

# MAGAIN

Denham Property Sales Pty Ltd T/A Magain Real Estate  
Shop 2, 515 Brighton Road, Brighton 5048  
Tel: 08 8398 1494 Agent No: 299713

## FORM 1 - Vendor's Statement

(Section 7 Land and Business (Sale and Conveyancing) Act 1994)

### Contents

- Preliminary
- Part A – Parties and land
- Part B – Purchaser's cooling off rights and proceeding with the purchase
- Part C – Statement with respect to required particulars
- Part D – Certificate with respect to prescribed inquiries by registered agent
- Schedule



### Preliminary

#### To the purchaser:

The purpose of a statement under section 7 of the *Land and Business (Sale and Conveyancing) Act 1994* is to put you on notice of certain particulars concerning the land to be acquired. If you intend to carry out building work on the land, change the use of the land or divide the land, you should make further inquiries to determine whether this will be permitted. For example, building work may not be permitted on land not connected to a sewerage system or common drainage scheme if the land is near a watercourse, dam, bore or the River Murray and Lakes.

The *Aboriginal Heritage Act 1988* protects any Aboriginal site or object on the land. Details of any such site or object may be sought from the "traditional owners" as defined in that Act.

If you desire additional information, it is up to you to make further inquiries as appropriate.

#### Instructions to the vendor for completing this statement:

means the Part, Division, particulars or item may not be applicable.

If it is applicable, ensure the box is ticked and complete the Part, Division, particulars or item.

If it is not applicable, ensure the box is empty or strike out the Part, Division, particulars or item. Alternatively, the Part, Division, particulars or item may be omitted, but not in the case of an item or heading in the table of particulars in Division 1 of the Schedule that is required by the instructions at the head of that table to be retained as part of this statement.

\* means strike out or omit the option that is not applicable.

All questions must be answered with a YES or NO (inserted in the place indicated by a rectangle or square brackets below or to the side of the question).

If there is insufficient space to provide any particulars required, continue on attachments.

### PART A – PARTIES AND LAND

#### 1 Purchaser:

Address:

#### 2 Purchaser's registered agent:

Address:

#### 3 Vendor:

Michael Mcmonagle

Address:

28 Penzance Street, Glenelg SA 5045

#### 4 Vendor's registered agent:

Denham Property Sales Pty Ltd T/A Magain Real Estate

Address:

Shop 2, 515 Brighton Road, Brighton 5048

#### 5 Date of contract (if made before this statement is served):

#### 6 Description of the land:

[Identify the land including any certificate of title reference]

The land situated at 28 Penzance Street, Glenelg SA 5045 and being whole of the land in Certificate of Title

Volume 5877 Folio 247 and being whole of Lot 1 on Primary Community Plan 21344 in the Area named Glenelg

in the Hundred of Noarlunga

**PART B – PURCHASER'S COOLING-OFF RIGHTS AND PROCEEDING WITH THE PURCHASE**

**To the purchaser:**

**Right to cool-off (section 5)**

**1 – Right to cool-off and restrictions on that right**

You may notify the vendor of your intention not to be bound by the contract for the sale of the land UNLESS–

- (a) you purchased by auction; or
- (b) you purchased on the same day as you, or some person on your behalf, bid at the auction of the land; or
- (c) you have, before signing the contract, received independent advice from a legal practitioner and the legal practitioner has signed a certificate in the prescribed form as to the giving of that advice; or
- (d) you are a body corporate and the land is not residential land; or
- (e) the contract is made by the exercise of an option to purchase not less than 5 clear business days after the grant of the option and not less than 2 clear business days after service of this form; or
- (f) the sale is by tender and the contract is made not less than 5 clear business days after the day fixed for the closing of tenders and not less than 2 clear business days after service of this form; or
- (g) the contract also provides for the sale of a business that is not a small business.

**2 – Time for service**

The cooling-off notice must be served–

- (a) if this form is served on you before the making of the contract– before the end of the second clear business day after the day on which the contract was made; or
- (b) if this form is served on you after the making of the contract– before the end of the second clear business day from the day on which this form is served.

However, if this form is not served on you at least 2 clear business days before the time at which settlement takes place, the cooling-off notice may be served at any time before settlement.

