivision Act 1988.</del> <del>Council Delegate</del> <del>Council Seal</del> Date / /			
<b>VESTING OF ROADS AND/OR RESERVES</b>					
IDENTIFIER		COUNCIL/BODY/PERSON			
R1 ROAD		SHIRE OF TAMBO			
<b>NOTATIONS</b>					
STAGING This is/is not a staged subdivision. Planning permit No.					
DEPTH LIMITATION 15.24 METRES BELOW THE SURFACE APPLIES TO ALL THE LAND IN THE PLAN.					
SURVEY THIS PLAN IS/IS NOT BASED ON SURVEY THIS SURVEY HAS BEEN CONNECTED TO PERMANENT MARKS No.(s) IN PROCLAIMED SURVEY AREA No.					
<b>EASEMENT INFORMATION</b>				<b>LTO USE ONLY</b>	
LEGEND A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)				STATEMENT OF COMPLIANCE/ EXEMPTION STATEMENT	
				RECEIVED <input checked="" type="checkbox"/>	
				DATE 10/2/03	
				<b>LTO USE ONLY</b>	
				PLAN REGISTERED	
				TIME 11-30AM	
				DATE 19/2/93	
				<i>[Signature]</i>	
				Assistant Registrar of Titles	
				SHEET 1 OF 3 SHEETS	
<b>CROWTHER &amp; SADLER PTY. LTD.</b> Licensed Surveyors and Town Planners 152 Macleod Street, P.O. Box 722, BAIRNSDALE, 3875. Phone (051) 52 5011		LICENSED SURVEYOR (PRINT) JON MARK BRODZIK			
		SIGNATURE .....		DATE / /	
		REF 5148		VERSION	
				DATE / /	
				COUNCIL DELEGATE SIGNATURE	
				ORIGINAL SHEET SIZE A3	

**PLAN OF SUBDIVISION**

STAGE No.

PLAN NUMBER

**PS 318986 B**

APPROX TRUE NORTH

121

123A

PS 322368

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46.14 ha

86

**OSTLERS ROAD**

**BLAIRS ROAD**

**OSTLERS ROAD**

FOR ENLARGEMENT  
SEE SHEET 3

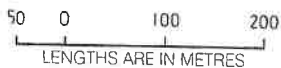
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ORIGINAL  
SCALE 1:5000  
SHEET SIZE A3

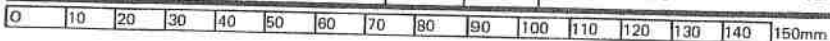
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REF **5148** VERSION

SHEET 2 OF 3 SHEETS

DATE / /  
COUNCIL DELEGATE SIGNATURE \_\_\_\_\_



**PLAN OF SUBDIVISION**

STAGE No.

PLAN NUMBER

**PS 318986 B**

APPROX TRUE NORTH

14

ROAD

OSTLERS

BLAIRS ROAD

RI ROAD

OSTLERS ROAD

SEE ENLARGEMENT

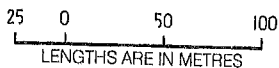
ENLARGEMENT NOT TO SCALE

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1:2500 A3

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SIGNATURE .....

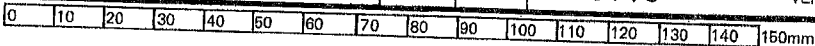
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VERSION

SHEET 3 OF 3 SHEETS

DATE / /

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# VICTORIAN LAND TITLES OFFICE



## Transfer of Land Containing a Covenant and/or Easement

Section 45 Transfer of Land Act 1958

150493 1330 45 52 5440P630

Lodged at the Land Titles Office by:

"Your Guide to the T2 Form"

Name: ENGUET & PARTNERS PTY

Phone: \_\_\_\_\_

MADE AVAILABLE / CHANGE CONTROL

Ref: \_\_\_\_\_ Customer Code 392C

Land Titles Office Use Only

The Transferor at the direction of the directing party (if any) transfers to the transferee the estate and interest specified in the land described for the consideration expressed-

- together with any easement created by this transfer;
- subject to the encumbrances affecting the land including any created by dealings lodged for registration before the lodging of this transfer; and
- subject to any easement reserved by this transfer or restrictive covenant contained or covenant created pursuant to statute and included in this transfer.

Land (Title)

Certificate of Title Volume 10102 Folio 105

Estate and Interest (e.g. "all my estate in fee simple")

Estate in fee simple

Consideration

Fifty two thousand dollars (\$52,000.00)

Transferor (Full name)

FRANCIS JESSE O'DONNELL and PAMELA JOAN O'DONNELL

Transferee (Full name and address for future notices including postcodes)

WILLIAM JAMES THORN and BEVERLEY THORN both of R.M.B. 2245, Kalinna West Road, Nungurner, 3909, as joint tenants.

