SECTION 32 STATEMENT

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

Vendor:	**Mark Andrew Bresnehan and Anna Elizabeth Bresnehan**
Property:	**2 Willow Grove MILDURA VIC 3500**

VENDORS REPRESENTATIVE
Mildura Property Transfers Pty Ltd
124A Eighth Street, Mildura 3500

PO Box 1012
MILDURA VIC 3502

Tel: 03 5022 9300
Email: warrick@milduraproperytransfers.com.au

Ref: Warrick Watts

SECTION 32 STATEMENT
2 WILLOW GROVE MILDURA VIC 3500

1. FINANCIAL MATTERS

(a) Information concerning any rates, taxes, charges or other similar outgoings AND any interest payable on any part of them is as follows-

Provider	Amount (& interest if any)	Period
Lower Murray Water	$ 175.05	Per quarter
Mildura Rural City Council	$2,639.86	Per annum

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

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

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

2. INSURANCE

(a) Where the Contract does not provide for the land to remain at the risk of the Vendor, particulars of any policy of insurance maintained by the Vendor in respect of damage to or destruction of the land are as follows: - Not Applicable

(b) Where there is a residence on the land which was constructed within the preceding six years, and section 137B of the *Building Act 1993* applies, particulars of the required insurance are as follows:- Not Applicable

3. LAND USE

(a) RESTRICTIONS

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

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

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

(b) BUSHFIRE

This land is not in a designated bushfire- prone area within the meaning of the regulations made under the *Building Act 1993*.

(c) ROAD ACCESS

There is access to the Property by Road.

(d) PLANNING

Planning Scheme:
Responsible Authority: See attached Property Report
Zoning:
Planning Overlay/s:

4. NOTICES

(a) Particulars of any Notice, Order, Declaration, Report or recommendation of a Public Authority or Government Department or approved proposal directly and currently affecting the land of which the Vendor might reasonably be expected to have knowledge are:- None to the Vendors knowledge however the Vendor has no means of knowing all decisions of the Government and other authorities unless such decisions have been communicated to the Vendor

(b) The Vendor is not aware of any Notices, Property Management Plans, Reports or Orders in respect of the land issued by a Government Department or Public Authority in relation to livestock disease or contamination by agricultural chemicals affecting the ongoing use of the land for agricultural purposes.

Particulars of any Notice of intention to acquire served under Section 6 of the *Land Acquisition and Compensation Act, 1986* are: Not Applicable

5. BUILDING PERMITS

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

No such Building Permit has been granted to the Vendors knowledge.

6. OWNERS CORPORATION

The Land is NOT affected by an Owners Corporation within the meaning of the *Owners Corporation Act 2006.*

7. GROWTH AREAS INFRASTRUCTURE CONTRIBUTION (GAIC)

(1) The land, in accordance with a work-in-kind agreement (within the meaning of Part 9B of the *Planning and Environment Act 1987* is NOT –

- land that is to be transferred under the agreement.
- land on which works are to be carried out under the agreement (other than Crown land).
- land in respect of which a GAIC is imposed

~~(2) Attached is a copy of a notice or certificate in the case of land where there is a GAIC recording (within the meaning of Part 9B of the *Planning and Environment Act 1987*):~~
~~any certificate of release from liability to pay;~~

~~— any certificate of deferral of the liability to pay;~~
~~— any certificate of exemption from the liability to pay;~~
~~— any certificate of staged payment approval;~~
~~— any certificate of no GAIC liability;~~
~~— any notice given under that Part providing evidence of the grant of a reduction of the whole or part of the liability to pay;~~
~~— any notice given under that Part providing evidence of an exemption of the liability to pay;~~

~~OR~~

~~— a GAIC certificate relating to the land issued by the Commissioner under the *Planning and Environment Act 1987*.~~

8. SERVICES

Service	Status
Electricity supply	Connected
Gas supply	Connected
Water supply	Connected
Sewerage	Connected
Telephone services	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 settlement, and the purchaser will have to have the service reconnected.