**3 – Form of cooling-off notice**

The cooling-off notice must be in writing and must be signed by you.

**4 – Methods of service**

The cooling-off notice must be–

- (a) given to the vendor personally; or
- (b) posted by registered post to the vendor at the following address:

28 Penzance Street, Glenelg SA 5045

(being the vendor's last known address); or

- (c) transmitted by fax or email to the following fax number or email address:

sandy@magain.com.au

(being a number or address provided to you by the vendor for the purpose of service of the notice); or

- (d) left for the vendor's agent (with a person apparently responsible to the agent) at, or posted by registered post to the agent at, the following address:

Shop 2, 515 Brighton Road, Brighton 5048

(being \*the agent's address for service under the *Land Agents Act 1994*/~~an address nominated by the agent to you for the purpose of service of the notice~~).

**Note–**

Section 5(3) of the *Land and Business (Sale and Conveyancing) Act 1994* places the onus of proving the giving of the cooling-off notice on the purchaser. It is therefore strongly recommended that –

- (a) if you intend to serve the notice by leaving it for the vendor's agent at the agent's address for service or an address nominated by the agent, you obtain an acknowledgment of service of the notice in writing; or
- (b) if you intend to serve the notice by fax or email, you obtain a record of the transmission of the fax or email.

**5 – Effect of service**

If you serve such cooling-off notice on the vendor, the contract will be taken to have been rescinded at the time when the notice was served. You are then entitled to the return of any money you paid under the contract other than–

- (a) the amount of any deposit paid if the deposit did not exceed \$100; or
- (b) an amount paid for an option to purchase the land.

**Proceeding with the purchase**

If you wish to proceed with the purchase—

- (a) it is strongly recommended that you take steps to make sure your interest in the property is adequately insured against loss or damage; and
- (b) pay particular attention to the provisions in the contract as to time of settlement - it is essential that the necessary arrangements are made to complete the purchase by the agreed date - if you do not do so, you may be in breach of the contract; and
- (c) you are entitled to retain the solicitor or registered conveyancer of your choice.

**PART C – STATEMENT WITH RESPECT TO REQUIRED PARTICULARS  
(section 7(1))**

**To the purchaser:**

\*I / ~~We~~,

Michael Mcmonagle \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

of

28 Penzance Street, Glenelg SA 5045 \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

being the \*vendor(s)/~~person authorised to act on behalf of the vendor(s)~~ in relation to the transaction state that the Schedule contains all particulars required to be given to you pursuant to section 7(1) of the *Land and Business (Sale and Conveyancing) Act 1994*.

Date: \_\_\_\_\_ Signed: \_\_\_\_\_

Date: \_\_\_\_\_ Signed: \_\_\_\_\_

**PART D – CERTIFICATE WITH RESPECT TO PRESCRIBED INQUIRIES BY REGISTERED AGENT  
(section 9)**



**To the purchaser:**

I,

Sandy Robinson \_\_\_\_\_  
\_\_\_\_\_

certify \*that the responses/~~that, subject to the exceptions stated below, the responses~~ to the inquiries made pursuant to section 9 of the *Land and Business (Sale and Conveyancing) Act 1994* confirm the completeness and accuracy of the particulars set out in the Schedule.

Exceptions:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_ Signed: \_\_\_\_\_

~~\*Vendor's agent / Purchaser's agent  
\*Person authorised to act on behalf of \*Vendor's agent / Purchaser's agent~~

**SCHEDULE – DIVISION 1**

**PARTICULARS OF MORTGAGES, CHARGES AND PRESCRIBED ENCUMBRANCES AFFECTING THE LAND**

(section 7(1)(b))

Note –

Section 7(3) of the Act provides that this statement need not include reference to charges arising from the imposition of rates or taxes less than 12 months before the date of service of the statement.

