



# Tree House Conveyancing

Suite 6 Cecily Court, 66 Nunn Street, Benalla, VIC 3672

P.O. Box 279, Benalla, VIC 3671

kelly@treehouseconveyancing.com.au

Tel: (03) 5762 5300

This firm holds professional indemnity insurance against civil liability

## VENDOR STATEMENT

**VENDOR:**

**Paul Joseph Wentworth**

**PROPERTY ADDRESS:**

**Gates Lane, DEVENISH VIC 3726**

**LAND BEING SOLD**

The land which is presently fenced and/or occupied by the Vendor and contained only within the land described in

Certificate of Title VOLUME 11999 Folio 959

### IMPORTANT NOTICES TO PURCHASERS

The vendor makes this statement in respect of the land in accordance with Section 32 of the *Sale of Land Act 1962*. The statement must be signed by the vendor either personally or by his electronic signature.

## **FINANCIAL MATTERS**

Particulars of any rates, taxes, charges or other similar outgoings (and any interest on them) including any water usage, sewerage disposal charges or other charges based on a user pay system.

- (a) Their total does not exceed \$ 5,000.00
- (b) There are NO amounts for which the purchaser may become liable as a consequence of the sale of which the vendor might reasonably be expected to have knowledge, which are not included in the above amount.
- (c) 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 that charge are as follows:-

**Not Applicable**

## **INSURANCE**

### **Damage or Destruction**

The property remains at the risk of the vendor until the purchaser becomes entitled to possession or receipt of the rents and profits.

### **Owner Builder**

Where there is a residence on the land which was constructed within the preceding 6 years and section 137B of the *Building Act* 1993 applies to the residence.

**Attached is a copy or extract of any policy of the required insurance or full particulars of such insurance (if relevant) – Not Applicable**

## **LAND USE - RESTRICTIONS**

Information concerning any easement, covenant or other similar restriction affecting the property (registered or unregistered)

- 1.1 **Easements** affecting the property - **as set out in the documents attached** (if any)
- 1.2 **Covenants** affecting the property - **as set out in the documents attached** (if any)
- 1.3 **Leases** affecting the property – **as set out in the documents attached** (if any)
- 1.4 **Other similar restrictions** affecting the property - **as set out in the documents attached** (if any)

Particulars of any existing failure to comply with the terms of any **Easement, Covenant, lease or Similar Restrictions** are:

**None to the Vendor's knowledge**

However please note that underground electricity cables, sewers or drains may be laid outside registered easements.

## **BUSHFIRE – PRONE AREA**

- (1) The property is in a bushfire prone area within the meaning of the Regulations made under the *Building Act 1993* unless the attached Bushfire Prone Area Report states otherwise.
- (2) If the property is in a designated bushfire prone area the designation will be shown on the attached Bushfire Prone Area Report and special bushfire construction requirements, Planning provisions and Country Fire Authority requirements may apply. However, you should conduct your own due diligence by searching the Victorian Government's Land Channel Website.

## **PLANNING AND ROAD ACCESS**

Information concerning any planning instrument -

The **name of the planning scheme** is: **Benalla Planning Scheme**

The **name of the responsible authority** is: **Benalla Rural City Council**

The **zoning of the land** is: **Township Zone**

The name of any **planning overlay** affecting the land: **None**

The planning instrument does not prohibit the construction of a dwelling house on the land.

**Overlays** – Landslip – Vegetation – Mining – or other General Information – **As attached** (if any)

The Land may have been declared by a relevant authority to be in an area which is liable to **flooding, bush fire or pest infestation**

There **is** access to the property by road

## **NOTICES**

Particulars of any notice, order, declaration, report, recommendations 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.

(a) Any notice affecting the Owners Corporation and any liabilities (whether contingent, proposed or otherwise) where the property is in a subdivision that includes common property including any relating to the undertaking of repairs to the property.

(b) Quarantine or stock order imposed under the Stock Diseases Act 1968 (whether or not the Quarantine Order is still in force).

(c) **Agricultural chemicals**

Particulars of any notices, property management plans, reports or order in respect of the land issued by a government department or public authority in relation to livestock diseases or contamination by agricultural chemicals affecting the ongoing use of the land for agricultural purposes and any land use restriction notice given in relation to the land under the Agricultural and Veterinary Chemicals Act 1992.

(d) Particulars of any mining licence granted under the Mineral Resources Development Act 1960.

(e) **Compulsory acquisition**

Particulars of any notice or intention to acquire served pursuant to Section 6 of the *Land Acquisition and Compensation Act* 1986.

(f) Notice issued by the Environment Protection Authority

(g) A notice or order pursuant to the Domestic Building Contracts and Tribunal Act 1995.

**None to the Vendors Knowledge** - save as disclosed herein or in any Owners Corporation Certificate.

The land is in a Municipal District specified by the Minister administering the Mineral Resources (Sustainable Development) Act 1990.

Particulars of any Mining Licenses affecting the land are as follows:

**Not Applicable**

## **BUILDING APPROVALS**

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).

**As Attached** (if relevant)

### **OWNERS CORPORATION**

If the land is in a subdivision that has common property and there is thereby an owners corporation within the meaning of the **Owners Corporation Act 2006** then included herewith (if they are relevant or available) is a copy of:-

- (a) A current Owners Corporation Certificate issued in respect of the land being sold;
- (b) The Owners Corporation Rules;
- (c) The Minutes of the most recent annual general meeting of the Owners Corporation and all resolutions made at the meeting;
- (d) The most recent accounts and balance sheet of the Owners Corporation; and
- (e) A Statement of Advice and information for prospective purchasers and lot owners

**NOTE** - Not all Owners Corporations carry out all functions so therefore some documents may not be in existence

**Not Applicable**

## **GROWTH AREAS INFRASTRUCTURE CONTRIBUTION**

**Not Applicable**

### **SERVICES**

Information concerning the supply of the following services -

#### **THE FOLLOWING SERVICES ARE NOT CONNECTED**

- (a) Electricity supply
- (b) Gas Supply
- (c) Water Supply
- (d) Sewerage Supply
- (e) Telephone Supply

#### ***\*\*Warning to Prospective Purchasers\*\****

It is a Purchaser's Responsibility to conduct their own Due Diligence in relation to fees and charges that may be incurred by them to connect services to the land.

#### **THE FOLLOWING SERVICES ARE CONNECTED**

Vacant Land – no services are currently connected

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

## **TITLE**

Attached are copies of the following documents:

- (a) Register Search Statement Volume 11999 Folio 959
- (b) Plan of Subdivision PC 376338A
- (c) Planning Certificate
- (d) Property Report
- (e) Township Zone
- (f) Schedule to the Township Zone
- (g) Planning Property Report
- (h) Benalla Rural City Council - Land Information Certificate
- (i) North East Region Water - Water Information Statement
- (j) GST Notice to Purchasers
- (k) Due Diligence Checklist

## **SUBDIVISION**

Please see attached information regarding the pending Subdivision of the Land.

## **DISCLOSURE OF ENERGY EFFICIENCY INFORMATION**

### **Not Applicable**

I agree that this Vendors Statement and the documents herewith (including the Register Search Statement) must be updated at the expiration of six calendar months from the date of the Register Search Statement herewith.

I will not hold Tree House Conveyancing responsible if the Vendors Statement is not so updated or if it is used by any Real Estate Agent other than the one to whom it is first forwarded to by Tree House Conveyancing.

I confirm that this statement has been printed solely in accordance with my instructions and from the information and documents provided or approved by me and are true and correct. I undertake that I will exercise all possible diligence and provide full and honest disclosure or all relevant information of which I am aware or might be reasonably be expected to be aware of. I am aware that Tree House Conveyancing have only been retained to fill up this document in accordance with my said instructions and the information and documents provided or approved by me. I certify that I am not aware of:- (a) any variation between the land occupied by me and the land described in Certificate/s of Title. (b) any registered or unregistered encumbrance not disclosed in this document. (c) any failure to obtain any necessary planning, building or other permits. (d) the property being affected by any environmental, landslip, mining, flooding, fill, latent defects, bushfire attack or historical significance issues. (e) any contingent or proposed liabilities affecting any Owners Corporation including any relating to the undertaking of repairs to the property. (f) my occupation of any adjacent land which is not contained in the land being sold. (g) any buildings erected over any easements (h) any rights over any land (i.e. a roadway or walkway) other than those disclosed herein and (i) any proposal in relation to any other land which may directly and currently affect the property being sold.