9. TITLE

Attached are the following document/s concerning Title:

(a) In the case of land under the *Transfer of Land Act 1958* a copy of the Register Search Statement/s and the document/s, or part of the document/s, referred to as the diagram location in the Register Search Statement/s that identifies the land and its location.
(b) In any other case, a copy of -
(i) the last conveyance in the Chain of Title to the land; or
(ii) any other document which gives evidence of the Vendors title to the land.
(c) Where the Vendor is not the registered proprietor or the owner of the estate in fee simple, copies of the documents bearing evidence of the Vendor's right or power to sell the land.
(d) In the case of land that is subject to a subdivision -
(i) a copy of the Plan of Subdivision which has been certified by the relevant municipal council (if the Plan of Subdivision has not been registered), or
(ii) a copy of the latest version of the plan (if the Plan of Subdivision has not been certified).
(e) In the case of land that is part of a staged subdivision within the meaning of Section 37 of the *Subdivision Act 1988* -
(i) if the land is in the second or a subsequent stage, a copy of the plan for the first stage; and
(ii) details of any requirements in a Statement of Compliance relating to the stage in which the land is included that have not been complied with; and
(iii) details of any proposals relating to subsequent stages that are known to the Vendor; and
(iv) a statement of the contents of any permit under the *Planning and Environment Act 1987* authorising the staged subdivision.
(f) In the case of land that is subject to a subdivision and in respect of which a further plan within the meaning of the *Subdivision Act 1988* is proposed -

(i) if the later plan has not been registered, a copy of the plan which has been certified by the relevant municipal council; or
(ii) if the later plan has not yet been certified, a copy of the latest version of the plan.

10. DUE DILLIGENCE 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 but the checklist has been attached as a matter of convenience.

DATE OF THIS STATEMENT ____ / ____ /20 **21**

Name of the Vendor

Mark Andrew Bresnehan and Anna Elizabeth Bresnehan

Signature/s of the Vendor

x

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

DATE OF THIS ACKNOWLEDGMENT ____ / ____ /20 **21**

Name of the Purchaser

Signature/s of the Purchaser

x

IMPORTANT NOTICE - ADDITIONAL DISCLOSURE REQUIREMENTS

Undischarged mortgages – S32A(a)
Where the land is to be sold subject to a mortgage (registered or unregistered) which is not to be discharged before the purchaser becomes entitled to possession or receipt of rents and profits, then the vendor must provide an additional statement including the particulars specified in Schedule 1 of the *Sale of Land Act 1962.*

Terms contracts – S32A(d)
Where the land is to be sold pursuant to a terms contract which obliges the purchaser to make two or more payments to the vendor after execution of the contract and before the vendor is entitled to a conveyance or transfer, then the vendor must provide an additional statement containing the information specified in Schedule 2 of the *Sale of Land Act 1962.*

Register Search Statement - Volume 7528 Folio 150

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

VOLUME 07528 FOLIO 150 Security no : 124090463504H
Produced 10/06/2021 10:41 AM

LAND DESCRIPTION

Lot 6 on Plan of Subdivision 020151.
PARENT TITLE Volume 06566 Folio 056
Created by instrument 2317710 11/07/1950

REGISTERED PROPRIETOR

Estate Fee Simple
Joint Proprietors
ANNA ELIZABETH BRESNEHAN
MARK ANDREW BRESNEHAN both of 2 WILLOW GROVE MILDURA VIC 3500
AS262360B 17/06/2019

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AS262361Y 17/06/2019
COMMONWEALTH BANK OF AUSTRALIA

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

DIAGRAM LOCATION

SEE LP020151 FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

----------END OF REGISTER SEARCH STATEMENT----------

Additional information: (not part of the Register Search Statement)

Street Address: 2 WILLOW GROVE MILDURA VIC 3500

ADMINISTRATIVE NOTICES

NIL

eCT Control 15940N CBA - COMMONWEALTH BANK OF AUSTRALIA
Effective from 17/06/2019

for the purposes of Section 32 of the Sale of Land Act 1962 or pursuant to a written agreement. The information is only valid at the time and in the form obtained
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Registry Services Trust ABN 83 206 746 897 accept responsibility for any subsequent release, publication or reproduction of the information.