Where a mortgage, charge or prescribed encumbrance referred to in column 1 of the table below is applicable to the land, the particulars in relation to that mortgage, charge or prescribed encumbrance required by column 2 of the table must be set out in the table (in accordance with the instructions in the table) unless—

- (a) there is an attachment to this statement and –
  - (i) all the required particulars are contained in that attachment; and
  - (ii) the attachment is identified in column 2; and
  - (iii) if the attachment consists of more than 2 sheets of paper, those parts of the attachment that contain the required particulars are identified in column 2; or
- (b) the mortgage, charge or prescribed encumbrance –
  - (i) is 1 of the following items in the table:
    - (A) under the heading 1. General –
      - 1.1 Mortgage of land
      - 1.4 Lease, agreement for lease, tenancy agreement or licence
      - 1.5 Caveat
      - 1.6 Lien or notice of a lien
    - (B) under the heading 36. Other charges –
      - 36.1 Charge of any kind affecting the land (not included in another item); and
  - (ii) is registered on the certificate of title to the land; and
  - (iii) is to be discharged or satisfied prior to or at settlement.

**TABLE OF PARTICULARS**

| Column 1 | Column 2 | Column 3 |
|----------|----------|----------|
|----------|----------|----------|

*[If an item is applicable, ensure that the box for the item is ticked and complete the item.]*

*[If an item is not applicable, ensure that the box for the item is empty or else strike out the item or write "NOT APPLICABLE " or "N/A" in column 1. Alternatively, the item and any inapplicable heading may be omitted, but not in the case of–*

- (a) the heading "1. General" and items 1.1, 1.2, 1.3 and 1.4; and
- (b) the heading "5. Development Act 1993 (repealed)" and item 5.1; and
- (c) the heading "6. Repealed Act conditions" and item 6.1; and
- (d) the heading "29. Planning, Development and Infrastructure Act 2016" and items 29.1 and 29.2,

*which must be retained as part of this statement whether applicable or not.]*

*[If an item is applicable, all particulars requested in column 2 must be set out in the item unless the Note preceding this table otherwise permits. Particulars requested in **bold type** must be set out in column 3 and all other particulars must be set out in column 2.]*

*[If there is more than 1 mortgage, charge or prescribed encumbrance of a kind referred to in column 1, the particulars requested in column 2 must be set out for each such mortgage, charge or prescribed encumbrance.]*

*[If requested particulars are set out in the item and then continued on an attachment due to insufficient space, identify the attachment in the place provided in column 2. If all of the requested particulars are contained in an attachment (instead of in the item) in accordance with the Note preceding this table, identify the attachment in the place provided in column 2 and (if required by the Note) identify the parts of the attachment that contain the particulars.]*

| Column 1   | Column 2  | Column 3  |
|--|---|---|
| <b>1. General</b>  |   |   |
| <p><b>1.1 Mortgage of land</b></p> <p><i>[Note - Do not omit this item. The item and its heading must be included in the statement even if not applicable.]</i></p> <p style="text-align: center; font-size: 2em; opacity: 0.5;">N/A</p>   | <p><i>Is this item applicable?</i></p> <p><i>Will this be discharged or satisfied prior to or at settlement?</i></p> <p><i>Are there attachments?</i></p> <p><i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i></p> <p>Number of mortgage (if registered):</p> <p>Name of mortgagee:</p>   | <p><input type="checkbox"/></p> <p>YES/NO</p> <p>YES/NO</p>     |
| <p><b>1.2 Easement</b><br/>(whether over the land or annexed to the land)</p> <p><b>Note -</b> "Easement" includes rights of way and party wall rights.</p> <p><i>[Note - Do not omit this item. The item and its heading must be included in the statement even if not applicable.]</i></p> | <p><i>Is this item applicable?</i></p> <p><i>Will this be discharged or satisfied prior to or at settlement?</i></p> <p><i>Are there attachments?</i></p> <p><i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i></p> <p>Refer to Property Interest Report (Page 12) for details.</p> <p>Description of land subject to easement:</p> <p>Refer to Property Interest Report (Page 12) for details</p> <p>Nature of easement:</p> <p>Statutory Easement for Electricity, Telecommunications, Gas, Water &amp; Sewer may exist.</p> <p>Are you aware of any encroachment on the easement?</p> <p>NO</p> <p>(If YES, give details):</p> <p>If there is an encroachment, has approval for the encroachment been given?</p> <p>(If YES, give details):</p> | <p><input checked="" type="checkbox"/></p> <p>NO</p> <p>YES</p> |
| <p><b>1.3 Restrictive covenant</b></p> <p><i>[Note - Do not omit this item. The item and its heading must be included in the statement even if not applicable.]</i></p> <p style="text-align: center; font-size: 2em; opacity: 0.5;">N/A</p>   | <p><i>Is this item applicable?</i></p> <p><i>Will this be discharged or satisfied prior to or at settlement?</i></p> <p><i>Are there attachments?</i></p> <p><i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i></p> <p>Nature of restrictive covenant:</p> <p>Name of person in whose favour restrictive covenant operates:</p> <p>Does the restrictive covenant affect the whole of the land being acquired?</p> <p>(If NO, give details):</p> <p>Does the restrictive covenant affect land other than that being acquired?</p>   | <p><input type="checkbox"/></p> <p>YES/NO</p> <p>YES/NO</p>     |