Directing Party (Full name)

Creation and/or Reservation of Easement and/or Covenant

The Transferees with the intent that the benefit of this covenant shall be attached to and run at law and in equity with the whole of the land contained in Plan of Subdivision No. PS318986B and each and every part thereof (other than the land hereby transferred) and that the burden of this covenant shall be annexed to and run at law and in equity with the land hereby transferred and each and every part thereof and that the same shall be noted and appear on every Certificate of Title for the land hereby transferred and each and every part thereof as an encumbrance affecting the same DOES HEREBY COVENANT with the ~~Transferors~~ <sup>Transferors</sup> and other the registered proprietor or proprietors for the time being of the land comprised in the said Plan of Subdivision (other than the land hereby transferred) that the Transferees will not:-

Land Titles Office Use Only

(See reverse)

# T2



License No. 29261

1048

JUL 23 2024 12:03



# ORDER TO REGISTER

## To the Registrar of Titles

Please register this dealing and upon completion issue the documents as follows:-

Signed.....

Firm's Name.....

Customer code.....

Creation and/or Reservation of Easement and/or Covenant (conditional necessary)

- (a) Erect, place, construct, permit, licence or authorise on the land any building other than a single dwelling house together with the usual outbuildings, such dwelling house to:-
  - (i) Contain a floor area of not less than 120 square metres within the outer walls thereof exclusive of any carports, garages, terraces, pergolas or verandahs;
  - (ii) Have outer walls consisting of at least 70% brick, brick veneer, stone, masonry, timber or glass;
  - (iii) Have any exposed timber, masonry or hardplank painted with at least two coats of first quality paint or stain;
  - (iv) Have a roof of slate or tiles or colourbanded material;
  - (v) Have outbuildings constructed of entirely new materials unless the same are painted with at least two coats of first quality paint.
- (b) Erect, construct, permit, licence or authorise on the land any home (other than a new kit or transportable home) which has been removed from another place or site.

Dated: 7/1/1998

Execution and Authentication

SIGNED by the said FRANCIS JESSE O'DONNELL and PAMELA JOAN O'DONNELL in the presence of:

.....  
.....

.....  
.....

SIGNED by the said WILLIAM JAMES THORN and BEVERLEY THORN in the presence of:

.....  
.....

.....  
.....

See Annexure Sheet marked.....





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\$254205E

LOGGED BY Warren, Graham & Murphy

CODE...1716W....

VICTORIA

071232 0938 MISC \$54 S254205E

APPLICATION BY A RESPONSIBLE AUTHORITY  
under Section 181 Planning and  
Environment Act 1987 for ENTRY OF A  
MEMORANDUM OF AGREEMENT under Section  
173 of the Act.

The Responsible Authority under the Planning Scheme having entered into an Agreement with the parties named for the land described requires that a Memorandum of Agreement be entered on the Certificate of Title to the land referred to.

LAND <sup>Lots 1 & 110(61)</sup> on Plan of Subdivision <sup>318986B</sup> 199045 Parish of Colquhoun and being the land ~~remaining~~ in ~~Crown Grant~~ Volume <sup>3471</sup> Folio <sup>198</sup> <sup>097 to 110(61)</sup>  
<sub>10102</sub>

ADDRESS OF LAND      Blairs Road, Lakes Entrance      ~~APPOINTMENT~~

APR 1993

RESPONSIBLE AUTHORITY      Shire of Tambo

PLANNING SCHEME      Tambo Shire Planning Scheme

AGREEMENT DATE      The 10th day of November, 1992

AGREEMENT WITH      FRANCIS JESSE O'DONNELL and PAMELA  
JOAN O'DONNELL as owners

A copy of the Agreement is attached to this Application

X Signature for the Responsible Authority ..... *[Signature]*

X Name of Officer ..... GRAHAM MIN

X Date ..... 2/12/92

Prepared by Warren, Graham & Murphy of 119 Main Street, Bairnsdale (IRC:vca)

11/1/93

AGREEMENT PURSUANT TO SECTION 173  
OF THE PLANNING & ENVIRONMENT ACT 1987

THIS AGREEMENT is made the *10<sup>th</sup>* day of *November* 1992

B E T W E E N:

THE PRESIDENT COUNCILLORS AND RATEPAYERS OF THE SHIRE OF TAMBO  
(hereinafter referred to as the Council of the first part AND FRANCIS  
JESSE O'DONNELL and PAMELA JOAN O'DONNELL, both of Blairs Road, Lakes  
Entrance in the State of Victoria (hereinafter referred to as the  
Owner) of the second part.

WHEREAS:

- A. The Owner is the registered proprietor of the land described in the First Schedule hereto (hereinafter referred to as the subject land) and has made application to the Council as the Responsible Authority under the Tambo Planning Scheme (hereinafter referred to as the Scheme) for a 52 Lot Subdivision and erection of a single detached dwelling on each Lot.
- B. The Council has granted Planning Permit No. 5791 dated the 11th day of August, 1992 (hereinafter referred to as the Permit) for the subdivision of the subject land for a 52 Lot Subdivision and the erection of a single detached dwelling on each Lot and subject to conditions including a condition as follows:-

The Applicant shall enter into an Agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987 where it is undertaken by the applicant/owner to complete the following:-

- (a) Removal of all storage materials on the land associated with Stage 1 of the subdivision hereby permitted. The removal of the said materials must be completed prior to the issue of a Statement of Compliance for this stage.

- 2 -

(b) Removal of all other storage materials from the subject land upon completion of Stage 3 and prior to the certification of Stage 4 or any other stage of the subdivision hereby permitted or prior to the 1st January, 1995, whichever occurs first.

The said materials shall be removed to the satisfaction and requirements of the Responsible Authority in order to protect and maintain the rural-residential amenity of the area and to avoid incompatible use of the subject land in relation to rural-residential development.