PLAN OF SUBDIVISION

OF PART OF CROWN PORTION 1

PARISH OF MILDURA

COUNTY OF KARKAROOC

V6566 F056

Measurements are in Feet & Inches

Conversion Factor

FEET X 0.3048 = METRES

LP 20151

EDITION 3

PLAN MAY BE LODGED

COLOUR CODE

BL=BLUE
BR=BROWN
P=PURPLE
H=HATCH

APPROPRIATIONS

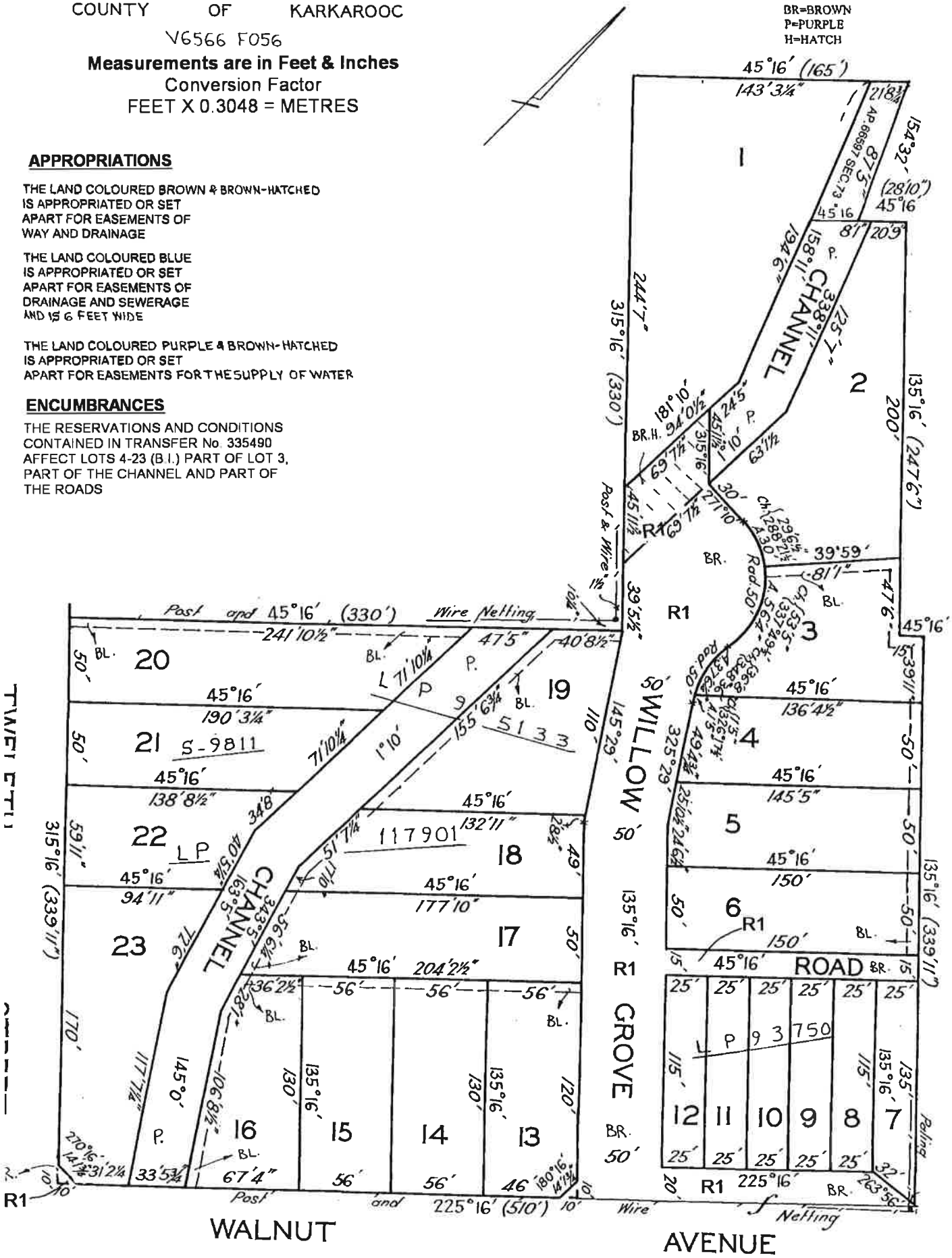
THE LAND COLOURED BROWN & BROWN-HATCHED IS APPROPRIATED OR SET APART FOR EASEMENTS OF WAY AND DRAINAGE