| Column 1  | Column 2   | Column 3  |
|---|--|---|
| <b>1.4 Lease, agreement for lease, tenancy agreement or licence</b>   | <b>Is this item applicable?</b><br><b>Will this be discharged or satisfied prior to or at settlement?</b>  | <input type="checkbox"/><br><b>YES/NO</b>         |
| (The information does not include information about any sublease or subtenancy. That information may be sought by the purchaser from the lessee or tenant or sublessee or subtenant.)   | <b>Are there attachments?</b><br>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):<br>Names of parties:<br>Period of lease, agreement for lease etc:<br>From:<br>To:<br>Amount of rent or licence fee:<br>per (period)  | <b>YES/NO</b>                                     |
| [Note - Do not omit this item. The item and its heading must be included in the statement even if not applicable.]  | Is the lease, agreement for lease etc in writing?<br>If the lease or licence was granted under an Act relating to the disposal of Crown lands, specify-<br>(a) the Act under which the lease or licence was granted:<br>(b) the outstanding amounts due (including any interest or penalty):   |   |
| <b>5. Development Act 1993 (repealed)</b>   |  |   |
| <b>5.1 section 42 - Condition (that continues to apply) of a development authorisation</b>  | <b>Is this item applicable?</b><br><b>Will this be discharged or satisfied prior to or at settlement?</b>  | <input checked="" type="checkbox"/><br><b>NO</b>  |
| [Note - Do not omit this item. The item and its heading must be included in the statement even if not applicable.]  | <b>Are there attachments?</b><br>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):<br>Refer to City of Holdfast Bay Council Searches and Data Extract for Section 7 search purposes for details.<br>Condition(s) of authorisation:<br>Application Number: 110/LC/00002/02<br>Application Description: Land Division (Community Title)<br>Decision Date: 14 Feb 2002 | <b>YES</b>  |
| <b>6. Repealed Act conditions</b>   |  |   |
| <b>6.1 Condition (that continues to apply) of an approval or authorisation granted under the Building Act 1971 (repealed), the City of Adelaide Development Control Act 1976 (repealed), the Planning Act 1982 (repealed) or the Planning and Development Act 1967 (repealed)</b> | <b>Is this item applicable?</b><br><b>Will this be discharged or satisfied prior to or at settlement?</b>  | <input type="checkbox"/><br><b>YES/NO</b>         |
| [Note - Do not omit this item. The item and its heading must be included in the statement even if not applicable.]  | <b>Are there attachments?</b><br>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):<br>Nature of condition(s):   | <b>YES/NO</b>                                     |
| <b>7. Emergency Services Funding Act 1998</b>   |  |   |
| <b>7.1 section 16 - Notice to pay levy</b>  | <b>Is this item applicable?</b><br><b>Will this be discharged or satisfied prior to or at settlement?</b>  | <input checked="" type="checkbox"/><br><b>YES</b> |
|   | <b>Are there attachments?</b><br>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):<br>Refer to Emergency Services Levy Certificate for details.<br>Date of notice:<br>09/01/2026<br>Amount of levy payable:<br>\$0.00   | <b>YES</b>  |
| <b>8. Environment Protection Act 1993</b>   |  |   |