I acknowledge that I have read the statement, all the documents and the representations and warranties given by me in lieu of requisitions and I accept sole responsibility for the accuracy of all the information and documents and for providing or omitting all or any of the information, conditions, Titles or documents including, but without limiting the generality of the forgoing, any information, conditions, Titles or documents required or that later may be deemed to be required by Section 32 of the Sale of Land Act 1996 as amended and/or any other Act or regulation.

## **INSURANCE**

I the vendor undertake to keep the property and all improvements therein, fully insured for their full replacement value (new for old) until the settlement of any sale of the property.

DATE OF THIS STATEMENT

2024

Signature of Vendor/s .....

PURCHASER'S ACKNOWLEDGEMENTS

The Purchaser hereby acknowledges being given this statement signed by the Vendor with all the attached documents and a **DUE DILIGENCE CHECKLIST** before the purchaser signed the Contract.

DATE OF ACKNOWLEDGEMENT

2024

Signature of Purchaser/s .....  .....

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

Page 1 of 1

VOLUME 11999 FOLIO 959

Security no : 124119166473D  
Produced 19/10/2024 01:24 PM

### LAND DESCRIPTION

Land in Plan of Consolidation 376338A.  
PARENT TITLE Volume 11929 Folio 531  
Created by instrument PC376338A 17/07/2018

### REGISTERED PROPRIETOR

Estate Fee Simple  
Sole Proprietor  
PAUL JOSEPH WENTWORTH of 20 GEORGE SAY COURT BENALLA VIC 3672  
PC376338A 17/07/2018

### 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 PC376338A 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: GATES LANE DEVENISH VIC 3726

DOCUMENT END



# Imaged Document Cover Sheet

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Document Type	<b>Plan</b>
Document Identification	<b>PC376338A</b>
Number of Pages (excluding this cover sheet)	<b>1</b>
Document Assembled	<b>19/10/2024 13:24</b>

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PLAN OF CONSOLIDATION	EDITION 1	PC 376338A
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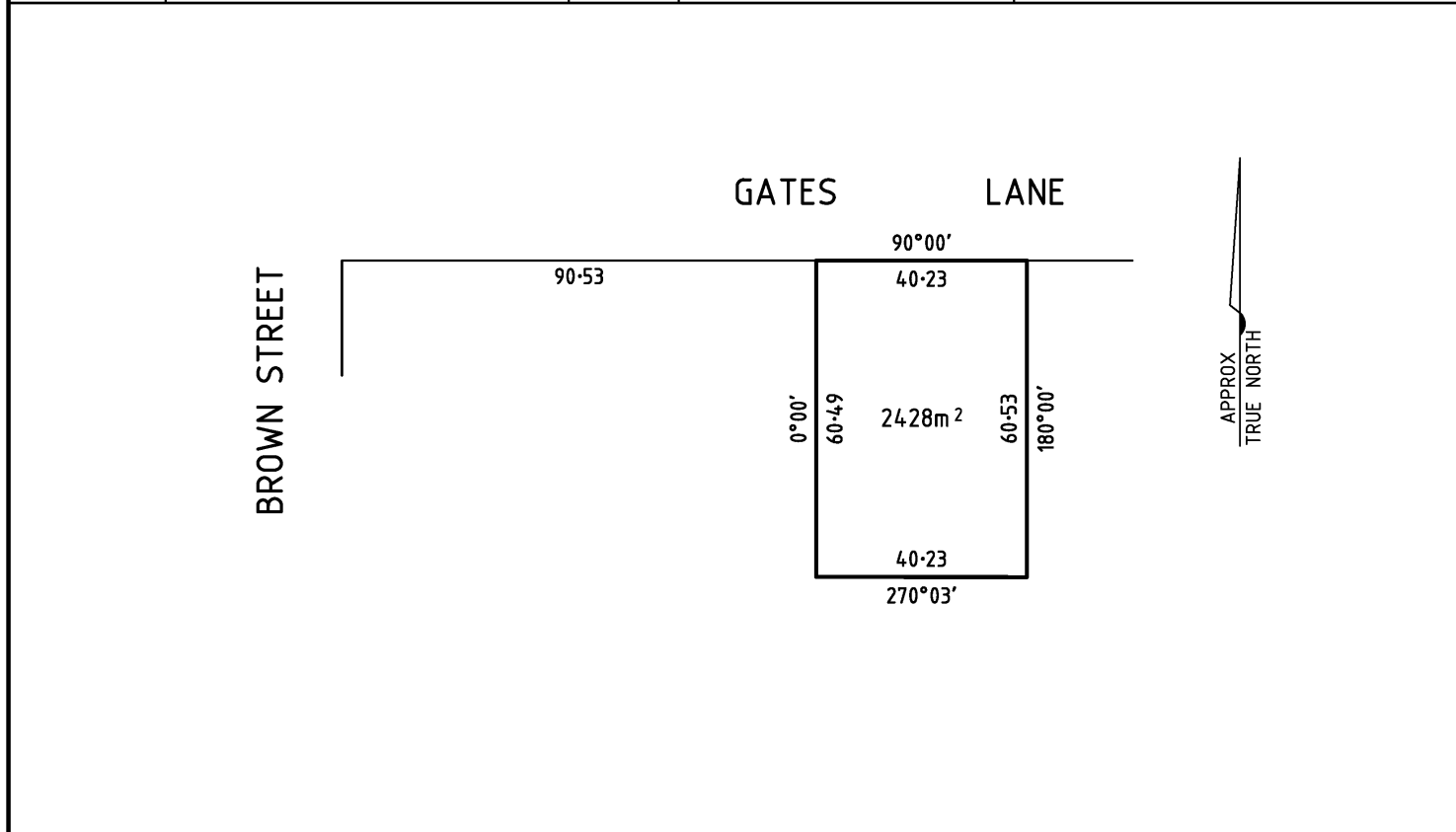
<p style="text-align: center; font-weight: bold;">Location of Land</p> <p><b>Parish:</b> DEVENISH  <b>Township:</b> -----  <b>Section:</b> -----  <b>Crown Allotment:</b> 36<sup>D</sup> (PART)  <b>Crown Portion:</b> -----  <b>Title Reference:</b> VOL.11929 FOL.531</p> <p><b>Last Plan Reference:</b> LOTS 34 &amp; 35 LP3000  <b>Postal Address:</b> BROWN STREET                  (at time of consolidation) DEVENISH 3726</p> <p><b>MGA Co-ordinates:</b> E 401 020 Zone: 55                  (of approx. centre of land N 5 978 630 GDA 94                  in plan)</p>	<p>Council Name: Benalla Rural City Council</p> <p>Council Reference Number: S3088                  Planning Permit Reference: planning permit not required                  SPEAR Reference Number: S119823S</p> <p>Certification</p> <p>This plan is certified under section 6 of the Subdivision Act 1988</p> <p>Statement of Compliance</p> <p>This is a statement of compliance issued under section 21 of the Subdivision Act 1988</p> <p>Public Open Space</p> <p>A requirement for public open space under section 18 of the Subdivision Act 1988 has not been made</p> <p>Digitally signed by: Joel Daniel Ingham for Benalla Rural City Council on 27/04/2018</p>
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Notations	
<b>Depth Limitation</b> DOES NOT APPLY	
<b>Survey</b> This plan is not based on survey	
<b>Planning Permit No.</b> N/A	
Area is by summation of title	
<b>This survey has been connected to permanent mark(s)</b> -----	
<b>In Proclaimed Survey Area No.</b> 132	
Vesting of Roads and/or Reserves	
Identifier	Council/Body/Person
NIL	NIL

Easement Information

**Legend:** E - Encumbering Easement or Condition in Crown Grant in the Nature of an Easement or other Encumbrance A - Appurtenant Easement

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
NIL				



<p><b>Tomkinson Group</b>                  Project Managers                  Licensed Surveyors                  Development Planners                  Civil Engineers                  Tel: (03) 5445 8700 / 1300 350 580                  PO Box 421, Bendigo 3552                  Fax: (03) 5441 3648                  57 Myers Street, Bendigo 3550                  email: bendigo@tomkinson.com</p>	SCALE 1:1000	LENGTHS ARE IN METRES	ORIGINAL SHEET SIZE A3	SURVEYORS REF No. 1147401	VER 02	PLOTTED 19-04-2018 P.J.L. Sheet 1 of 1 Sheets
	Digitally signed by: Christopher Scott Franks (Tomkinson Group - Bendigo), Surveyor's Plan Version (2), 20/04/2018, SPEAR Ref: S119823S			PLAN REGISTERED TIME: 10:46am DATE:17/07/18 G. ROTTEVEEL Assistant Registrar of Titles		