(c) The agreement will bind the Applicant as owner and shall run with the land so that all successors in title are also bound by the Agreement. This Agreement will be prepared at the Applicant's cost and to the satisfaction of the Responsible Authority and shall be executed prior to the issue of any Statement of Compliance for the subdivision hereby permitted.

C. 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 being an agreement under Section 173(1) of the Planning & Environment Act 1987.

NOW THIS AGREEMENT WITNESSETH as follows:-

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

(a) "Owner" shall mean 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 subject land;

(b) "Subdivision" includes -

i) the dividing of land into two or more parts -

a) by sale, conveyance, transfer or partition; or

b) by procuring the issue of a certificate of title under the Transfer of Land Act 1958 in respect to a part of the land;

ii) the subdivision of land by sale, transfer or partition into two or more lots and common property, none of which consists in whole or in part of a stratum or strata;

iii) the subdivision of land by sale, transfer or partition into two or more units or into two or more units and common property whether or not any unit is on the same level as any other unit;

and "subdivided" has a corresponding interpretation.

2. The Owner with the intent that his covenant hereunder shall run with the land hereby covenants and agrees that he (which term shall include the owner or owners of the subject land or any part thereof from time to time) will -

- 4 -

- i) comply with the conditions of the permit;
  - ii) remove all storage materials on the land associated with Stage 1 prior to issue of a Statement of Compliance for Stage 1;
  - iii) remove all other storage materials from the subject land on completion of Stage 3 and prior to certification of Stage 4 or any other stage of the subdivision hereby permitted or prior to the 1st January, 1995, whichever occurs first;
  - iv) undertake no further subdivision of Lots 20, 30, 40 and 52 as long as the subject land is zoned Rural/Residential. If in the future Lots 20, 30, 40 and 52 are rezoned then this Agreement insofar as it relates to the restriction of no further subdivision is to be cancelled.
3. The Owner agrees to do all things necessary to enable the Council to enter a memorandum of this Agreement on the certificate of title to the subject land in accordance with Section 181 of the Act including signing any further agreement acknowledgement or document to enable the said memorandum to be registered under that Section.
4. The Owner covenants and agrees to pay the Council's costs of and incidental to the preparation and execution of this Agreement and the registration of a memorandum of the Agreement at the office of Titles pursuant to Section 181 of the Act and any duties or fees payable in connection with either the Agreement or the registration of the memorandum at the Office of Titles.

5. This Agreement will end pursuant to Section 177 of the Act in the event of -

- (a) in the case of 2(iv) above the subject land being rezoned;
- (b) in any other case on removal of all storage materials to the satisfaction of the Responsible Authority.

IN WITNESS whereof the parties hereto have hereunto set their hands and seals the day and year first hereinbefore written.

THE CORPORATE SEAL of THE PRESIDENT )  
COUNCILLORS AND RATEPAYERS OF THE )  
SHIRE OF TAMBO was hereunto affixed )  
in the presence of: )

..... President  
*[Signature]* ..... Councillor  
*[Signature]* ..... Shire Secretary

SIGNED by the said )  
FRANCIS JESSE O'DONNELL )  
in the presence of: )  
*[Signature]* .....  
WITNESS

*[Signature]* .....  
F.J. O'DONNELL

SIGNED by the said )  
PAMELA JOAN O'DONNELL )  
in the presence of: )  
*[Signature]* .....  
WITNESS

*[Signature]* .....  
P.J. O'DONNELL

FIRST SCHEDULE

Lot 3 on Plan of Subdivision No. 133045 Parish of Colquhoun County of  
Tambo and being the land remaining in Crown Grant Volume 3471 Folio  
198.



**Application by surviving proprietor**  
**Section 50 Transfer of Land Act 1958**

**Privacy Collection Statement**

The information in this form is collected under statutory authority and used for the purpose of maintaining publicly searchable registers and indexes.

Lodged by

Name: EAST GIPPSLAND CONVEYANCING  
Phone: 03 4135 2000  
Address: 224 MAIN STREET, BAIRNSDALE VIC 3875  
Reference: LN:TB:24-2817  
Customer code:

The applicant applies to be registered as the proprietor of the estate and interest in the land held jointly with the deceased.

Land: (volume and folio, and if applicable mortgage, charge or lease no.)

VOLUME 10102 FOLIO 105

Applicant: (full name and address, including postcode)

LIANNE LESLEY SMITH OF 89 OSTLERS ROAD, LAKES ENTRANCE VIC 3909

Deceased: (full name)

WAYNE RONALD SMITH

Signing:

35271702A

**50TLA**

Page 1 of 3

**THE BACK OF THIS FORM MUST NOT BE USED**

Land Use Victoria contact details: [www.delwp.vic.gov.au/property](http://www.delwp.vic.gov.au/property)>Contact us

**Application by surviving proprietor  
Section 50 Transfer of Land Act 1958**

**Privacy Collection Statement**  
The information in this form is collected under statutory authority and used for the purpose of maintaining publicly searchable registers and indexes.