| Column 1  | Column 2   | Column 3   |
|---|--|--|
| 8.10 section 103S-Notice of prohibition or restriction on taking water affected by site contamination in relation to the land   | <p><b>Is this item applicable?</b></p> <p><b>Will this be discharged or satisfied prior to or at settlement?</b></p> <p><b>Are there attachments?</b></p> <p><i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i></p> <p>Refer to EPA Statement Response Letter for details</p> <p>Date of notice:<br/>09/01/2026</p> <p>Date of Gazette in which notice published:<br/>20/12/2018</p> <p>Description of the water to which the notice relates:<br/>Refer to EPA Statement Response Letter for details</p> <p>Particulars given in the notice of the site contamination affecting the water:<br/>Refer to EPA Statement Response Letter for details</p>   | <p><input checked="" type="checkbox"/></p> <p>NO</p> <p>YES</p>  |
| <b>19. Land Tax Act 1936</b>  |  |  |
| 19.1 Notice, order or demand for payment of land tax  | <p><b>Is this item applicable?</b></p> <p><b>Will this be discharged or satisfied prior to or at settlement?</b></p> <p><b>Are there attachments?</b></p> <p><i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i></p> <p>Refer to Land Tax Certificate for details.</p> <p>Date of notice, order or demand:<br/>09/01/2026</p> <p>Amount payable (as stated in the notice):<br/>\$0.00</p>  | <p><input checked="" type="checkbox"/></p> <p>YES</p> <p>YES</p> |
| <b>29. Planning, Development and Infrastructure Act 2016</b>  |  |  |
| 29.1 Part 5 - Planning and Design Code  | <p><b>Is this item applicable?</b></p> <p><b>Will this be discharged or satisfied prior to or at settlement?</b></p> <p><b>Are there attachments?</b></p> <p><i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i></p> <p>Refer to City of Holdfast Bay Council Searches and Data Extract for Section 7 search purposes for details.</p> <p>Title or other brief description of zone, subzone and overlay in which the land is situated (as shown in the Planning and Design Code):<br/>Refer to City of Holdfast Bay Council Searches and Data Extract for Section 7 search purposes for details.</p> <p>Is there a State heritage place on the land or is the land situated in a State heritage area?<br/>NO</p> <p>Is the land designated as a local heritage place?</p> <p>Is there a tree or stand of trees declared in Part 10 of the Planning and Design Code to be a significant tree or trees on the land?<br/>NO</p> <p>Is there a current amendment to the Planning and Design Code released for public consultation by a designated entity on which consultation is continuing or on which consultation has ended but whose proposed amendment has not yet come into operation?<br/>NO</p> <p><b>Note-</b><br/>For further information about the Planning and Design Code visit <a href="https://code.plan.sa.gov.au">https://code.plan.sa.gov.au</a>.</p> | <p><input checked="" type="checkbox"/></p> <p>NO</p> <p>YES</p>  |
| <p><b>[Note -</b><br/>Do not omit this item. The item and its heading must be included in the statement even if not applicable.]</p>  |  |  |
| 29.2 section 127 - Condition (that continues to apply) of a development authorisation   | <p><b>Is this item applicable?</b></p> <p><b>Will this be discharged or satisfied prior to or at settlement?</b></p> <p><b>Are there attachments?</b></p> <p><i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i></p> <p>Date of authorisation:</p> <p>Name of relevant authority that granted authorisation:</p> <p>Condition(s) of authorisation:</p>   | <p><input type="checkbox"/></p> <p>YES/NO</p> <p>YES/NO</p>      |
| <p><b>[Note -</b><br/>Do not omit this item. The item and its heading must be included in the statement even if not applicable.]</p> <p style="font-size: 2em; opacity: 0.5; text-align: center;">N/A</p> |  |  |

| Column 1   | Column 2   | Column 3   |
|--|--|--|
| <b>34. Water Industry Act 2012</b>   |  |  |
| 34.1 Notice or order under the Act requiring payment of charges or other amounts or making other requirement | <p><i>Is this item applicable?</i></p> <p><i>Will this be discharged or satisfied prior to or at settlement?</i></p> <p><i>Are there attachments?</i></p> <p><i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i></p> <p>Refer to SA Water Certificate for details.</p> <p>Date of notice or order:<br/>09/01/2026</p> <p>Name of person or body who served notice or order:<br/>SA Water Corporation</p> <p>Amount payable (if any) as specified in the notice or order:<br/>\$296.24</p> <p>Nature of other requirement made (if any) as specified in the notice or order:<br/>Water, Sewer</p> | <p style="text-align: center;"><input checked="" type="checkbox"/></p> <p>YES</p> <p>YES</p> |

