

SPECIAL CONDITIONS

The following condition is part of the contract to which this Vendors Statement is annexed and subsequently entered into between the Vendor and any Purchaser. The condition shall take effect as a Special Condition notwithstanding any conflicting General Conditions set out in or incorporated by reference to the Contract

1. IF THE PURCHASER IS A COMPANY:

The Guarantee referred to in General Condition 3 shall be in the form set out hereunder.

FORM OF GUARANTEE

.....
.....

(hereinafter called "the Guarantors") in consideration of the within named Vendor selling to the within named Purchaser at our request the land described in the within Contract for the price and upon the terms and conditions therein set forth do hereby for ourselves our respective executors and administrators jointly and severally covenant with the said Vendor that if at any time default shall be made in the payment of the deposit or residue of purchase money or interest or other monies payable by the Purchaser to the Vendor under the within Contract or in the performance or observance of any term or condition of the within Contract to be performed or observed by the Purchaser we will forthwith on demand by the Vendor pay to the Vendor the whole of such deposit residue of purchase money interest or other monies which shall then be due and payable to the Vendor and will keep the Vendor indemnified against all loss of purchase money interest and other monies payable under the within Contract and all losses costs charges and expenses whatsoever which the Vendor may incur by reason of any default as aforesaid on the part of the Purchaser. This Guarantee shall be a continuing Guarantee and shall not be released by any neglect or forbearance on the part of the Vendor in enforcing payment of any of the monies payable under the within Contract or the performance or observance of any of the agreements obligations or conditions under the within Contract or by time being given to the Purchaser for any such payment performance or observance or by any other thing which under the law relating to sureties would but for this provision have the effect of releasing us our executors or administrators.

DATED this day of 2020.

SIGNED SEALED AND DELIVERED by)

)

in the presence of:)

SIGNED SEALED AND DELIVERED by)

)

in the presence of:)

**VENDOR'S STATEMENT PURSUANT TO 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.

VENDOR **ELLA FLORENCE WILLIAMS**

PROPERTY **96 Indi Avenue, Red Cliffs**
 (Lot 9 on Plan of Subdivision 087559 and being the land more particularly described in
 Certificate of Title Volume 08832 Folio 196)

1. FINANCIAL MATTERS

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

(a) Their amounts are as follows:

Authority	Amount	Interest (if any)
Mildura Rural City Council- per annum 2020/21	\$1,555.65	
Lower Murray Water- per qtr 2020/21	\$175.05	

(b) 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 of, are as follows:

- (i) The purchaser will be liable for municipal, water, sewerage and drainage rates and charges from the date of settlement.
- (ii) The purchaser may also become liable for State Land Tax depending on the use to which the property is put and other properties owned by the purchaser.

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

Nil.

1.3 Terms Contract

This section 1.3 only applies if the 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, particulars are as follows:

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 to the receipt of rents and profits, are as follows:

Nil.

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

- (a) Are as set out in the attached copies of title documents otherwise none known to the vendor.
- (b) Particulars of any existing failure to comply with the terms of that easement, covenant or restriction are as follows:

To the best of the vendor's knowledge there is no existing failure to comply with the terms of any easement, covenant or similar restriction.

3.2 Road Access

There is access to the property by road.

3.3 Designated Bushfire Prone Area

The land is not in a bushfire prone area under section 192A of the *Building Act 1993*.

3.4 Planning Scheme

The required specified information is Attached is a certificate with the required specified information.

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:

Nil.

4.2 Agricultural Chemicals

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

Nil.

4.3 Compulsory Acquisition

The particulars of any notice of intention to acquire served under section 6 of the *Land Acquisition and Compensation Act 1986* are as follows:

Nil.

5. BUILDING PERMITS

No building permits have been issued under the *Building Act 1993* in the preceding 7 years (required only where there is a residence on the land).

6. OWNERS CORPORATION

The land is not affected by an Owners Corporation within the meaning of the *Owners Corporations Act 2006*.

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*.

7.1 Work-in-Kind Agreement

There is no work-in-kind agreement (within the meaning of Part 9B of the *Planning and Environment Act 1987*).

7.2 GAIC Recording

The land is not affected by the GAIC.

