

## VENDOR QUESTIONNAIRE

**This Questionnaire must be filled out completely and signed by the Vendor to enable preparation of the Form 1 (pursuant to Section 7 of the *Land and Business (Sale and Conveyancing) Act 1994 (SA)*) which is required be served on any prospective Purchaser to finalise any Contract with a Purchaser.**

**Vendor:** \_\_\_\_\_

**Property Address:** \_\_\_\_\_

### Mortgages, Charges and Prescribed Encumbrances Affecting the Land (Division 1 – Form 1)

- Is the property subject to any loan or mortgage that is not registered on the title? Yes ☐ No ☐
- Is there a PPS (Personal Property Security) charge under the PPS Act over or affecting any interest in the land? Yes ☐ No ☐
- Is there any lease, agreement for lease, tenancy agreement or licence to occupy, (either written or verbal) relating to the property? Yes ☐ No ☐
- If **Yes**, will the tenancy be discharged at settlement? Yes ☐ No ☐
- Are there any unregistered encumbrances or easements that you are aware of (e.g. a right of way, or party wall rights in relation to the property)? Yes ☐ No ☐
- Has there been any notice issued under Section 5 of the *Fences Act 1975*? Yes ☐ No ☐
- Are you aware of any fences not on the true boundaries or any encroachment of any structure over the boundaries or over any easement or right of way? Yes ☐ No ☐
- Have you been notified of any liens not registered on the title? Yes ☐ No ☐
- Have you received any notice to take action to prevent the outbreak or spread of fire? Yes ☐ No ☐
- Are there any unregistered charges of any kind affecting the land (eg court order, rates order or other legal action)? Yes ☐ No ☐
- If **Yes** to any matters above, please provide details below:

### Mining Act 1971

- Are you aware of anything to do with mining affecting your property? Yes ☐ No ☐
- Is there an agreement or order to waive exemption, authorise land entry or pay compensation? Yes ☐ No ☐

### Planning, Development and Infrastructure Act 2016

Are there any of the following matters under the *Planning, Development and Infrastructure Act 2016*:

- (a) An order to do building works? Yes ☐ No ☐
- (b) A notice of intention from an adjoining owner or council detailing future building works? Yes ☐ No ☐
- (c) Any legal action or notices? Yes ☐ No ☐
- (d) Is there any updated information regarding the zone, subzone and overlay in which the land is located, in line with the updated Planning and Design Code? Yes ☐ No ☐
- (e) Is there a State heritage place on the land or is the land situated in a State heritage area? Yes ☐ No ☐
- (f) Is the land designated as a local heritage place? Yes ☐ No ☐
- (g) Are you aware if there is a tree declared as a significant tree or a stand of trees declared to be significant trees on the land? Yes ☐ No ☐

If **Yes** to any matters above, please provide details and documents:

\_\_\_\_\_

**Matters Affecting Land – Other Particulars**

(Division 2 – Form 1)

Have there been any transactions affecting the title in the last 12 months? (e.g. contracts, option to purchase land)

Yes ☐ No ☐


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If the property is a Strata or Community Title, please provide the name and address of the body corporate manager

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Are you aware of any breach (by yourself or any other person) of the Strata Corporation or Community rules?

Yes ☐ No ☐

If **Yes**, please provide details below:

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Is there any building indemnity insurance for building works on the property?

Yes ☐ No ☐

Is there a commercial building on the land (not residential) that contains asbestos?

Yes ☐ No ☐

Is there a workplace on the land?

Yes ☐ No ☐

If **Yes**, is there an asbestos register for the workplace?

Yes ☐ No ☐

If **No**, please contact your Sales Agent for a recommendation.

**Particulars relating to aluminium composite panel cladding**

Has the vendor been notified that a building on the land has been identified, as part of a South Australian Building Cladding Audit initiated in 2017 and conducted by the former Department of Planning, Transport and Infrastructure in conjunction with the Metropolitan Fire Service, Country Fire Service and councils -

Yes ☐ No ☐

- (a) as having aluminium composite panels installed on the exterior of the building; and
- (b) as constituting a moderate, high or extreme risk as a result of that installation; and
- (c) as requiring remediation to reduce the risk to an acceptable level; and
- (d) as not having had the necessary remedial work performed or a determination made by the appropriate authority of the relevant council (within the meaning of section 157 of the *Planning, Development and Infrastructure Act 2016*) that no further action is required?

If **Yes**, please provide details of the following:

1. the actions required to remediate the risk (if known)

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2. the estimated costs of remediation (if known)

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Are there any court or tribunal processes current or underway relating to the property?

Yes ☐ No ☐**Particulars relating to land irrigated or drained under Irrigation Acts**

Is the Vendor aware of whether the property is land of which water is supplied or delivered through an irrigation system provided by an irrigation trust under the *Irrigation Act 2009* OR the Renmark Irrigation Trust under the *Renmark Irrigation Trust Act 2009*?

Yes ☐ No ☐

If **Yes**, please provide details below:

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If **No**, is there an agreement under the *Irrigation Act 2009* to supply water to the land?

Yes ☐ No ☐

**Particulars relating to Environment Protection**

Are you aware of any of the following activities, other than domestic activities, occurring on the land **before or after** acquiring the land?