**SCHEDULE – DIVISION 2**

**OTHER PARTICULARS**

(section 7(1)(b))

**Particulars relating to community lot (including strata lot) or development lot**



- 1 Name of community corporation:  
Primary Community Plan 21344  
Address of community corporation:  
Penzance Street Glenelg SA 5045
- 2 Application must be made in writing to the community corporation for the particulars and documents referred to in 3 and 4. Application must also be made in writing to the community corporation for the documents referred to in 6 unless those documents are obtained from the Lands Titles Registration Office.
- 3 Particulars supplied by the community corporation or known to the vendor:
  - (a) particulars of contributions payable in relation to the lot (including details of arrears of contributions related to the lot):  
The community Corporation is self-managed hence no minutes have been supplied. Please refer to the particulars supplied (Statement pursuant to Section 139 – Community Titles Act 1996) including By-Laws
  - (b) particulars of assets and liabilities of the community corporation:  
The community Corporation is self-managed hence no minutes have been supplied. Please refer to the particulars supplied (Statement pursuant to Section 139 – Community Titles Act 1996) including By-Laws
  - (c) particulars of expenditure that the community corporation has incurred, or has resolved to incur, and to which the owner of the lot must contribute, or is likely to be required to contribute:  
The community Corporation is self-managed hence no minutes have been supplied. Please refer to the particulars supplied (Statement pursuant to Section 139 – Community Titles Act 1996) including By-Laws
  - (d) if the lot is a development lot, particulars of the scheme description relating to the development lot and particulars of the obligations of the owner of the development lot under the development contract:  
The community Corporation is self-managed hence no minutes have been supplied. Please refer to the particulars supplied (Statement pursuant to Section 139 – Community Titles Act 1996) including By-Laws
  - (e) if the lot is a community lot, particulars of the lot entitlement of the lot:  
The community Corporation is self-managed hence no minutes have been supplied. Please refer to the particulars supplied (Statement pursuant to Section 139 – Community Titles Act 1996) including By-Laws

*[If any of the above particulars have not been supplied by the community corporation by the date of this statement and are not known to the vendor, state "not known" for those particulars.]*

- 4 Documents supplied by the community corporation that are enclosed:
  - (a) a copy of the minutes of the general meetings of the community corporation and management committee  
\*for the 2 years preceding this statement/since the deposit of the community plan;  
(\*Strike out or omit whichever is the greater period)  
NO
  - (b) a copy of the statement of accounts of the community corporation last prepared;  
NO
  - (c) a copy of current policies of insurance taken out by the community corporation.  
NO

*[For each document indicate (YES or NO) whether or not the document has been supplied by the community corporation by the date of this statement.]*

- 5 If "not known" has been specified for any particulars in 3 or a document referred to in 4 has not been supplied, set out the date of the application made to the community corporation and give details of any other steps taken to obtain the particulars or documents concerned:

- 
- 6 The following documents are enclosed:
    - ~~(a) a copy of the scheme description (if any) and the development contract (if any);~~
    - (b) a copy of the by-laws of the community scheme.

- 7 The following additional particulars are known to the vendor or have been supplied by the community corporation:

---

8 Further inquiries may be made to the secretary of the community corporation or the appointed community scheme manager.

Name:

---

Address:

---

**Note—**

- (1) A community corporation must (on application by or on behalf of a current or prospective owner or other relevant person) provide the particulars and documents referred to in 3(a)-(c) and 4 and must also make available for inspection any information required to establish the current financial position of the corporation, a copy of any contract with a body corporate manager and the register of owners and lot entitlements that the corporation maintains: see sections 139 and 140 of the *Community Titles Act 1996*.
- (2) Copies of the scheme description, the development contract or the by-laws of the community scheme may be obtained from the community corporation or from the Lands Titles Registration Office.
- (3) All owners of a community lot or a development lot are bound by the by-laws of the community scheme. The by-laws regulate the rights and liabilities of owners of lots in relation to their lots and the common property and matters of common concern.
- (4) For a brief description of some of the matters that need to be considered before purchasing a community lot, see Division 3 of this Schedule.