8. SERVICES

The following services are **not** connected to the land:

- (a) telephone services

9. TITLE

- 9.1 Attached is a copy of the Register Search Statement and the document, or part of the document, referred to as a "diagram location" in the Statement that identifies the land and its location.

10. DISCLOSURE OF ENERGY EFFICIENCY INFORMATION

There is no certificate relating to Energy Efficiency Information applicable.

11. 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 the 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.

The vendor makes this statement in respect of the land in accordance with section 32 of the *Sale of Land Act 1962*.

Date of this Statement:/...../.....

Signature of the vendor:
Ella Florence Williams by her Attorney Stephen Leslie Williams under Power of Attorney dated 22nd June 2012

The purchaser acknowledges being given a duplicate of this statement signed by the vendor with the attached documents before the purchaser signed any contract.

Date of this Acknowledgment:/...../.....

Signature of the purchaser:

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

VOLUME 08832 FOLIO 196

Security no : 124086816235F
Produced 27/11/2020 09:21 AM

LAND DESCRIPTION

Lot 9 on Plan of Subdivision 087559.
PARENT TITLE Volume 08761 Folio 621
Created by instrument LP087559 10/06/1970

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
ELLA FLORENCE WILLIAMS of 96 INDI AVENUE RED CLIFFS VIC 3496
AE306893U 20/04/2006

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 or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE LP087559 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: 96 INDI AVENUE RED CLIFFS VIC 3496

DOCUMENT END

Delivered from the LANDATA® System by InfoTrack Pty Ltd.

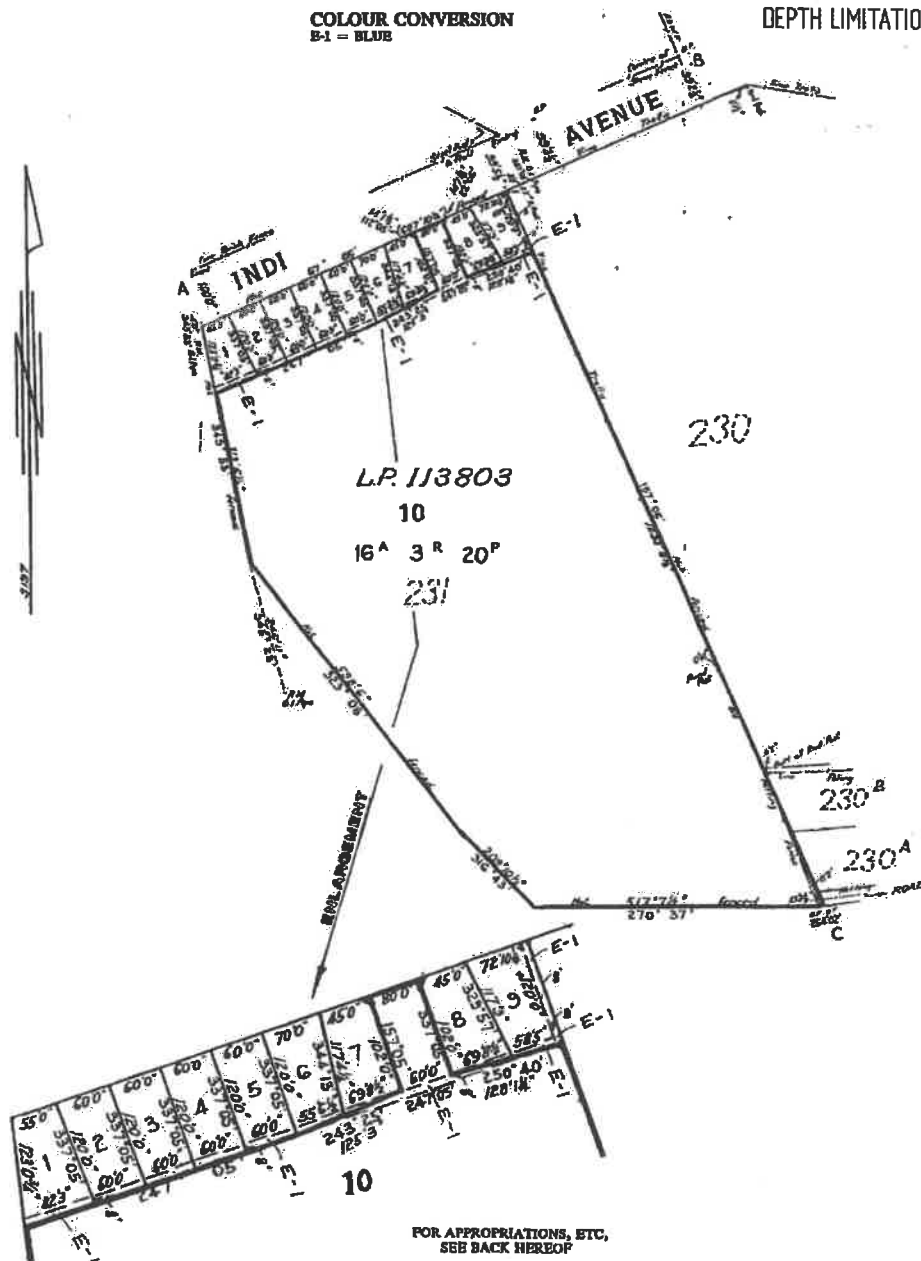
The information supplied by InfoTrack (InfinityLaw) has been obtained from InfoTrack Pty Limited by agreement between them. The information supplied has been obtained by InfoTrack Pty Limited who is licensed by the State of Victoria to provide this information via LANDATA® System.