Executed on behalf of    LIANNE LESLEY SMITH  
Signer Name                LIANNE LESLEY SMITH

Signature

Execution Date

Full Name of Witness

Witness Signature

---

35271702A

**50TLA**

Page 2 of 3

**THE BACK OF THIS FORM MUST NOT BE USED**

Land Use Victoria contact details: [www.delwp.vic.gov.au/property](http://www.delwp.vic.gov.au/property)>Contact us

# PLANNING PROPERTY REPORT

From [www.planning.vic.gov.au](http://www.planning.vic.gov.au) at 23 July 2024 11:26 AM

## PROPERTY DETAILS

Address: **89 OSTLERS ROAD LAKES ENTRANCE 3909**  
Lot and Plan Number: **Lot 9 PS318986**  
Standard Parcel Identifier (SPI): **9\PS318986**  
Local Government Area (Council): **EAST GIPPSLAND**  
Council Property Number: **43889**  
Planning Scheme: **East Gippsland**  
Directory Reference: **Vicroads 686 H1**

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

[Planning Scheme - East Gippsland](#)

## UTILITIES

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

## STATE ELECTORATES

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

## OTHER

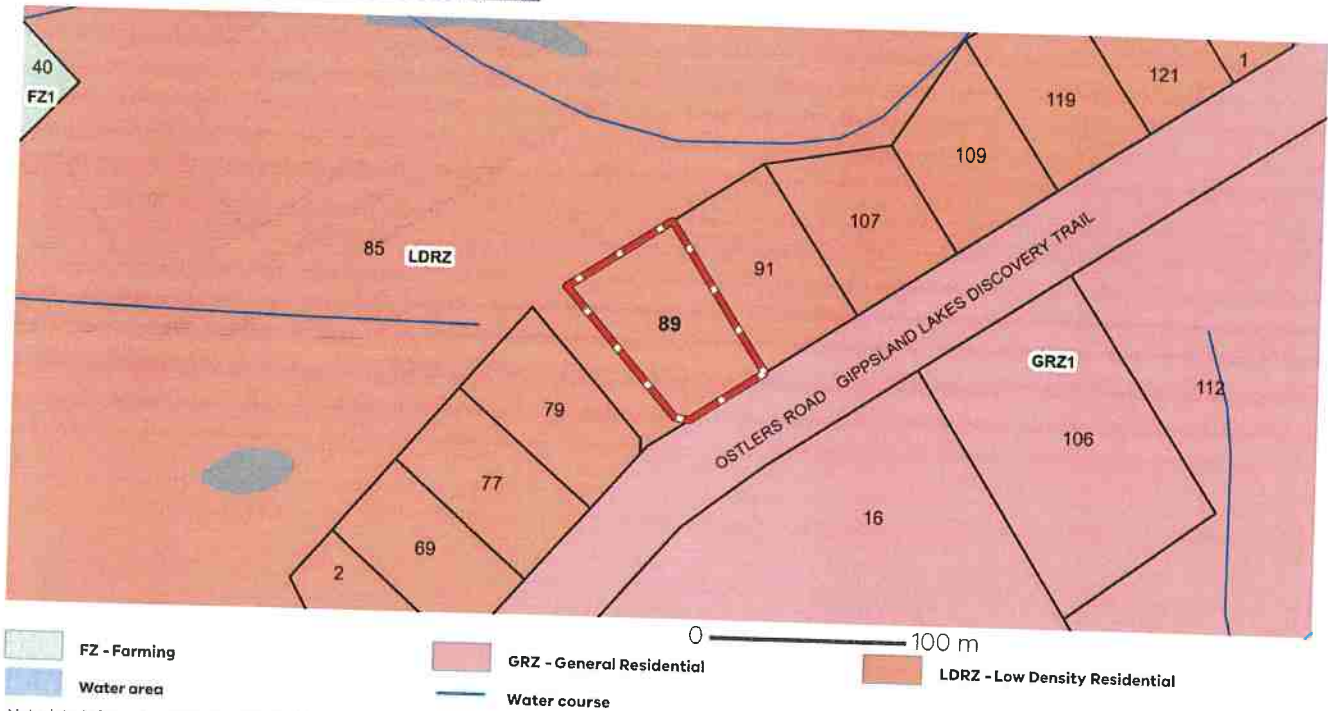
Registered Aboriginal Party: **Gunaikurnai Land and Waters  
Aboriginal Corporation**

[View location in VicPlan](#)