THE LAND COLOURED BLUE IS APPROPRIATED OR SET APART FOR EASEMENTS OF DRAINAGE AND SEWERAGE AND IS 6 FEET WIDE

THE LAND COLOURED PURPLE & BROWN-HATCHED IS APPROPRIATED OR SET APART FOR EASEMENTS FOR THE SUPPLY OF WATER

ENCUMBRANCES

THE RESERVATIONS AND CONDITIONS CONTAINED IN TRANSFER No. 335490 AFFECT LOTS 4-23 (B.I.) PART OF LOT 3, PART OF THE CHANNEL AND PART OF THE ROADS



ARNING: THE IMAGE OF THIS DOCUMENT OF THE REGISTER HAS BEEN DIGITALLY AMENDED

MODIFICATION TABLE

RECORD OF ALL ADDITIONS OR CHANGES TO THE PLAN

PLAN NUMBER
LP 20151

AFFECTED LAND/PARCEL	LAND/PARCEL IDENTIFIER CREATED	MODIFICATION	DEALING NUMBER	DATE	TIME	EDITION NUMBER	ASSISTANT REGISTRAR OF TITLES
LOT 1		REMOVAL OF EASEMENT	AP.66597 SEC.73			2	
		WARNING: THE IMAGE OF THIS PLAN/DOCUMENT HAS BEEN DIGITALLY AMENDED. NO FURTHER AMENDMENTS ARE TO BE MADE TO THE ORIGINAL PLAN/DOCUMENT.					
THIS PLAN		RESERVATIONS & CONDITIONS NOTATION ADDED	TRANSFER NO. 335490			3	AD

for the purposes of Section 32 of the Sale of Land Act 1962 or pursuant to a written agreement. The information is only valid at the time and in the form obtained the LANDATA® System, None of the State of Victoria, LANDATA®, Victorian Land Registry Services Pty. Ltd. ABN 86 627 986 396 as trustee for the Victorian l Registry Services Trust ABN 83 206 746 897 accept responsibility for any subsequent release, publication or reproduction of the information.

112541 By the Cuthbert & Wynne

FREEHOLD. CO

J. G. 26 OCT 1877 OFFICE OF TITLES MELBOURNE

1:23 pm 665/7

VICTORIA.

TRANSFER OF LAND.

I Joseph Coward of No 10 Peel Street in the Town of Ballarat East Drapers Clerk and Jane Brocklebank Coward of the same place Spinster being registered as the proprietors of an estate in fee-simple in the land hereinafter described subject to the encumbrances notified hereunder, in consideration of the sum of One hundred pounds

paid to ~~me~~ us by The Corporation styled The Ballarat Alliance Permanent Building and Investment Society

Do HEREBY TRANSFER to the said Ballarat Alliance Permanent Building and Investment Society

All my estate and interest in ALL that piece of land being Crown Allotment fifty four Section D Township of Ballarat East Parish of Ballarat County of Grant containing twenty one perches and five tenths of a perch or thereabouts

Dated the Twelfth day of September One thousand eight hundred and seventy seven

Signed by the said Joseph Coward and Jane Brocklebank Coward in the presence of H. Cooper Clerk to Henry Cuthbert Solicitor Ballarat

Joseph Coward

Jane Brocklebank Coward

~~Signed by the said~~ The Common Seal of The Ballarat Alliance Permanent Building and Investment Society was affixed hereto in the presence of Geo W Berry V.P.

ENCUMBRANCES REFERRED TO.

[SEE OVER.