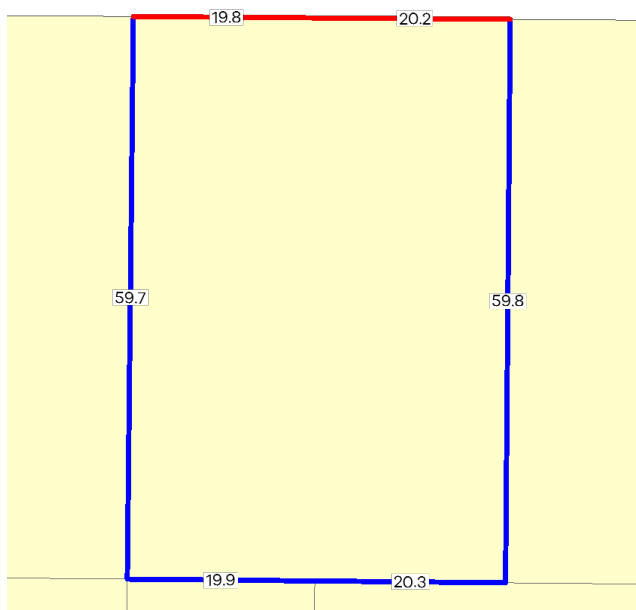
## PROPERTY DETAILS

Lot and Plan Number: **Plan PC376338**  
Address: **GATES LANE DEVENISH 3726**  
Standard Parcel Identifier (SPI): **PC376338**  
Local Government Area (Council): **BENALLA**  
Council Property Number: **A18955**  
Directory Reference: **Vicroads 33 G7**

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

## SITE DIMENSIONS

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



**Area:** 2396 sq. m

**Perimeter:** 200 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: **Goulburn-Murray Water**  
Urban Water Corporation: **North East Water**  
Melbourne Water: **Outside drainage boundary**  
Power Distributor: **AUSNET**

## STATE ELECTORATES

Legislative Council: **NORTHERN VICTORIA**  
Legislative Assembly: **EUROA**

## 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.

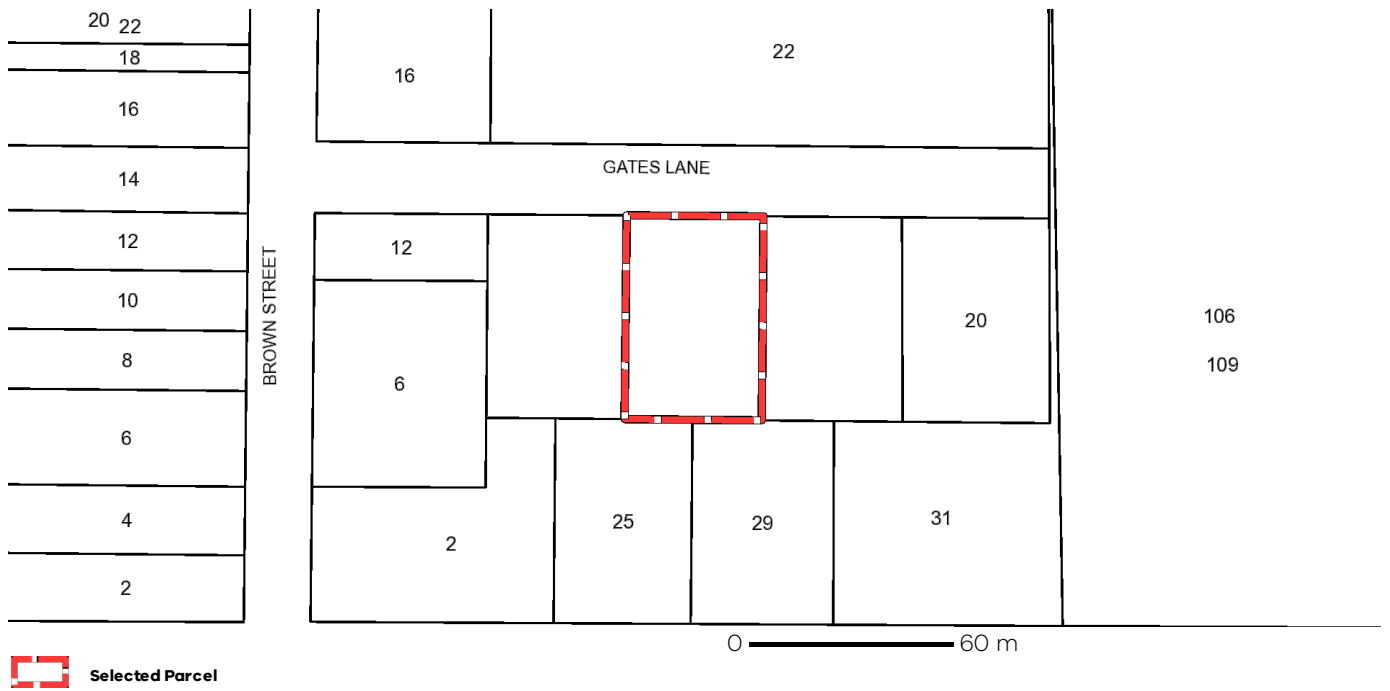
The Planning Property Report for this parcel can found here - [Planning Property Report](#)

Planning Property Reports can be found via these two links

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

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

## Area Map



**32.05**  
31/07/2018  
VC148

**TOWNSHIP ZONE**

Shown on the planning scheme map as **TZ** with a number (if shown).

**Purpose**

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To provide for residential development and a range of commercial, industrial and other uses in small towns.

To encourage development that respects the neighbourhood character of the area.

To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

**32.05-1**  
27/03/2017  
VC110

**Neighbourhood character objectives**

A schedule to this zone may contain the neighbourhood character objectives to be achieved for the area.

**32.05-2**  
01/01/2024  
VC250

**Table of uses**

**Section 1 - Permit not required**

Use	Condition
<b>Automated collection point</b>	Must meet the requirements of Clause 52.13-3 and 52.13-5. The gross floor area of all buildings must not exceed 50 square metres.
<b>Bed and breakfast</b>	No more than 10 persons may be accommodated away from their normal place of residence. At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.
<b>Community care accommodation</b>	Must meet the requirements of Clause 52.22-2.
<b>Domestic animal husbandry</b>	Must be no more than 2 animals.
<b>Dwelling (other than Bed and breakfast)</b>	Must meet the requirements of Clause 32.05-3.
<b>Home based business</b> <b>Informal outdoor recreation</b>	
<b>Medical centre</b>	The gross floor area of all buildings must not exceed 250 square metres.
<b>Place of worship</b>	The gross floor area of all buildings must not exceed 250 square metres.
<b>Racing dog husbandry</b>	Must be no more than 2 animals.
<b>Railway</b> <b>Residential aged care facility</b>	

## BENALLA PLANNING SCHEME

Use	Condition
<b>Rooming house</b>	Must meet the requirements of Clause 52.23-2.
<b>Small second dwelling</b>	Must be no more than one dwelling existing on the lot. Must be the only small second dwelling on the lot. Must meet the requirements of Clause 32.05-3. Reticulated natural gas must not be supplied to the building, or part of a building, used for the small second dwelling.
<b>Tramway</b>	
<b>Any use listed in Clause 62.01</b>	Must meet the requirements of Clause 62.01.