## Planning Zones

### LOW DENSITY RESIDENTIAL ZONE (LDRZ)

### SCHEDULE TO THE LOW DENSITY RESIDENTIAL ZONE (LDRZ)



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

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

PLANNING PROPERTY REPORT: 89 OSTLERS ROAD LAKES ENTRANCE 3909

## Planning Overlays

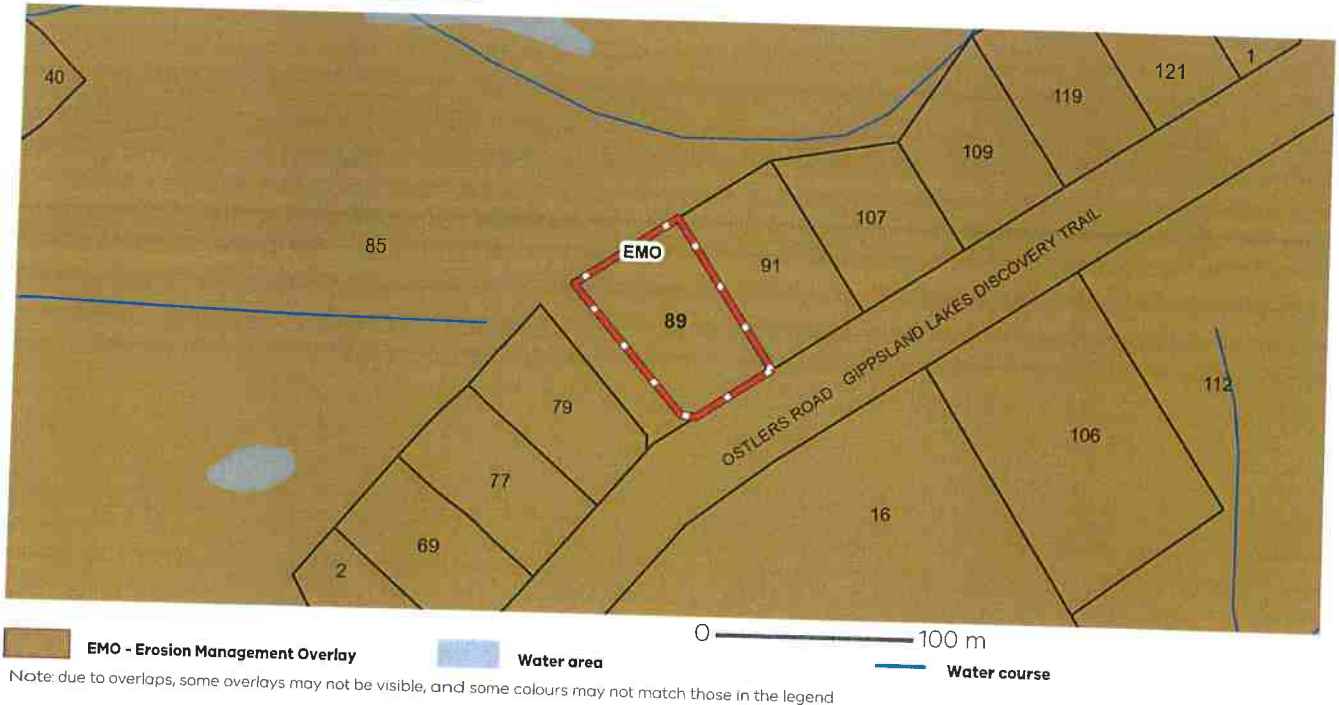
### DESIGN AND DEVELOPMENT OVERLAY (DDO)

### DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 13 (DDO13)



### EROSION MANAGEMENT OVERLAY (EMO)

### EROSION MANAGEMENT OVERLAY SCHEDULE (EMO)



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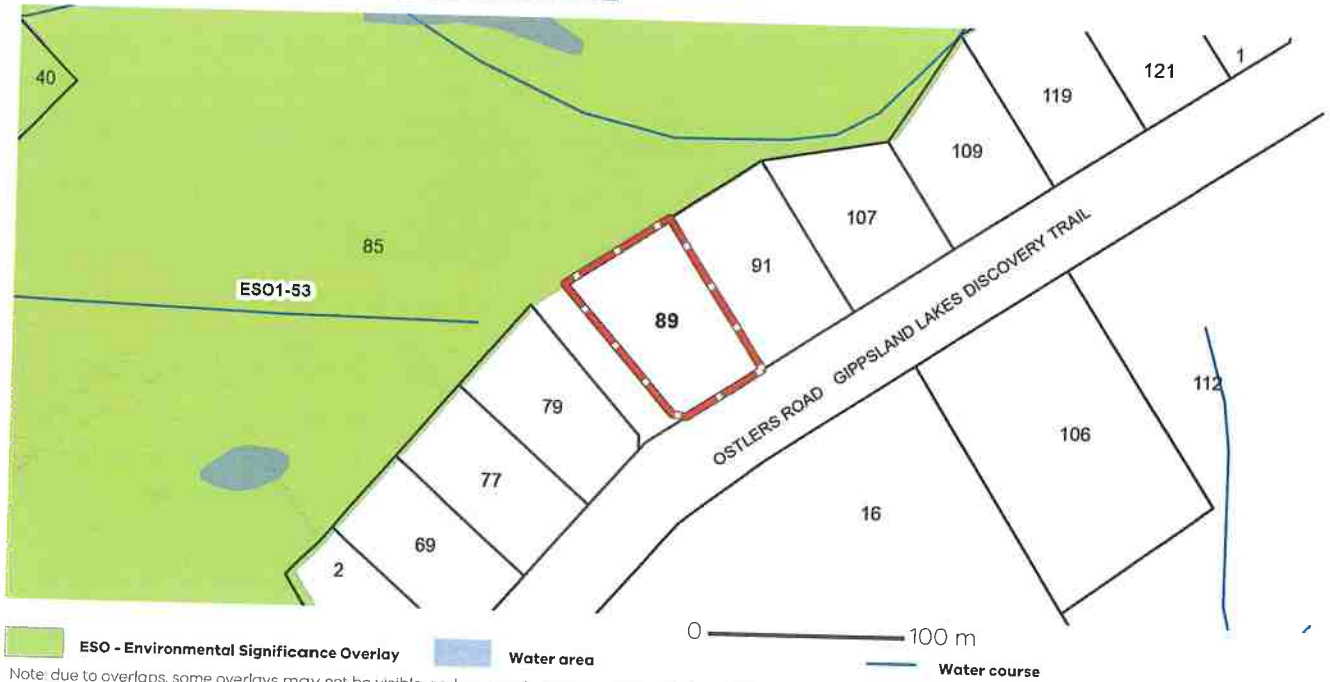
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## Planning Overlays