LP87559
EDITION 1
 APPROVED 16.13.170

<p>PLAN OF SUBDIVISION OF CROWN ALLOTMENT 231 SECTION B PARISH OF MILDURA COUNTY OF KARKAROO SCALE OF FEET</p>	<p>APPROPRIATIONS <i>The land coloured blue is an easement for drainage and sewerage.</i></p>	<p>ENCUMBRANCES & OTHER NOTATIONS. <i>Datum A-B, & C.</i></p>
---	---	---

COLOUR CONVERSION
 E-1 = BLUE

DEPTH LIMITATION: 50 FEET



FOR APPROPRIATIONS, ETC,
 SEE BACK HEREOF

CERTIFICATE OF TITLE V. 8761 F. 621 PART. ✓

LODGED BY HILLARDS

DATE 21. 12. 69

DECLARED BY D. A. PEDLER 17. 8. 69. ✓

CONSENT OF COUNCIL SHIRE OF

MILDURA

21. 8. 69 ✓

PLAN APPROVED DATE 16. 3. 70 TIME 1. 50 ✓

LP 87559.....
BACK OF SHEET 1.....

THE LAND COLOURED BLUE
IS APPROPRIATED
OR SET APART FOR
EASEMENTS OF DRAINAGE AND SEWERAGE

TRANSFER OF LAND

Section 45 Transfer of Land Act 1958

Lodged by:

Name: Allstate Conveyancing Services
Phone: 03 5023 5355
Address: DX Soobie Milda
Ref: 5AM
Customer Code: 365F



Privacy Col
The informati
statutory auth
maintaining p
in the Victoria

AE306893U



MADE AVAILABLE/CHANGE CONTROL

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 and subject to the encumbrances affecting the land including any created by dealings lodged for registration before the lodging of this transfer.

Land: (volume and folio reference)

Certificate of Title Volume 8832 Folio 196

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

All My Estate In Fee Simple

Consideration:

Transferor: (full name)

ROBERT JAMES RALPH

Transferee: (full name and address including postcode)

ELLA FLORENCE WILLIAMS

of 96 Indi Avenue, RED CLIFFS 3496

Directing Party: (full name)

NIL

Dated: **18 April 2006**

Execution and Attestation

Signed by the Transferor
in the presence of:

Witness

Signed by the Transferee
in the presence of:

Ella, Florence Williams

dmj glo

ee R. Ralph 2/4/06

Approval No. 1060049A

T1

Page 1 of 1



Anstat Pty Ltd

ORDER TO REGISTER

Please register and issue title to

Signed

Cust. Code:

THE BACK OF THIS FORM MUST NOT BE USED

Land Registry, 570 Bourke Street, Melbourne 3000. Phone 03 8636 2010

STAMP DUTY USE ONLY

Original Land Transfer
PCH Section 58
Stamped with
Doc ID 2077054, 20 Apr 2006
880 Victoria Oaks, JAM2

20 APR 2006

MARTIN IRWIN & RICHARDS
VICTORIA

ENDURING POWER OF ATTORNEY

This Enduring Power of Attorney is made under Part XIA of the Instruments Act 1958 and has effect as a deed.