### Section 2 – Permit required

Use	Condition
<b>Accommodation (other than Community care accommodation, Dwelling, Residential aged care facility, Rooming house and Small second dwelling)</b>	
<b>Agriculture (other than Animal production, Apiculture, Domestic animal husbandry and Racing dog husbandry )</b>	
<b>Domestic animal husbandry (other than Domestic animal boarding) – if the Section 1 condition is not met</b>	Must be no more than 5 animals.
<b>Grazing animal production</b>	
<b>Industry (other than Transfer station and Refuse disposal)</b>	Must not be a purpose listed in the table to Clause 53.10.
<b>Leisure and recreation (other than Informal outdoor recreation and Motor racing track)</b>	
<b>Office (other than Medical centre)</b>	
<b>Place of assembly (other than Carnival, Circus and Place of worship)</b>	
<b>Retail premises (other than Adult sex product shop)</b>	
<b>Transfer station (other than Automated collection point )</b>	Must meet the threshold distance requirements in the table to Clause 53.10.
<b>Utility installation (other than Minor utility installation and Telecommunications facility)</b>	Must not be a purpose listed in the table to Clause 53.10.
<b>Warehouse</b>	Must not be a purpose listed in the table to Clause 53.10.
<b>Any other use not in Section 1 or 3</b>	

**Section 3 - Prohibited**

**Use**

- Adult sex product shop
- Animal production (other than Grazing animal production)
- Dwelling – if the Section 1 condition is not met
- Extractive industry
- Motor racing track
- Refuse disposal
- Saleyard
- Small second dwelling – if the Section 1 condition is not met

**32.05-3**  
14/12/2023  
VC253

**Use for a dwelling or a small second dwelling**

A lot used for a dwelling or small second dwelling must meet the following requirements:

- Each dwelling or small second dwelling must be connected to reticulated sewerage, if available. If reticulated sewerage is not available, all wastewater from each dwelling must be treated and retained within the lot in accordance with the requirements of the Environment Protection Regulations under the *Environment Protection Act 2017* for an on-site wastewater management system.
- Each dwelling or small second dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply, with appropriate storage capacity.
- Each dwelling or small second dwelling must be connected to a reticulated electricity supply or have an alternative energy supply.

**32.05-4**  
27/03/2017  
VC110

**Use for industry and warehouse**

**Amenity of the neighbourhood**

The use of land for an industry or warehouse must not adversely affect the amenity of the neighbourhood, including through:

- The transport of materials or goods to or from the land.
- The appearance of any stored materials or goods.
- Traffic generated by the use.
- Emissions from the land.

**32.05-5**  
14/12/2023  
VC253

**Subdivision**

**Permit requirement**

A permit is required to subdivide land.

An application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56 and:

- Must meet all of the objectives included in the clauses specified in the following table.

## BENALLA PLANNING SCHEME

- Should meet all of the standards included in the clauses specified in the following table.

Class of subdivision	Objectives and standards to be met
16 or more lots	Clauses 56.02-1, 56.03-5, 56.04-2 to 56.04-5, 56.05-1, 56.05-2, 56.06-2, 56.06-4, 56.06-5, 56.06-7, 56.06-8 and 56.07-1 to 56.09-4.
3 – 15 lots	Clauses 56.03-5, 56.04-2 to 56.04-5, 56.05-1, 56.06-2, 56.06-4, 56.06-5, 56.06-7 and 56.06-8 to 56.09-4.
2 lots	Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5 and 56.06-8 to 56.09-2.

Each lot must be provided with reticulated sewerage, if available. If reticulated sewerage is not available, the application must be accompanied by:

- In the absence of reticulated sewerage, include a Land Capability Assessment on the risks to human health and the environment of an on-site wastewater management system constructed, installed or altered on the lot in accordance with the Environment Protection Regulations under the *Environment Protection Act 2017* .
- A plan which shows a building envelope and effluent disposal area for each lot.

A permit must not be granted which would allow a separate lot to be created for land containing a small second dwelling.

### VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Information requirements and decision guidelines
Subdivide land to realign the common boundary between 2 lots where: <ul style="list-style-type: none"> <li>▪ The area of either lot is reduced by less than 15 percent.</li> <li>▪ The general direction of the common boundary does not change.</li> </ul>	Clause 59.01
Subdivide land into lots each containing an existing building or car parking space where: <ul style="list-style-type: none"> <li>▪ The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.</li> <li>▪ An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.</li> </ul>	Clause 59.02
Subdivide land into 2 lots if: <ul style="list-style-type: none"> <li>▪ The construction of a building or the construction or carrying out of works on the land:               <ul style="list-style-type: none"> <li>– Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.</li> <li>– Has started lawfully.</li> </ul> </li> </ul>	Clause 59.02

Class of application	Information requirements and decision guidelines
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- The subdivision does not create a vacant lot.

**32.05-6**  
22/09/2023  
VC243

## Construction and extension of one dwelling on a lot

### Permit requirement

A permit is required to construct or extend one dwelling on a lot less than 300 square metres.

A permit is required to construct or extend a front fence within 3 metres of a street if the fence is associated with one dwelling on a lot less than 300 square metres and the fence exceeds the maximum height specified in Clause 54.06-2.

A development must meet the requirements of Clause 54.

### No permit required

No permit is required to:

- Construct or carry out works normal to a dwelling.
- Construct or extend an out-building (other than a garage or carport) on a lot provided the gross floor area of the out-building does not exceed 10 square metres and the maximum building height is not more than 3 metres above ground level.
- Make structural changes to a dwelling provided the size of the dwelling is not increased or the number of dwellings is not increased.

### VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Information requirements and decision guidelines
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Construct or extend a dwelling on a lot less than 300 square metres if the development meets the requirements in the following standards of Clause 54:

Clause 59.14

- A3 Street setback.
- A10 Side and rear setbacks.
- A11 Walls on boundaries.
- A12 Daylight to existing windows.
- A13 North-facing windows.
- A14 Overshadowing open space.
- A15 Overlooking.

For the purposes of this class of VicSmart application, the Clause 54 standards specified above are mandatory.

If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard, the requirement in the schedule to the zone applies and must be met.

Class of application	Information requirements and decision guidelines
Construct or extend a front fence within 3 metres of a street if the fence is associated with one dwelling on a lot less than 300 square metres.	Clause 59.03

**32.05-7**  
14/12/2023  
VC253

**Construction and extension of a small second dwelling on a lot**

**Permit requirement**

A permit is required to construct a building, construct or carry out works for a small second dwelling on a lot of less than 300 square metres.

A development must meet the requirements of Clause 54.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Information requirements and decision guidelines
<p>Construct or extend a small second dwelling on a lot less than 300 square metres if the development meets the requirements in the following standards of Clause 54:</p> <ul style="list-style-type: none"> <li>▪ A3 Street setback.</li> <li>▪ A9 Building setback.</li> <li>▪ A9.1 Safety and accessibility.</li> <li>▪ A10 Side and rear setbacks.</li> <li>▪ A11 Walls on boundaries.</li> <li>▪ A12 Daylight to existing windows.</li> <li>▪ A13 North-facing windows.</li> <li>▪ A14 Overshadowing open space.</li> <li>▪ A15 Overlooking.</li> </ul> <p>For the purposes of this class of VicSmart application, the Clause 54 standards specified above are mandatory.</p> <p>If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard, the requirement in the schedule to the zone applies and must be met.</p>	Clause 59.14

**32.05-8**  
14/12/2023  
VC253

**Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings**

**Permit requirement**

A permit is required to:

- Construct a dwelling if there is at least one dwelling existing on the lot.
- Construct two or more dwellings on a lot.
- Extend a dwelling if there are two or more dwellings on the lot.

## BENALLA PLANNING SCHEME

- Construct or extend a dwelling if it is on common property.
- Construct or extend a residential building.

A permit is required to construct or extend a front fence within 3 metres of a street if:

- The fence is associated with 2 or more dwellings on a lot or a residential building, and
- The fence exceeds the maximum height specified in Clause 55.06-2.

A development must meet the requirements of Clause 55. This does not apply to a development of five or more storeys, excluding a basement.

An apartment development of five or more storeys, excluding a basement, must meet the requirements of Clause 58.

### VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Information requirements and decision guidelines
Construct or extend a front fence within 3 metres of a street if the fence is associated with 2 or more dwellings on a lot or a residential building.	Clause 59.03

### Transitional provisions

Clause 55 of this scheme, as in force immediately before the approval date of Amendment VC136, continues to apply to:

- An application for a planning permit lodged before that date.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.

Clause 58 does not apply to:

- An application for a planning permit lodged before the approval date of Amendment VC136.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before the approval date of Amendment VC136.

Clauses 55 and 58 of this scheme, as in force immediately before the approval date of Amendment VC174, continue to apply to:

- An application for a planning permit lodged before that date.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.

**32.05-9**  
14/12/2023  
VC253

### Requirements of Clause 54 and Clause 55

A schedule to this zone may specify the requirements of:

- Standards A3, A5, A6, A10, A11, A17 and A20 of Clause 54 of this scheme.
- Standards B6, B8, B9, B13, B17, B18, B28 and B32 of Clause 55 of this scheme.