- |     |  |                              |                             |
|-----|--|------------------------------|-----------------------------|
| (a) | storage, handling or disposal of waste or fuel or other chemicals;   | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (b) | importation of soil or other fill from a site at which a <b>prescribed commercial or industrial activity</b> has taken place (refer to table of prescribed activities on page 5 of this document); | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (c) | <b>prescribed commercial or industrial activities</b> taking place (refer to table of prescribed activities on page 5 of this document);   | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (d) | storage of any dangerous substances pursuant to a licence under the <i>Dangerous Substances Act 1979</i> ;   | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (e) | sale or transfer of any part of the land ever having occurred subject to an agreement for the exclusion or limitation of liability for site contamination;   | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (f) | an environment assessment of any part of the land ever having been carried out or commenced, whether or not completed;   | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (g) | agricultural activities.   | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

If **Yes** to any of the above, please provide further details below or attach a separate Annexure:

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**Particulars relating to Livestock Act 1997**

Have you received or do you know of any notices given under the *Livestock Act 1997* that currently or in the future affects enjoyment of the land? Yes ☐ No ☐

Have you received, or do you know of any orders under the *Livestock Act 1997* that have been issued in relation to the land or any building on the land? Yes ☐ No ☐

**Other Information**

Are any of the appliances or other fixtures or fittings which are to be sold with the property subject to any hire or rental agreement? (e.g. satellite dish, alarms, gas bottles, solar panels) Yes ☐ No ☐

Are all appliances and services into the property in working condition? Yes ☐ No ☐

If **No**, please provide details below:

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Do you intend to remove any fixtures prior to settlement? Yes ☐ No ☐

If **Yes**, what fixtures will you remove and what work will you undertake to remedy any damage caused after removal?

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Have all improvements on the property (including pergolas, verandahs, extensions, fences, sheds, etc) had the relevant consents and council approval? Yes ☐ No ☐

Does any swimming pool or spa comply with safety regulations? Yes ☐ No ☐

Are you aware of the presence of proclaimed plants or animals on the property pursuant to the *Animal and Plant Control (Agriculture Protection and Other Purposes) Act 1986*? Yes ☐ No ☐

Are there any other matters which are relevant to the property which the agent or purchaser should be made aware of or which will be apparent at settlement (e.g. stained carpets or defects which are covered?) Yes ☐ No ☐

Is GST applicable on the sale of the property? Yes ☐ No ☐

**For any matter above give further details as necessary on page 4 or attach a separate Annexure**

**Details of any Additional Matters Affecting the Land**


**Notice to the Vendor, or the person signing this Questionnaire**

Sections 7 and 9 of the *Land and Business (Sale and Conveyancing) Act 1994*, require the Vendor and the agent to provide certain information to the Purchaser of the land. This document will be used to prepare the Form 1 and then provide that information to the Purchaser and must be completed accurately.

**Acknowledgement by Vendor**

I, \_\_\_\_\_ \*the Vendor / person representing Vendor

STATE that to the best of my knowledge and after inquiry by me the above information supplied is true and correct and is a full disclosure of all required information and I will advise the agent of any changes to this information and all further information arising in relation to the property. I am aware that incorrect or incomplete information may place the proposed sale of the property at risk and I may be liable for incorrect or incomplete information in relation to claims which I might incur to the Purchaser and/or to third parties relying on the incorrect information. If I sign as an authorised person I warrant my authority to do so is valid and is in writing as appointee or attorney of the Vendor.

**SIGNED** \_\_\_\_\_ **Dated** \_\_\_\_\_

**ACKNOWLEDGEMENT AND CONSENT**

The parties acknowledge and consent to each signing this document (and any notices given under this document or legislation) themselves, or by their attorneys and/or representatives, by electronic and/or digital signatures pursuant to the *Electronic Communications Act 2000* (SA) and the *Electronic Transactions Act 1999* (Cth) as applicable, and delivering this document and giving and receiving any communications relating to this document electronically.

### Prescribed Commercial or Industrial Activities

abrasive blasting	acid sulphate soil generation	agricultural activities
airports, aerodromes or aerospace industry	animal burial	animal dips or spray race facilities
animal feedlots	animal saleyards	asbestos disposal
asphalt or bitumen works	battery manufacture, recycling or disposal	breweries
brickworks	bulk shipping facilities	cement works
ceramic works	charcoal manufacture	coal handling or storage
coke works	compost or mulch production or storage	concrete batching works
curing or drying works	defence works	desalination plants
dredge spoil disposal or storage	drum reconditioning or recycling works	dry cleaning
electrical or electronics component manufacture	electrical substations	electrical transformer or capacitor works
electricity generation or power plants	explosives or pyrotechnics facilities	fertiliser manufacture
fibreglass manufacture	fill or soil importation	fire extinguisher or retardant manufacture
fire stations	fire training areas	foundry
fuel burning facilities	furniture restoration	gasworks
glass works	glazing	hat manufacture or felt processing
incineration	iron or steel works	laboratories
landfill sites	lime burner	metal coating, finishing or spray painting
metal forging	metal processing, smelting, refining or metallurgical works	mineral processing, metallurgical laboratories or mining or extractive industries
mirror manufacture	motor vehicle manufacture	motor vehicle racing or testing venues
motor vehicle repair or maintenance	motor vehicle wrecking yards	mushroom farming
oil recycling works	oil refineries	paint manufacture
pest control works	plastics manufacture works	printing works
pulp or paper works	railway operations	rubber manufacture or processing
scrap metal recovery	service stations	ship breaking
spray painting	tannery, fellmongery or hide curing	textile operations
transport depots or loading sites	tyre manufacture or retreading	vermiculture
vessel construction, repair or maintenance	waste depots	wastewater storage, treatment or disposal
water discharge to underground aquifer	wetlands or detention basins	wineries or distilleries
wood preservation works	woolscouring or wool carbonising works	works depots (operated by councils or utilities)