This Enduring Power of Attorney is made on the 22nd day of June 2012

1. I, ELLA FLORENCE WILLIAMS
of 96 Indi Avenue, Red Cliffs in the State of Victoria
Appoint STEPHEN LESLIE WILLIAMS
of Guava Street, Red Cliffs in the State of Victoria
to be my Attorney.
2. I authorise my Attorney to do on my behalf any thing that I may lawfully authorise an Attorney to do.
3. The authority of my Attorney is subject to the following conditions, limitations and instructions:
None.
4. I declare that this Power of Attorney begins Immediately.
5. I declare that this Power of Attorney will continue to operate and have full force and effect even if I subsequently become legally incapable.
6. I declare that all previous Enduring Powers of Attorney signed by me are hereby revoked.


IN WITNESS WHERE OF I have hereunto set my hand to this my Enduring Power of Attorney

SIGNED by the said)
ELLA FLORENCE WILLIAMS)
in our presence and attested by us in)
the presence of each other.)

Ella. Williams

I certify this copy document to be a true and complete copy
of the original of which it purports to be a copy.

Dated 22nd of December 2020



INGA DALLA SANTA
61 Deakin Ave Mildura Vic 3500
An Australian Legal Practitioner
within the meaning of the
Legal Profession Uniform Law (Victoria)

I certify this copy page to be a true and complete copy of the corresponding page of the original

22/12/2020

INGA DALLA SANTA
61 Deakin Ave Mildura Vic 3500
An Australian Legal Practitioner
within the meaning of the
Legal Profession Uniform Law (Victoria)

JOHN STEPHEN IRWIN
of 61 Deakin Avenue Mildura
An Australian Legal Practitioner (within the
meaning of the Legal Profession Act 2004)

CERTIFICATE OF WITNESSES

WITNESS 1:

I, _____ (Barrister & Solicitor of the Supreme Court of
Victoria) of 61 Deakin Avenue, Mildura in the State of Victoria

certify –

- (a) that the donor has signed this enduring power of attorney freely and voluntarily in my presence;
and
(b) that at the time of signing, the donor appeared to each of us to have the capacity necessary to make
the enduring power of attorney.

.....
Witness 1 Signature

A current practitioner within
the meaning of the Legal Practice Act 1996

JOHN STEPHEN IRWIN
of 61 Deakin Avenue Mildura
An Australian Legal Practitioner (within the
meaning of the Legal Profession Act 2004)

WITNESS 2:

I,
Full name: SUSAN ANNE CORTESE
Occupation: Clerk to Martin Irwin & Richards Lawyers
61 Deakin Avenue Mildura Vic 3500
Address: _____

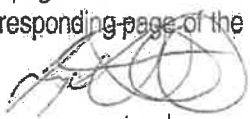
certify –

- (a) that the donor has signed this enduring power of attorney freely and voluntarily in my presence;
and
(b) that at the time of signing, the donor appeared to each of us to have the capacity
necessary to make the enduring power of attorney.

.....
Witness 2 Signature

SUSAN ANNE CORTESE
Clerk to Martin Irwin & Richards Lawyers
61 Deakin Avenue Mildura Vic 3500

I certify this copy page to be a true and complete
copy of the corresponding page of the original


22/12/2020

INGA DALLA SANTA
61 Deakin Ave Mildura Vic 3500
An Australian Legal Practitioner
within the meaning of the
Legal Profession Uniform Law (Victoria)

STATEMENT OF ACCEPTANCE

- I, **STEPHEN LESLIE WILLIAMS** of Guava Street, Red Cliffs in the State of Victoria
on 22 day of JUNE 2012 accept the appointment as an attorney
under this enduring power of attorney **and undertake** –
- (a) to exercise the powers conferred with reasonable diligence to protect the interests of the donor;
and
 - (b) to avoid acting where there is any conflict of interest between the interests of the donor and my
interests; and
 - (c) to exercise the powers conferred in accordance with Part XIA of the **Instruments Act 1958**.