Appeared before me at Ballarat, the thirteenth day of September One thousand eight hundred and seventy seven

Henry Cooper

the attesting witness to this instrument, and declared that he personally knew Joseph Coward and Jane Brocklebank Coward

the person signing the same, and whose signatures the said Henry Cooper attested; and the names purporting to be the signatures of the said Joseph Coward and Jane Brocklebank Coward are their own handwriting, and that they were of sound mind, and freely and voluntarily signed such instrument

John Cuthbert Junr
Solicitor Ballarat

FREEHOLD.

Dated 1877

Memorandum of Transfer.

FROM

Mr. J. Coward

TO

The Ballarat Alliance Permanent Building & Investment Society

HENRY CUTHBERT,
SOLICITOR,
BALLARAT.

MEMORIAL OF INSTRUMENT.

Nature of Instrument.	Time of its Production for Registration.	Names of the Parties thereto.	Number or Symbol thereon
Transfer.	The 26th day of October 1877, at 1.23 o'clock in the after noon.	Joseph Coward and Jane Brocklebank Coward The Ballarat Alliance Permanent Building and Investment Society.	66597

[illegible]
Asst. Registrar of Titles.

I certify that a memorial of the within instrument was entered in the Register Book, Vol. 985, Fol. 196921 at the time last above mentioned.

[illegible]
Asst. Registrar of Titles.

or the purposes of Section 32 of the Sale of Land Act 1962 or pursuant to a written agreement. The information is only valid at the time and in the form obtained the LANDATA® System. None of the State of Victoria, LANDATA®, Victorian Land Registry Services Pty. Ltd. ABN 86 627 986 396 as trustee for the Victorian Registry Services Trust ABN 83 206 746 897 accept responsibility for any subsequent release, publication or reproduction of the information.

718560

3354903

CHAFFEY BROS. LIMITED

335490 MICROFILMED

D335490-1-1

TO THE REGISTRAR OF TITLES
PLEASE REGISTER THIS TRANSFER

A

Freehold

OFFICE OF TITLES TB 10MAY.93 VICTORIA

RECEIVED FEE 10MAY93 T.O. COMMISSIONER OF STAMP DUTIES

VICTORIA.

Transfer of Land.

We, **GEORGE CHAFFEY** and **WILLIAM BENJAMIN CHAFFEY** of Melbourne and Mildura in the Colony of Victoria Irrigationists being registered as the proprietors of an Estate in fee simple in the land hereinafter described subject to the encumbrances notified hereunder in consideration of the sum of Two hundred and Six pounds paid to us by Isaac Lowe of Mildura in the said Colony Horticulturist do hereby transfer to the said Isaac Lowe All our estate and interest in All that piece of Villa land ing Lot 5. Eight acres Twelve of Section Seventy eight of Block D of Crown portion One Parish of Mildura County of Karkarooc delineated on the plan of subdivision lodged at the Office of Titles Numbered 2144 TOGETHER with a sufficient water right to be held with and run with the said land as a perpetual easement within the intent of and as required by the condition in that behalf contained in the Crown Grant to us Volume 2040 Folio 407912

Reserving unto us our executors administrators transferees and assigns the full and free right and liberty to and for us and them and our and their servants agents and workmen at all times hereafter without any cost or expense to enter into and upon the said land and to dig cut and excavate the same and make lay or construct thereon or therein reservoirs embankments dams watercourses channels races aqueducts drains culverts flumes levels mains water pipes stop cocks stand pipes meters fire plugs connection or service pipes or other water works or apparatus connected therewith and also to repair maintain alter cut off or remove any such water works or apparatus so made laid or constructed or replace them with others but so that any such act shall not prejudice the water right hereinbefore assured and also to go pass and repass for all the purposes aforesaid either with or without horses or other animals carts or other carriages through over and along the said land.

2040 part 912 5ac 2r part 7pp 24/4/93

St. Ell. 2/8/93

Provided Always and this transfer is made on the special condition that the said Isaac Lowe his executors administrators transferees or assigns will at his or their own expense forthwith destroy and keep the said land free from all vermin noxious insects scale bugs Bathurst burr wild briar and gorse.