### ENVIRONMENTAL SIGNIFICANCE OVERLAY (ESO)

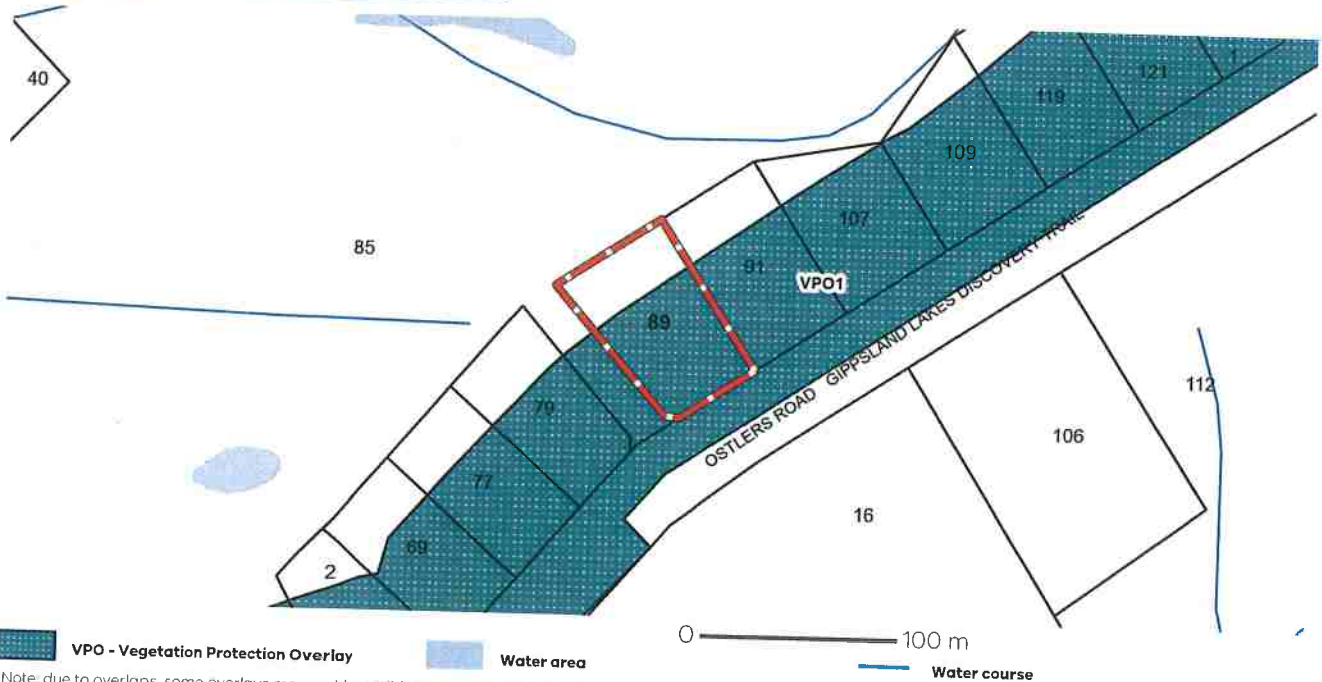
#### ENVIRONMENTAL SIGNIFICANCE OVERLAY - SCHEDULE 1-53 (ESO1-53)