STEPHEN LESLIE WILLIAMS

DATED 22nd June 2012

ELLA FLORENCE WILLIAMS

TO

STEPHEN LESLIE WILLIAMS

**ENDURING POWER OF
ATTORNEY**

MARTIN IRWIN & RICHARDS
Lawyers

61 Deakin Avenue

MILDURA VIC 3500

Tel: (03) 5021 1100

Ref: JSI:JB

Property Report from www.land.vic.gov.au on 27 November 2020 02:20 PM

Address: 96 INDI AVENUE RED CLIFFS 3496

Lot and Plan Number: Lot 9 LP87559

Standard Parcel Identifier (SPI): 9\LP87559

Local Government (Council): MILDURA Council Property Number: 18445

Directory Reference: VicRoads 538 G9

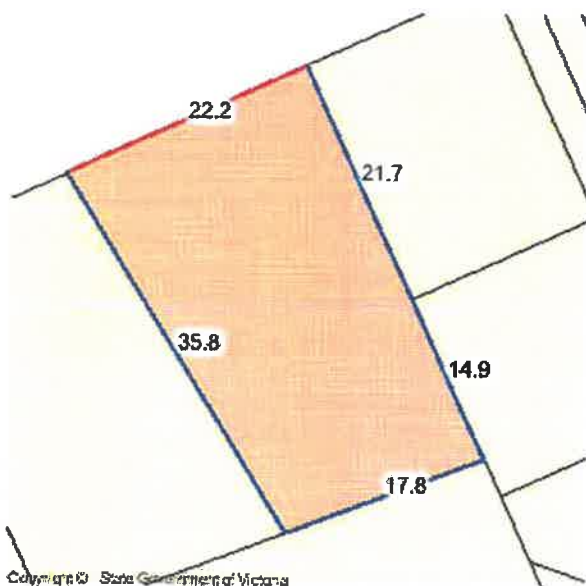
This property is not in a designated bushfire prone area.

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

Further information about the building control system and building in bushfire prone areas can be found in the Building Commission section of the Victorian Building Authority website www.vba.vic.gov.au

Site Dimensions

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



Area: 718 sq. m

Perimeter: 112 m

For this property:

— Site boundaries

— Road frontages

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

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

State Electorates

Legislative Council: NORTHERN VICTORIA

Legislative Assembly: MILDURA

Utilities

Rural Water Corporation: Lower Murray Water

Urban Water Corporation: Lower Murray Water

Melbourne Water: outside drainage boundary

Power Distributor: POWERCOR (Information about [choosing an electricity retailer](#))

Planning information continued on next page

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Planning Zone Summary

Planning Zone: GENERAL RESIDENTIAL ZONE (GRZ)
GENERAL RESIDENTIAL ZONE - SCHEDULE 1 (GRZ1)

Planning Overlay: None

Planning scheme data last updated on 26 November 2020.

A **planning scheme** sets out policies and requirements for the use, development and protection of land. This report provides information about the zone and overlay provisions that apply to the selected land. Information about the State and local policy, particular, general and operational provisions of the local planning scheme that may affect the use of this land can be obtained by contacting the local council or by visiting [Planning Schemes Online](#)

This report is NOT a **Planning Certificate** issued pursuant to Section 199 of the *Planning and Environment Act 1987*. It does not include information about exhibited planning scheme amendments, or zonings that may affect the land.

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

The Planning Property Report includes separate maps of zones and overlays

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

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

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

Area Map



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PLANNING PROPERTY REPORT



Environment,
Land, Water
and Planning

From www.planning.vic.gov.au at 27 November 2020 09:54 AM

PROPERTY DETAILS

Address: **96 INDI AVENUE RED CLIFFS 3496**
Lot and Plan Number: **Lot 9 LP87559**
Standard Parcel Identifier (SPI): **9\LP87559**
Local Government Area (Council): **MILDURA**
Council Property Number: **18445**
Planning Scheme: **Mildura**
Directory Reference: **Vicroads 538 G9**

www.mildura.vic.gov.au

[Planning Scheme - Mildura](#)

UTILITIES

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

[View location in VicPlan](#)