335490

And Whereas a Company has been formed and incorporated under "The Companies' Statute 1864" under the style of "THE MILDURA IRRIGATION COMPANY LIMITED" having as one of its objects the securing to the members thereof who shall be holders of any parcel or parcels of the Two hundred and fifty thousand acres known as the Mildura Lands which include the land comprised in this transfer) a sufficient water right to be held with and run with such parcel or parcels as a perpetual easement within the intent of the said condition in that behalf contained in the said Crown Grant and the said Isaac Lowe

is the holder of five

paid-up Shares in the said Company numbered from 15022 to 15026

inclusive in respect of the said land the scrip whereof is hereto annexed and the said Company doth in evidence thereof hereto affix its Seal.

Dated this twenty seventh day of April One thousand eight hundred and ninety three

Signed by the said GEORGE CHAFFEY and by the said WILLIAM BENJAMIN CHAFFEY by his Attorney GEORGE CHAFFEY in the presence of

Geo Chaffey
W B Chaffey
by his atty Geo Chaffey

Signed by the said Isaac Lowe

in the presence of

A K Oldham
Mildura

Isaac Lowe

"THE MILDURA IRRIGATION COMPANY LIMITED" have hereunto affixed its Common Seal

W B Chaffey
Henry Stobbs
DIRECTORS. (L.S.)

George H Tolley SECRETARY.

D335490-1-1

335490

The Mildura Irrigation Company Limited.

Incorporated under "The Companies' Act, 1890."

No. 1209

Capital; £12,500, in 250,000 Shares of 1s. each.

This is to Certify that Isaac Lowe of Mildura is the Proprietor of Five Paid-up Shares of The Mildura Irrigation Company Limited, numbered 15022 to 15026 inclusive, subject to the Articles of Association of the said Company, and appertaining to Lot Six & twelve of Section Seventy Eight of Block 11

Given under the Common Seal of the said Company, at Mildura this First day of May 1893.

The Common Seal of the said Company was hereunto affixed in the presence of

W B Chaffey
Henry Hooper } Directors.

George H. Tolley Secretary.

THE MILDURA IRRIGATION COMPANY LIMITED.

D335490-2-6

X

Appeared before me at Medina the twenty seventh day of April
One thousand eight hundred and ninety three Harry Ross Oldham
the attesting witness to this instrument, and declared that he personally knew Isaac Lowe
the person signing the same, and whose signature the said Harry Ross Oldham
attested; and that the name purporting to be the signature of the said Isaac Lowe
is his own handwriting, and that he was of sound mind, and freely and voluntarily signed such instrument.

W B Chaffey J.P.

DATED 27 April 1893

MESSRS. G. and W. B. CHAFFEY

TO

Isaac Lowe

Transfer.

MEMORIAL OF INSTRUMENT.

...ument.	Time of its Production for Registration.	Names of the Parties thereto.	No. or Symbol thereon.
TRANSFER. as to part	The 10th day of May 1893 at 2.35 o'clock in the afternoon	George Chaffey and William Benjamin Chaffey TO Isaac Lowe	335490

Tho Byrne
Registrar of Titles.

I certify that a Memorial of the within Instrument was entered in the Register Book Vol. 2040 Fol. 107 & 112 at the time last above mentioned.

Tho Byrne
Registrar of Titles.

D335490-2-6

Property Report from www.land.vic.gov.au on 10 June 2021 11:00 AM

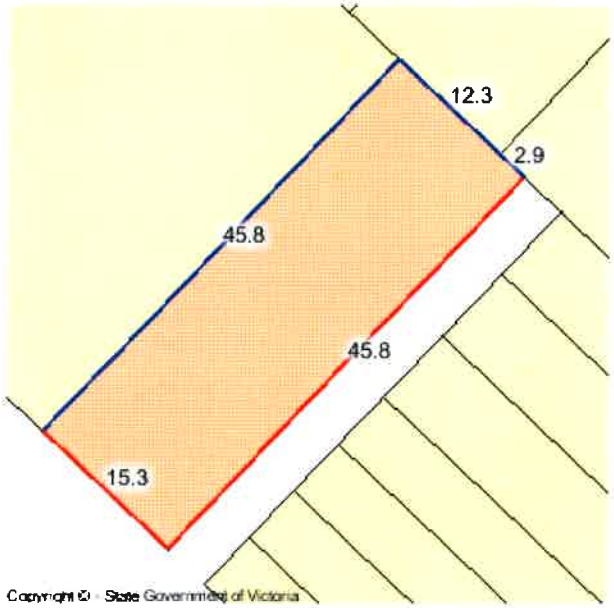
Address: 2 WILLOW GROVE MILDURA 3500
Lot and Plan Number: Lot 6 LP20151
Standard Parcel Identifier (SPI): 6\LP20151
Local Government (Council): MILDURA **Council Property Number:** 8097
Directory Reference: VicRoads 535 O5