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

### VEGETATION PROTECTION OVERLAY (VPO)

#### VEGETATION PROTECTION OVERLAY - SCHEDULE 1 (VPO1)



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

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## Planning Overlays

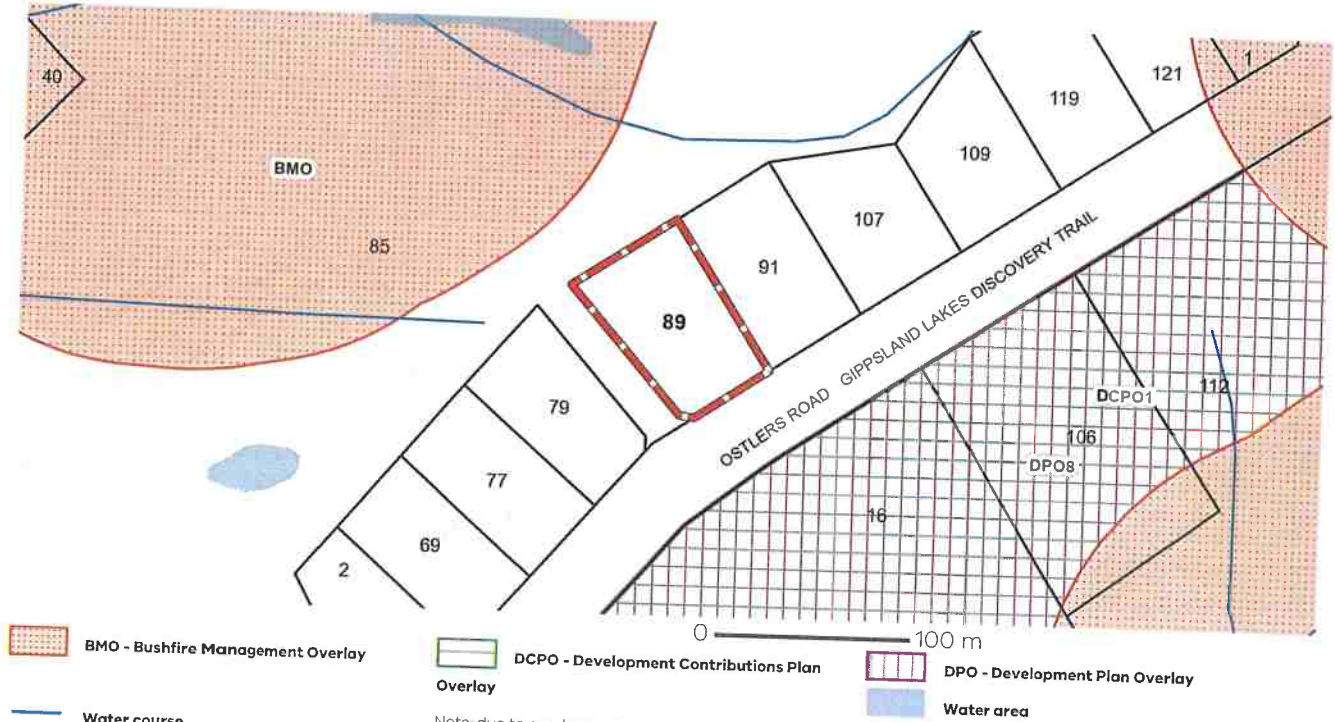
### OTHER OVERLAYS

Other overlays in the vicinity not directly affecting this land

BUSHFIRE MANAGEMENT OVERLAY (BMO)

DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY (DCPO)

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 26 June 2024.

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>

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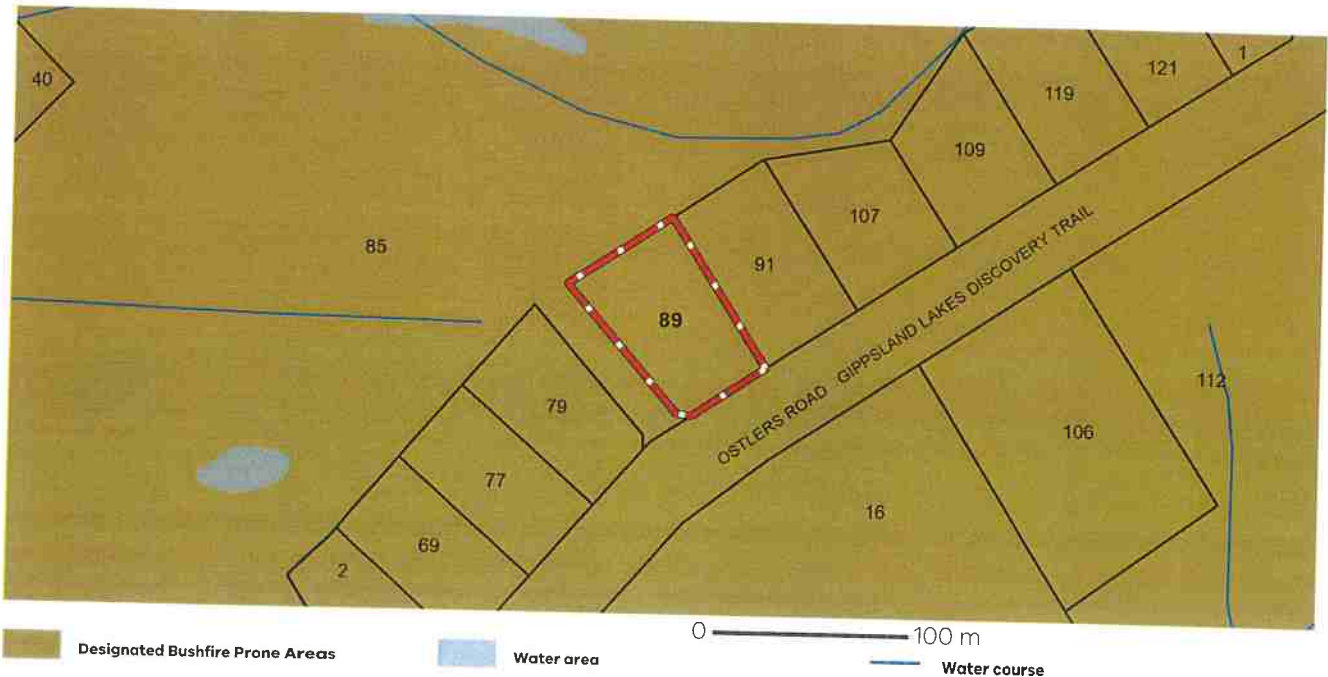


## Designated Bushfire Prone Areas

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

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

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



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

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

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

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

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

## Native Vegetation

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

To help identify native vegetation on this property and the application of Clause 52.17 please visit the Native Vegetation Information Management system <https://nvim.delwp.vic.gov.au/> and [Native vegetation \(environment.vic.gov.au\)](#) or please contact your relevant council.