**Particulars relating to environment protection****1—Interpretation**

- (1) In this and the following items (items 1 to 7 inclusive)—  
**domestic activity** has the same meaning as in the *Environment Protection Act 1993*;  
**environmental assessment**, in relation to land, means an assessment of the existence or nature or extent of—  
 (a) site contamination (within the meaning of the *Environment Protection Act 1993*) at the land; or  
 (b) any other contamination of the land by chemical substances,  
 and includes such an assessment in relation to water on or below the surface of the land;  
**EPA** means the Environment Protection Authority established under the *Environment Protection Act 1993*;  
**pre-1 July 2009 site audit**, in relation to land, means a review (carried out by a person recognised by the EPA as an environmental auditor) that examines environmental assessments or remediation of the land for the purposes of determining—  
 (a) the nature and extent of contamination of the land by chemical substances present or remaining on or below the surface of the land; and  
 (b) the suitability of the land for a particular use; and  
 (c) what remediation is or remains necessary for a particular use,  
 but does not include a site contamination audit (as defined below) completed on or after 1 July 2009;  
**pre-1 July 2009 site audit report** means a detailed written report that sets out the findings of a pre-1 July 2009 site audit;  
**prescribed commercial or industrial activity**—see item 1(2);  
**prescribed fee** means the fee prescribed under the *Environment Protection Act 1993* for inspection of, or obtaining copies of information on, the public register;  
**public register** means the public register kept by the EPA under section 109 of the *Environment Protection Act 1993*;  
**site contamination audit** has the same meaning as in the *Environment Protection Act 1993*;  
**site contamination audit report** has the same meaning as in the *Environment Protection Act 1993*.
- (2) For the purposes of this and the following items (items 1 to 7 inclusive), each of the following activities (as defined in Schedule 3 clause 2 of the *Environment Protection Regulations 2023*) is a prescribed commercial or industrial activity:

|   |   |   |
|---|---|---|
| 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)                                  |

**2—Pollution and site contamination on the land—questions for vendor**

(1) Is the vendor aware of any of the following activities ever having taken place at the land:

- (a) storage, handling or disposal of waste or fuel or other chemicals (other than in the ordinary course of domestic activities)?
- (b) importation of soil or other fill from a site at which—
  - (i) an activity of a kind listed in paragraph (a) has taken place; or
  - (ii) a prescribed commercial or industrial activity (see item 1(2) above) has taken place?

If **YES**, give details of all activities that the vendor is aware of and whether they have taken place before or after the vendor acquired an interest in the land:

---

(2) Is the vendor aware of any prescribed commercial or industrial activities (see item 1(2) above) ever having taken place at the land?

If **YES**, give details of all activities that the vendor is aware of and whether they have taken place before or after the vendor acquired an interest in the land:

---

(3) Is the vendor aware of any dangerous substances ever having been kept at the land pursuant to a licence under the *Dangerous Substances Act 1979*?

If **YES**, give details of all dangerous substances that the vendor is aware of and whether they were kept at the land before or after the vendor acquired an interest in the land:

---

(4) Is the vendor aware of the sale or transfer of the land or part of the land ever having occurred subject to an agreement for the exclusion or limitation of liability for site contamination to which section 103E of the *Environment Protection Act 1993* applies?

If **YES**, give details of each sale or transfer and agreement that the vendor is aware of:

---

(5) Is the vendor aware of an environmental assessment of the land or part of the land ever having been carried out or commenced (whether or not completed)?

If **YES**, give details of all environmental assessments that the vendor is aware of and whether they were carried out or commenced before or after the vendor acquired an interest in the land:

---

**Note—**

These questions relate to details about the land that may be known by the vendor. A **"YES"** answer to the questions at items 2(1) or 2(2) may indicate that a **potentially contaminating activity** has taken place at the land (see sections 103C and 103H of the *Environment Protection Act 1993*) and that assessments or remediation of the land may be required at some future time.

A **"YES"** answer to any of the questions in this item may indicate the need for the purchaser to seek further information regarding the activities, for example, from the council or the EPA.