If a requirement is not specified in a schedule to this zone, the requirement set out in the relevant standard of Clause 54 or Clause 55 applies.

**32.05-10**  
01/01/2024  
VC250

**Residential aged care facility**

**Permit requirements**

A permit is required to construct a building or construct or carry out works for a residential aged care facility.

A development must meet the requirements of Clause 53.17 - Residential aged care facility.

**32.05-11**  
14/12/2023  
VC253

**Buildings and works associated with a Section 2 use**

A permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.05-2.

**VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Information requirements and decision guidelines
----------------------	--

Construct a building or construct or carry out works where:	Clause 59.04
---	--------------

- The building or works are not associated with a dwelling, primary school or secondary school and have an estimated cost of up to \$100,000; or
- The building or works are associated with a primary school or secondary school and have an estimated cost of up to \$500,000; and
- The requirements in the following standards of Clause 54 are met, where the land adjoins land in a residential zone used for residential purposes:
  - A10 Side and rear setbacks.
  - A11 Walls on boundaries.
  - A12 Daylight to existing windows.
  - A13 North-facing windows.
  - A14 Overshadowing open space.
  - A15 Overlooking.

For the purposes of this class of VicSmart application, the Clause 54 standards specified above are mandatory.

If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard, the requirement in the schedule to the zone applies and must be met.

**32.05-12**  
14/12/2023  
VC253

**Maximum building height requirement for a dwelling, small second dwelling or residential building**

A building must not be constructed for use as a dwelling, small second dwelling or a residential building that exceeds the maximum building height specified in a schedule to this zone.

If no maximum building height is specified in a schedule to this zone, the requirement set out in the relevant standard of Clause 54 and Clause 55 applies.

A building may exceed the maximum building height specified in a schedule to this zone if:

- It replaces an immediately pre-existing building and the new building does not exceed the building height of the pre-existing building.
- There are existing buildings on both abutting allotments that face the same street and the new building does not exceed the building height of the lower of the existing buildings on the abutting allotments.
- It is on a corner lot abutted by lots with existing buildings and the new building does not exceed the building height of the lower of the existing buildings on the abutting allotments.
- It is constructed pursuant to a valid building permit that was in effect prior to the introduction of this provision.

An extension to an existing building may exceed the maximum building height specified in a schedule to this zone if it does not exceed the building height of the existing building.

A building may exceed the maximum building height by up to 1 metre if the slope of the natural ground level, measured at any cross section of the site of the building wider than 8 metres, is greater than 2.5 degrees.

The maximum building height requirement in a schedule to this zone applies whether or not a planning permit is required for the construction of a building.

### **Building height if land is subject to inundation**

If the land is in a Special Building Overlay, Land Subject to Inundation Overlay or is land liable to inundation the maximum building height specified in the zone or schedule to the zone is the vertical distance from the minimum floor level determined by the relevant drainage authority or floodplain management authority to the roof or parapet at any point.

**32.05-13**  
14/12/2023  
VC253

### **Application requirements**

#### **Use for industry and warehouse**

Unless the circumstances do not require, an application to use land for an industry or warehouse must be accompanied by the following information:

- The purpose of the use and the types of activities to be carried out.
- The type and quantity of materials and goods to be stored, processed or produced.
- Whether a Development Licence, Operating Licence, Permit or Registration is required from the Environment Protection Authority.
- Whether a notification under the Occupational Health and Safety Regulations 2017 is required, a licence under the *Dangerous Goods Act 1985* is required, or a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2012 is exceeded.
- How land not required for immediate use is to be maintained.
- The likely effects, if any, on the neighbourhood, including noise levels, traffic, air-borne emissions, emissions to land and water, light spill, glare, solar access and hours of operation (including the hours of delivery and despatch of materials and goods).
- Any other application requirements specified in a schedule to this zone.

**32.05-14**  
01/01/2024  
VC250

### **Decision guidelines**

Before deciding on an application to use land or construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

#### **General**

- The Municipal Planning Strategy and the Planning Policy Framework.
- The objectives set out in a schedule to this zone.

## BENALLA PLANNING SCHEME

- The protection and enhancement of the character of the town and surrounding area including the retention of vegetation.
- The availability and provision of utility services, including sewerage, water, drainage, electricity and telecommunications.
- In the absence of reticulated sewerage, a Land Capability Assessment on the risks to human health and the environment of an on-site wastewater management system constructed, installed or altered on the lot in accordance with the requirements of the Environment Protection Regulations under the *Environment Protection Act 2017*.
- The design, height, setback and appearance of the proposed buildings and works including provision for solar access.
- The need for a verandah along the front or side of commercial buildings to provide shelter for pedestrians.
- Provision of car and bicycle parking and loading bay facilities and landscaping.
- The effect that existing uses on adjoining or nearby land may have on the proposed use.
- The scale and intensity of the use and development.
- The safety, efficiency and amenity effects of traffic to be generated by the proposal.
- The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.
- Any other decision guidelines specified in a schedule to this zone.

### **Use for industry and warehouse**

Before deciding on an application to use land for an industry or warehouse, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The effect that existing uses on adjoining or nearby land may have on the proposed use.
- The design of buildings, including provision for solar access.
- The availability and provision of utility services.
- The effect of traffic to be generated by the use.
- The interim use of those parts of the land not required for the proposed use.
- Any other decision guidelines specified in a schedule to this zone.

### **Subdivision**

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The pattern of subdivision and its effect on the spacing of buildings.
- For subdivision of land for residential development, the objectives and standards of Clause 56.
- Any other decision guidelines specified in a schedule to this zone.

### **Construction and extension of one dwelling on a lot and a small second dwelling**

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

## BENALLA PLANNING SCHEME

- The Municipal Planning Strategy and the Planning Policy Framework.
- The applicable objectives, standards and decision guidelines of Clause 54.
- Any other decision guidelines specified in a schedule to this zone.

### **Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings**

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- The Municipal Planning Strategy and the Planning Policy Framework.
- For two or more dwellings on a lot, dwellings on common property and residential buildings, the objectives, standards and decision guidelines of Clause 55. This does not apply to an apartment development of five or more storeys, excluding a basement.
- For an apartment development of five or more storeys, excluding a basement, the objectives, standards and decisions guidelines of Clause 58.
- Any other decision guidelines specified in a schedule to this zone.

### **32.05-15**

14/12/2023  
VC253

### **Signs**

Sign requirements are at Clause 52.05. This zone is in Category 3.

20/05/2021  
C39bena

**SCHEDULE TO CLAUSE 32.05 TOWNSHIP ZONE**

Shown on the planning scheme map as **TZ** .

**BENALLA TOWNSHIPS**

**1.0**  
20/05/2021  
C39bena

**Neighbourhood character objectives**

None specified.

**2.0**  
26/04/2024  
VC252

**Clause 54 and Clause 55 requirements**

	<b>Standard</b>	<b>Requirement</b>
<b>Minimum street setback</b>	A3 and B6	None specified
<b>Site coverage</b>	A5 and B8	None specified
<b>Permeability</b>	A6 and B9	None specified
<b>Landscaping</b>	B13	None specified
<b>Side and rear setbacks</b>	A10 and B17	None specified
<b>Walls on boundaries</b>	A11 and B18	None specified
<b>Private open space</b>	A17	None specified
	B28	None specified
<b>Front fence height</b>	A20 and B32	None specified

**3.0**  
26/04/2024  
VC252

**Maximum building height requirement for a dwelling, small second dwelling or residential building**

None specified.

**4.0**  
26/04/2024  
VC252

**Application requirements**

None specified.

**5.0**  
26/04/2024  
VC252

**Decision guidelines**

None specified.