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

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# PROPERTY REPORT

From [www.land.vic.gov.au](http://www.land.vic.gov.au) at 23 July 2024 11:25 AM

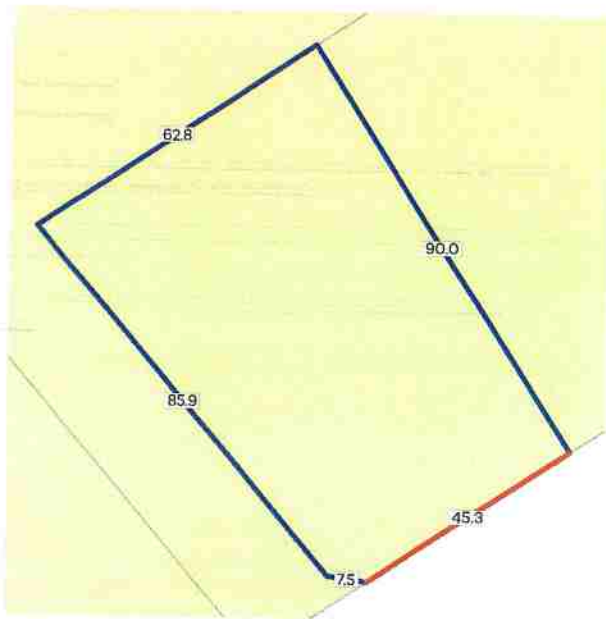
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Council Property Number: **43889**  
Directory Reference: **Vicroads 686 H1**

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

## SITE DIMENSIONS

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



**Area:** 5079 sq. m

**Perimeter:** 292 m

For this property:

— Site boundaries

— Road frontages

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

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

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

## UTILITIES

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

## STATE ELECTORATES

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

## 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 be found here - [Planning Property Report](#)

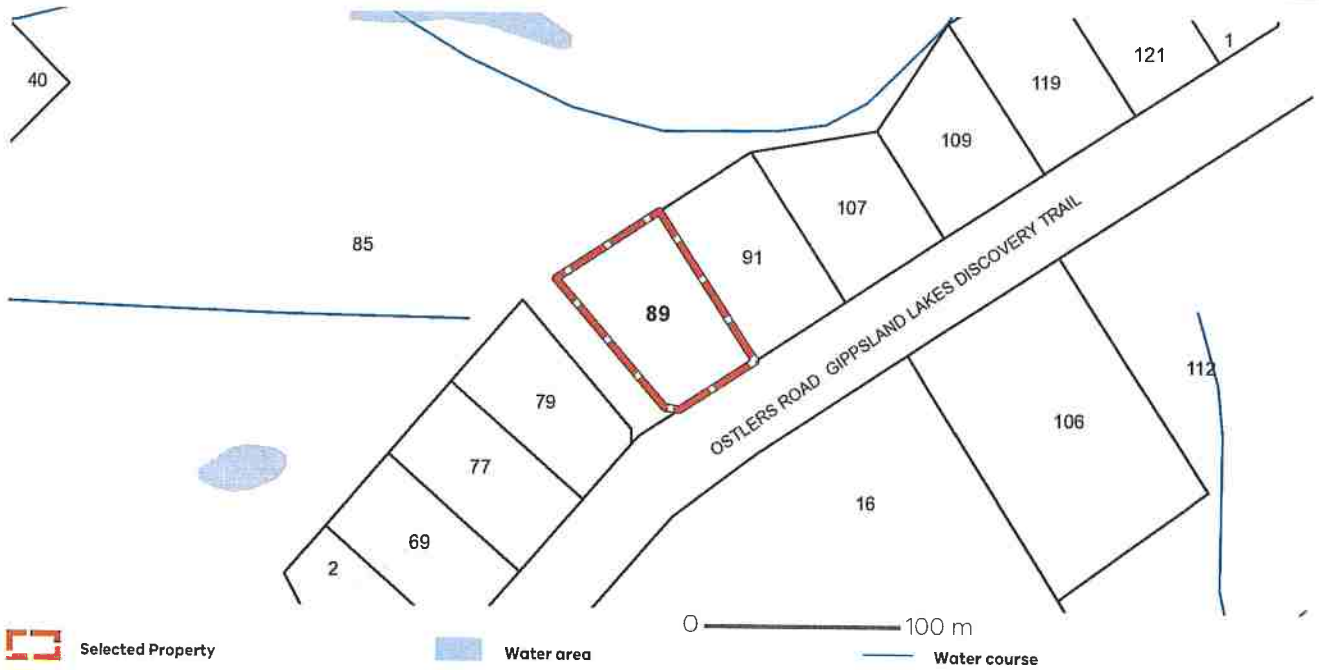
Planning Property Reports can be found via these two links

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

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



## Area Map



DATED

2024

**LIANNE LESLEY SMITH**

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**VENDOR STATEMENT**

---

**Property: 89 Ostlers Road, Lakes Entrance VIC 3909**

East Gippsland Conveyancing  
Licensed Conveyancer  
224 Main Street  
BAIRNSDALE VIC 3875  
Tel: 03 4135 2000  
Fax:  
PO Box 584, Lakes Entrance VIC 3909  
Ref: LN:TB:24-2817