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: 696 sq. m
Perimeter: 122 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: SPECIFIC CONTROLS OVERLAY (SCO)
SPECIFIC CONTROLS OVERLAY - SCHEDULE 1 (SCO1)

Planning scheme data last updated on 9 June 2021.

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 abut the land.
To obtain a Planning Certificate go to Titles and Property Certificates

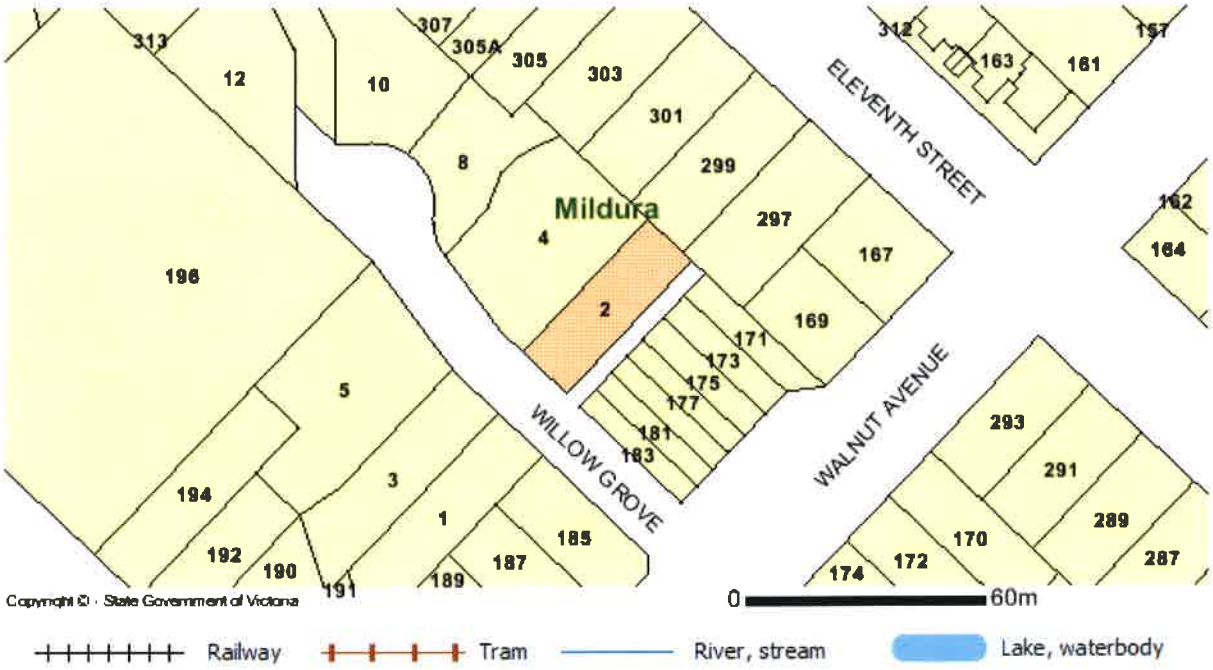
The Planning Property Report includes separate maps of zones and overlays

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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Due diligence checklist

What you need to know before buying a residential property

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

Urban living

Moving to the inner city?

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

Is the property subject to an owners corporation?

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

Growth areas

Are you moving to a growth area?

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

Flood and fire risk

Does this property experience flooding or bushfire?

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

Rural properties

Moving to the country?

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

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

Can you build new dwellings?

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

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

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

Soil and groundwater contamination

Has previous land use affected the soil or groundwater?

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

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.