From [www.planning.vic.gov.au](http://www.planning.vic.gov.au) at 19 October 2024 01:22 PM

## PROPERTY DETAILS

Lot and Plan Number: **Plan PC376338**  
 Address: **GATES LANE DEVENISH 3726**  
 Standard Parcel Identifier (SPI): **PC376338**  
 Local Government Area (Council): **BENALLA**  
 Council Property Number: **A18955**  
 Planning Scheme: **Benalla**  
 Directory Reference: **Vicroads 33 G7**

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

[Planning Scheme - Benalla](#)

## UTILITIES

Rural Water Corporation: **Goulburn-Murray Water**  
 Urban Water Corporation: **North East Water**  
 Melbourne Water: **Outside drainage boundary**  
 Power Distributor: **AUSNET**

## STATE ELECTORATES

Legislative Council: **NORTHERN VICTORIA**  
 Legislative Assembly: **EUROA**

## OTHER

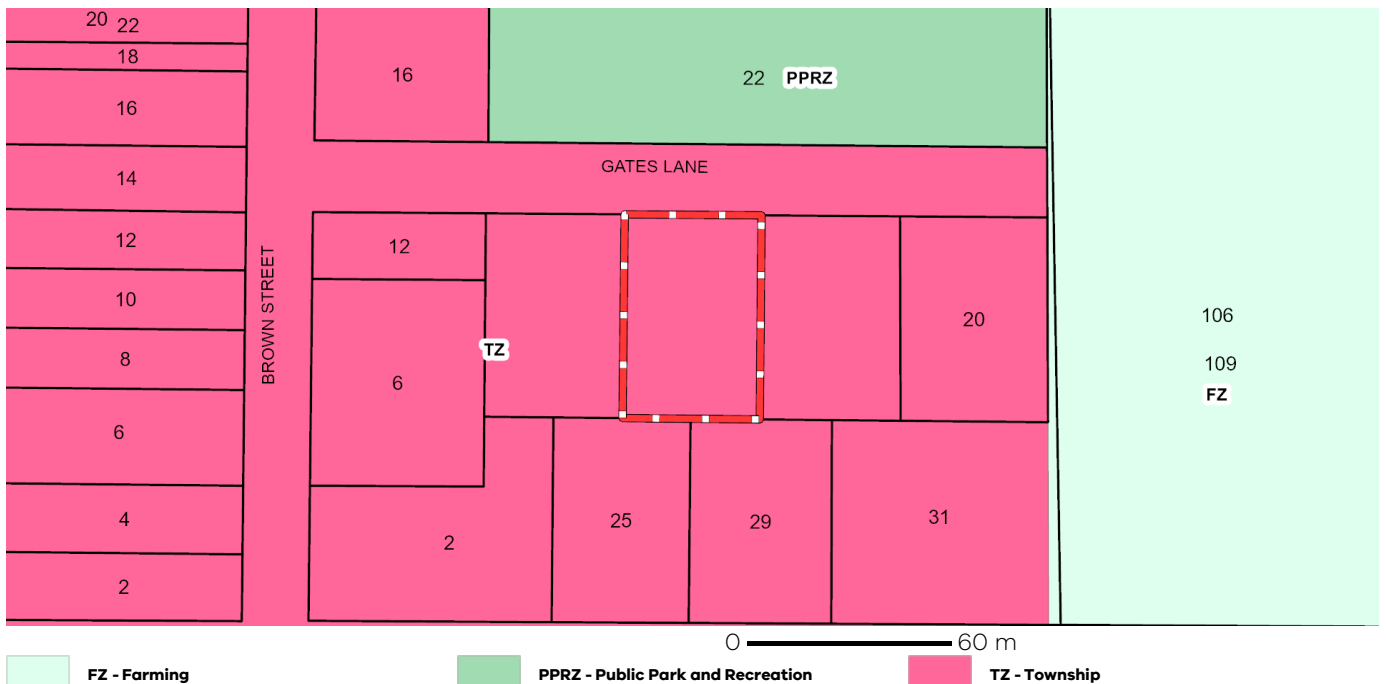
Registered Aboriginal Party: **Yorta Yorta Nation Aboriginal Corporation**

[View location in VicPlan](#)

## Planning Zones

[TOWNSHIP ZONE \(TZ\)](#)

[SCHEDULE TO THE TOWNSHIP ZONE \(TZ\)](#)



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

## Planning Overlays

No planning overlay found

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 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).

## Further Planning Information

Planning scheme data last updated on 16 October 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>

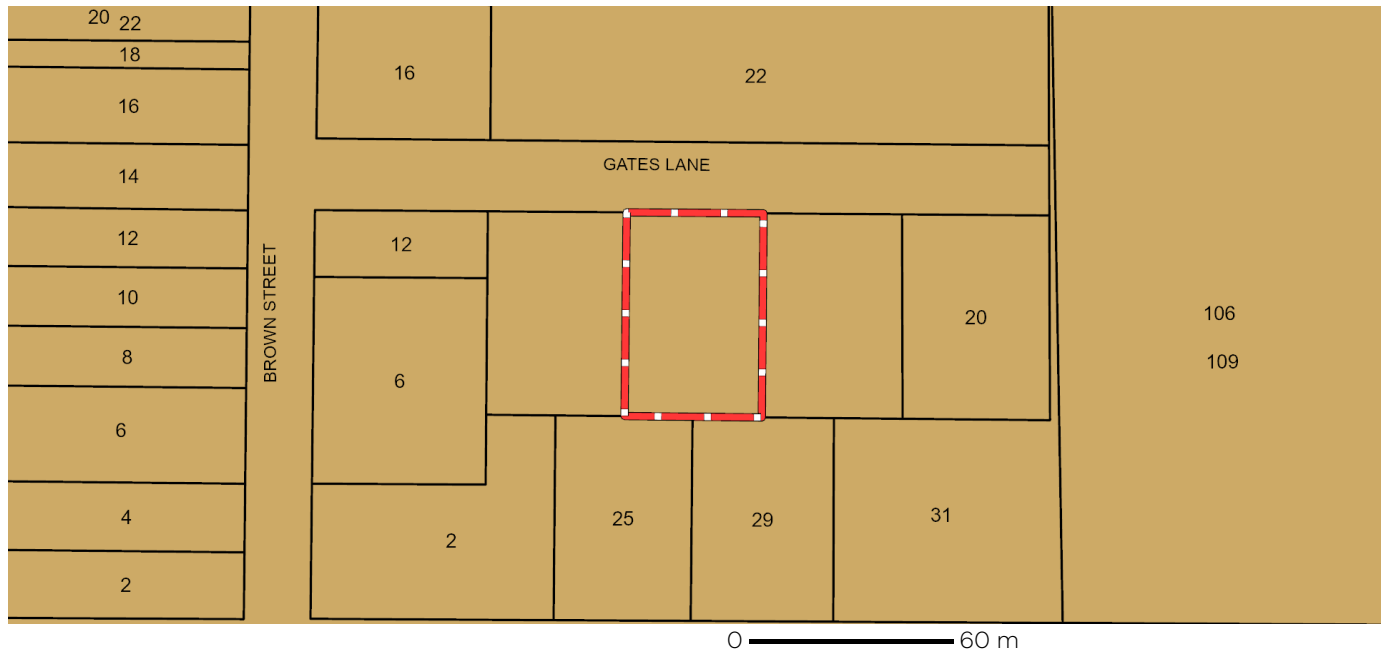
For other information about planning in Victoria visit <https://www.planning.vic.gov.au>

## Designated Bushfire Prone Areas

**This parcel 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 Bushfire Prone Areas**

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))

**LAND INFORMATION CERTIFICATE**  
Section 121 Local Government Act 2020



Landata  
GPO Box 527  
MELBOURNE VIC 3001

**Assess. No:** A18955  
**Issue Date:** 22/10/2024  
**Certificate #:** 12811  
**Your Ref:** 74631866-011-5

*This certificate provides information regarding valuation, rates, charges, other moneys owing and any orders and notices made under the **Local Government Act 2020**, the **Local Government Act 1989**, the **Local Government Act 1958** or under a local law of the Council.*

*This certificate is not required to include information regarding planning, building, health, land fill, land slip, flooding information or service easements. Information regarding these matters may be available from Council or the relevant authority. A fee may be charged for such information.*

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**PROPERTY DETAILS**

**Property Address:** Gates Lane DEVENISH VIC 3726  
**Land Description:** PC 376338  
**Parish:** Devenish      **Area:** 2,428 sq m      **AVPCC:** 100

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**VALUATIONS**

**Site:** \$83,000      **Base Date:** 01/01/2024  
**Capital Improved:** \$83,000  
**Net Annual:** \$4,150      **Operative Date:** 01/07/2024

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**RATES & CHARGES FOR THE YEAR ENDING 30 JUNE 2025**

	<b>Current</b>	<b>Arrears</b>	<b>Balance</b>
Rates	\$199.62	\$0.00	\$149.49
Municipal Charge	\$277.50	\$0.00	\$208.11
Waste Mgt Charge	\$0.00	\$0.00	\$0.00
Fire Services Property Levy	\$139.22	\$0.00	\$104.40
<b>Total Rates &amp; Charges</b>	<b>\$616.34</b>	<b>\$0.00</b>	<b>\$462.00</b>

---

**Additional Rate Information:**

Due Dates for Instalments      1. 30/09/2024: PAID      2. 30/11/2024: \$154.00  
3. 28/02/2025: \$154.00      4. 31/05/2025: \$154.00

**Refund requests for overpaid rates may attract a \$17.50 (GST Incl.) administrative fee. Please ensure that you seek an update prior to settlement.**

I hereby certify that as at the date of issue, the information given in this certificate is a true and correct disclosure of the rates and other moneys and interest payable to Benalla Rural City together with any notices or orders referred to in this certificate.