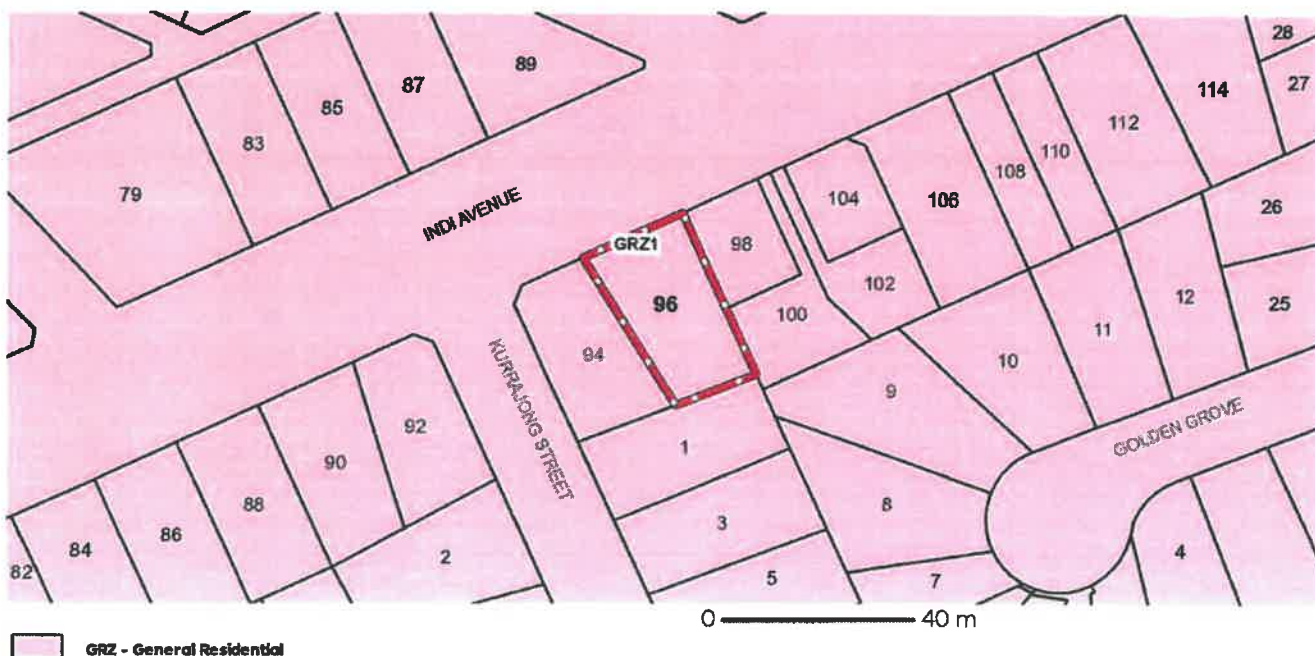
STATE ELECTORATES

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

Planning Zones

GENERAL RESIDENTIAL ZONE (GRZ)

GENERAL RESIDENTIAL ZONE - SCHEDULE 1 (GRZ1)



 GRZ - General Residential

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: 96 INDI AVENUE RED CLIFFS 3496

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PLANNING PROPERTY REPORT



Environment,
Land, Water
and Planning

Planning Overlay

None affecting this land - there are overlays in the vicinity

SPECIFIC CONTROLS OVERLAY (SCO)



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 19 November 2020.

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

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

Information about the State and local policy, particular, general and operational provisions of the local planning scheme that may affect the use of this land can be obtained by contacting the local council or by visiting <https://www.planning.vic.gov.au>

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

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

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

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

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

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

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

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Read the full disclaimer at <https://www2.slgov.au/guidelinedisclaimer>

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PLANNING PROPERTY REPORT: 96 INDI AVENUE RED CLIFFS 3496

PLANNING PROPERTY REPORT



Environment,
Land, Water
and Planning

Designated Bushfire Prone Areas

This property is not in a designated bushfire prone area.
No special bushfire construction requirements apply. Planning provisions may apply.



Designated bushfire prone areas as determined by the Minister for Planning are in effect from 8 September 2011 and amended from time to time.

The Building Regulations 2018 through application of the Building Code of Australia, apply bushfire protection standards for building works in designated bushfire prone areas.

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

Note: prior to 8 September 2011, the whole of Victoria was designated as bushfire prone area for the purposes of the building control system.

Further information about the building control system and building in bushfire prone areas can be found on the Victorian Building Authority website <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>

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PLANNING PROPERTY REPORT: 96 INDI AVENUE RED CLIFFS 3496

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 \(consumer.vic.gov.au/duediligencechecklist\)](http://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.