*Jon Steele*

Jon Steele  
Revenue, Rates & Valuations Coordinator



**Bill code: 767657**  
**Ref: 1000189553**

## INFORMATION STATEMENT

Date Issued: 25 Oct 2024  
Your reference: 74631866-022-1  
Statement no.: ISN-0000009587

TREE HOUSE CONVEYANCING - LANDATA  
TWO MELBOURNE QUARTER, LEVEL 13, 697 COL...  
DOCKLANDS

### Customer Reference

CON-00068776

### Amount due

\$80.20

### Charge period

17 Oct 2024 to 25 Oct 2024

Property location: **12-14 GATES LANE, DEVENISH, VIC, AUSTRALIA, 3726**  
Title details:  
Owner (as per our records): **PAUL JOSEPH WENTWORTH**  
Purchaser: **UNKNOWN**

### Statement of charges from 17 Oct 2024 to 25 Oct 2024:

<b>Previously invoiced to 16 Oct 2024</b>	<b>\$73.13</b>
<b>Charges for the period 17 Oct 2024 to 25 Oct 2024:</b>	
Drinking Water Usage 0.00 kLs @ 2.83c/kLs	\$0.00
Water Service Charge 20mm 9 days @ 0.79c	\$7.07
<b>TOTAL</b>	<b>\$80.20</b>

### How to pay

The corresponding BPAY reference numbers for this property are listed below:



**Biller Code:** 3004  
**Ref. Number:** 12511105112

**12-14 GATES LANE, DEVENISH, VIC, Australia, 3726**

**Encumbrance details:**

**Other information – Sec 158(4) Water Act 1989:**

1. Water is available. There is a water main available to which this property can connect. Serviced with water. A service pipe has been installed for this property. Connected to water.
2. Sewerage not available. There is no sewer main available to which this property can connect. Not serviced with sewerage. A connection point has not been installed for this property. Not connected to the sewerage system.

**Additional information:**

This statement has been prepared in accordance with Sec 158 Water Act 1989.

Please contact our office on 1300 361 633 prior to settlement to receive a verbal update on charges. Updates will only be provided within 3 months from the date of this statement. A new application is required for any updates outside this period.

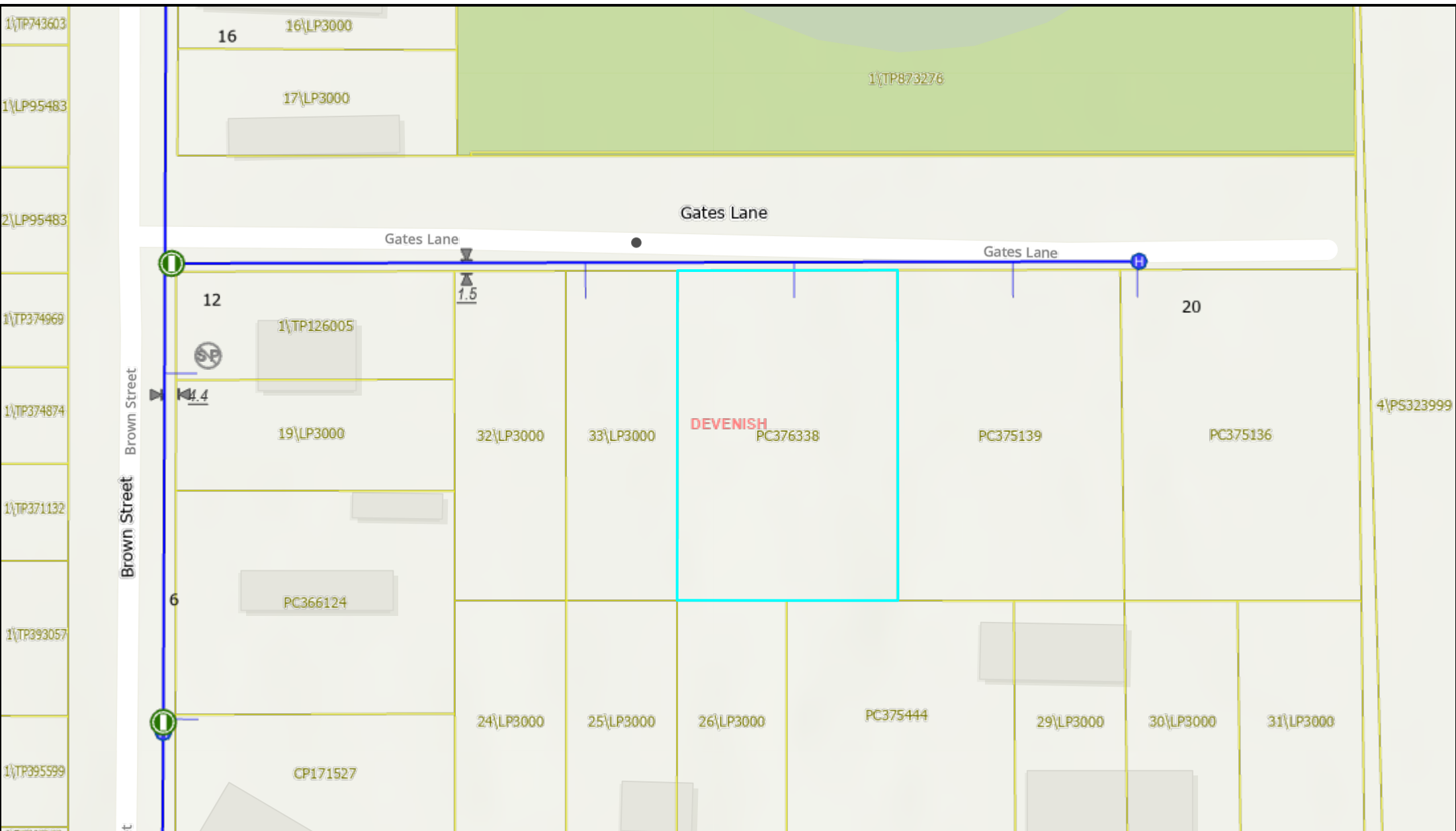
Any plan provided with this Information Statement may contain details that have been sourced from old records, or may contain information provided by other parties to North East Water. North East Water cannot guarantee the accuracy of this plan and the information on it.

Unless otherwise stated, any consumption charges on this statement are estimations based on historical information. North East Water will take no responsibility for any variances incurred due to estimated consumption charges. Any variance in consumption charges will be transferred to the purchaser in full at settlement.

**Authorised Officer**



**Huw Brokensha**  
**Manager Customer Experience**



PO Box 863  
 Wodonga, Victoria 3690  
 83 Thomas Mitchell Drive  
 Wodonga, Victoria 3690  
 Telephone: 1300 361 622

**Issue Date: 24/10/2024**  
**Scale: 1:1,128**



**DISCLAIMER**

No guarantee is given to the accuracy and location of services provided on this plan. Verification and enquiries regarding locations can be obtained on site by contacting North East Water field staff on 1300 361 622. North East Water accepts no liability for any loss, damage or injury by any person as a result of any inaccuracy in this plan.

WATER				SEWER				
Potable Transfer	Raw Transfer	Reclaim Transfer	Sluice Valve	Hydrant	Stop Tap	Gravity Transfer	Scour Valve	Flow Valve
Potable Reticulation	Raw Reticulation	Reclaim Reticulation	Scour Valve	Water Meter	Pump	Gravity Reticulation	Stop Valve	Junction
Potable Service	Raw Service	Not in Service	Air Pressure Release Valve	Flow Meter	Pressure Reducing Valve	Gravity Service	Pressure Valve	Connection Point
Interpolated Service	Not in Service	Butterfly Valve	Gate Valve	Pressure Sustaining Valve	Reducer	Not in Service	Ventstack	Pump
			Globe Valve				Manhole	Inspection Shaft

# Property Clearance Certificate

## Land Tax



INFOTRACK / TREE HOUSE CONVEYANCING

<b>Your Reference:</b>	0741
<b>Certificate No:</b>	80449367
<b>Issue Date:</b>	23 OCT 2024
<b>Enquiries:</b>	MXP4

**Land Address:** GATES LANE DEVENISH VIC 3726

Land Id	Lot	Plan	Volume	Folio	Tax Payable
44608258		376338	11999	959	\$0.00

**Vendor:** PAUL WENTWORTH  
**Purchaser:** FOR INFORMATION PURPOSES

Current Land Tax	Year	Taxable Value	Proportional Tax	Penalty/Interest	Total
MR PAUL JOSEPH WENTWORTH	2024	\$83,000	\$500.00	\$0.00	\$0.00

**Comments:** Land Tax of \$500.00 has been assessed for 2024, an amount of \$500.00 has been paid.

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

**Comments:**

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

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

  
**Paul Broderick**  
Commissioner of State Revenue

<b>CAPITAL IMPROVED VALUE:</b>	\$83,000
<b>SITE VALUE:</b>	\$83,000
<b>CURRENT LAND TAX CHARGE:</b>	<b>\$0.00</b>

# Notes to Certificate - Land Tax

Certificate No: 80449367

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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 = \$83,000

Calculated as \$500 plus ( \$83,000 - \$50,000) multiplied by 0.000 cents.

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## Land Tax - Payment Options

**BPAY**




Billers Code: 5249  
Ref: 80449367

**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: 80449367

**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

## Commercial and Industrial Property Tax



INFOTRACK / TREE HOUSE CONVEYANCING

Your Reference:	0741
Certificate No:	80449367
Issue Date:	23 OCT 2024
Enquires:	MPX4

**Land Address:** GATES LANE DEVENISH VIC 3726

Land Id	Lot	Plan	Volume	Folio	Tax Payable
44608258		376338	11999	959	\$0.00
AVPCC	Date of entry into reform	Entry interest	Date land becomes CIPT taxable land	Comment	
100	N/A	N/A	N/A	The AVPCC allocated to the land is not a qualifying use.	

This certificate is subject to the notes found on the reverse of this page. The applicant should read these notes carefully.

**Paul Broderick**  
Commissioner of State Revenue

CAPITAL IMPROVED VALUE:	\$83,000
SITE VALUE:	\$83,000
CURRENT CIPT CHARGE:	\$0.00

# Notes to Certificate - Commercial and Industrial Property Tax

Certificate No: 80449367

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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 commercial and industrial property tax (including interest and penalty tax) that is due and unpaid on the land described in the Certificate at the date of issue.

## Australian Valuation Property Classification Code (AVPCC)

3. The Certificate may show one or more AVPCC in respect of land described in the Certificate. The AVPCC shown on the Certificate is the AVPCC allocated to the land in the most recent of the following valuation(s) of the land under the *Valuation of Land Act 1960*:
  - a general valuation of the land;
  - a supplementary valuation of the land returned after the general valuation.
4. The AVPCC(s) shown in respect of land described on the Certificate can be relevant to determine if the land has a qualifying use, within the meaning given by section 4 of the *Commercial and Industrial Property Tax Reform Act 2024* (CIPT Act). Section 4 of the CIPT Act Land provides that land will have a qualifying use if:
  - the land has been allocated one, or more than one, AVPCC in the latest valuation, all of which are in the range 200-499 and/or 600-699 in the Valuation Best Practice Specifications Guidelines (the requisite range);
  - the land has been allocated more than one AVPCC in the latest valuation, one or more of which are inside the requisite range and one or more of which are outside the requisite range, and the land is used solely or primarily for a use described in an AVPCC in the requisite range; or
  - the land is used solely or primarily as eligible student accommodation, within the meaning of section 3 of the CIPT Act.

## Commercial and industrial property tax information

5. If the Commissioner has identified that land described in the Certificate is tax reform scheme land within the meaning given by section 3 of the CIPT Act, the Certificate may show in respect of the land:
  - the date on which the land became tax reform scheme land;
  - whether the entry interest (within the meaning given by section 3 of the Duties Act 2000) in relation to the tax reform scheme land was a 100% interest (a whole interest) or an interest of less than 100% (a partial interest); and
  - the date on which the land will become subject to the commercial and industrial property tax.
6. A Certificate that does not show any of the above information in respect of land described in the Certificate does not mean that the land is not tax reform scheme land. It means that the Commissioner has not identified that the land is tax reform scheme land at the date of issue of the Certificate. The Commissioner may identify that the land is tax reform scheme land after the date of issue of the Certificate.

## Change of use of tax reform scheme land

7. Pursuant to section 34 of the CIPT Act, an owner of tax reform scheme land must notify the Commissioner of certain changes of use of tax reform scheme land (or part of the land) including if the actual use of the land changes to a use not described in any AVPCC in the range 200-499 and/or 600-699. The notification

must be given to the Commissioner within 30 days of the change of use.

## Commercial and industrial property tax is a first charge on land

8. Commercial and industrial property tax (including any interest and penalty tax) is a first charge on the land to which the commercial and industrial property tax is payable. 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 commercial and industrial property tax.

## Information for the purchaser

9. Pursuant to section 27 of the CIPT Act, if a bona fide purchaser for value of the land described in the Certificate applies for and obtains a Certificate in respect of the land, the maximum amount recoverable from the purchaser is the amount set out in the Certificate. A purchaser cannot rely on a Certificate obtained by the vendor.

## Information for the vendor

10. Despite the issue of a Certificate, the Commissioner may recover a commercial and industrial property tax liability from a vendor, including any amount identified on this Certificate.

## Passing on commercial and industrial property tax to a purchaser

11. A vendor is prohibited from apportioning or passing on commercial and industrial property tax to a purchaser under a contract of sale of land entered into on or after 1 July 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

12. Land enters the tax reform scheme if there is an entry transaction, entry consolidation or entry subdivision in respect of the land (within the meaning given to those terms in the CIPT Act). Land generally enters the reform on the date on which an entry transaction occurs in respect of the land (or the first date on which land from which the subject land was derived (by consolidation or subdivision) entered the reform).
13. The Duties Act includes exemptions from duty, in certain circumstances, for an eligible transaction (such as a transfer) of tax reform scheme land that has a qualifying use on the date of the transaction. The exemptions apply differently based on whether the entry interest in relation to the land was a whole interest or a partial interest. For more information, please refer to [www.sro.vic.gov.au/CIPT](http://www.sro.vic.gov.au/CIPT).
14. A Certificate showing no liability for the land does not mean that the land is exempt from commercial and industrial property tax. It means that there is nothing to pay at the date of the Certificate.
15. 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.

# Property Clearance Certificate

## Windfall Gains Tax



INFOTRACK / TREE HOUSE CONVEYANCING

Your Reference: 0741

Certificate No: 80449367

Issue Date: 23 OCT 2024

Land Address: GATES LANE DEVENISH VIC 3726

Lot	Plan	Volume	Folio
	376338	11999	959

Vendor: PAUL WENTWORTH

Purchaser: FOR INFORMATION PURPOSES

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: 80449367

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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 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: 80449366</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: 80449366</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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# Vendor GST Withholding Notice

Pursuant to Section 14-255 Schedule 1 Taxation Administration Act 1953 (Cwlth)

To:

From: Paul Joseph Wentworth, Unit 1 | 90c Cribbes Road, Wangaratta VIC 3677

Property Address: Park Street, Devenish VIC 3726

Lot: Plan of subdivision: 376338A

The Purchaser is not required to make a payment under Section 14-250 of Schedule 1 of the Taxation Administration Act 1953 (Cwlth) in relation to the supply of the above property

Dated: 19<sup>th</sup> October 2024

Signed for an on behalf of the Vendor: *Tree House Conveyancing*

# Due diligence checklist

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

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

## Urban living

### Moving to the inner city?

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

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

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

## Growth areas

### Are you moving to a growth area?

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

## Flood and fire risk

### Does this property experience flooding or bushfire?

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

## Rural properties

### Moving to the country?

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

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

### Can you build new dwellings?

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

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

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

## Soil and groundwater contamination

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

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

(04/10/2016)

## **Land boundaries**

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

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

## **Planning controls**

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

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

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

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

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

## **Safety**

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

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

## **Building permits**

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

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

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

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

## **Utilities and essential services**

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

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

## **Buyers' rights**

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

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