### 3—Licences and exemptions recorded by EPA in public register

Does the EPA hold any of the following details in the public register:

- (a) details of a current licence issued under Part 6 of the *Environment Protection Act 1993* to conduct any prescribed activity of environmental significance under Schedule 1 of that Act at the land?  
NO
- (b) details of a licence no longer in force issued under Part 6 of the *Environment Protection Act 1993* to conduct any prescribed activity of environmental significance under Schedule 1 of that Act at the land?  
NO
- (c) details of a current exemption issued under Part 6 of the *Environment Protection Act 1993* from the application of a specified provision of that Act in relation to an activity carried on at the land?  
NO
- (d) details of an exemption no longer in force issued under Part 6 of the *Environment Protection Act 1993* from the application of a specified provision of that Act in relation to an activity carried on at the land?  
NO
- (e) details of a licence issued under the repealed *South Australian Waste Management Commission Act 1979* to operate a waste depot at the land?  
NO
- (f) details of a licence issued under the repealed *Waste Management Act 1987* to operate a waste depot at the land?  
NO
- (g) details of a licence issued under the repealed *South Australian Waste Management Commission Act 1979* to produce waste of a prescribed kind (within the meaning of that Act) at the land?  
NO
- (h) details of a licence issued under the repealed *Waste Management Act 1987* to produce prescribed waste (within the meaning of that Act) at the land?  
NO

#### Note—

These questions relate to details about licences and exemptions required to be recorded by the EPA in the public register. If the EPA answers "YES" to any of the questions—

- in the case of a licence or exemption under the *Environment Protection Act 1993*—
  - the purchaser may obtain a copy of the licence or exemption from the public register on payment of the prescribed fee; and
  - the purchaser should note that transfer of a licence or exemption is subject to the conditions of the licence or exemption and the approval of the EPA (see section 49 of the *Environment Protection Act 1993*); and
- in the case of a licence under a repealed Act—the purchaser may obtain details about the licence from the public register on payment of the prescribed fee.

A "YES" answer to any of these questions may indicate that a **potentially contaminating activity** has taken place at the land (see sections 103C and 103H of the *Environment Protection Act 1993*) and that assessments or remediation of the land may be required at some future time.

The EPA will not provide details about licences to conduct the following prescribed activities of environmental significance (within the meaning of Schedule 1 Part A of the *Environment Protection Act 1993*): waste transport business (category A), waste transport business (category B), dredging, earthworks drainage, any other activities referred to in Schedule 1 Part A undertaken by means of mobile works, helicopter landing facilities, marinas and boating facilities or discharges to marine or inland waters.

The EPA will not provide details about exemptions relating to—

- the conduct of any of the licensed activities in the immediately preceding paragraph in this note; or
- noise.

**4—Pollution and site contamination on the land—details recorded by EPA in public register**

Does the EPA hold any of the following details in the public register in relation to the land or part of the land:

- (a) details of serious or material environmental harm caused or threatened in the course of an activity (whether or not notified under section 83 of the *Environment Protection Act 1993*)?  
NO
- (b) details of site contamination notified to the EPA under section 83A of the *Environment Protection Act 1993*?  
NO
- (c) a copy of a report of an environmental assessment (whether prepared by the EPA or some other person or body and whether or not required under legislation) that forms part of the information required to be recorded in the public register?  
YES
- (d) a copy of a site contamination audit report?  
NO
- (e) details of an agreement for the exclusion or limitation of liability for site contamination to which section 103E of the *Environment Protection Act 1993* applies?  
NO
- (f) details of an agreement entered into with the EPA relating to an approved voluntary site contamination assessment proposal under section 103I of the *Environment Protection Act 1993*?  
NO
- (g) details of an agreement entered into with the EPA relating to an approved voluntary site remediation proposal under section 103K of the *Environment Protection Act 1993*?  
NO
- (h) details of a notification under section 103Z(1) of the *Environment Protection Act 1993* relating to the commencement of a site contamination audit?  
NO
- (i) details of a notification under section 103Z(2) of the *Environment Protection Act 1993* relating to the termination before completion of a site contamination audit?  
NO
- (j) details of records, held by the former South Australian Waste Management Commission under the repealed *Waste Management Act 1987*, of waste (within the meaning of that Act) having been deposited on the land between 1 January 1983 and 30 April 1995?  
NO

**Note—**

These questions relate to details required to be recorded by the EPA in the public register. If the EPA answers "YES" to any of the questions, the purchaser may obtain those details from the public register on payment of the prescribed fee.

**5—Pollution and site contamination on the land—other details held by EPA**

Does the EPA hold any of the following details in relation to the land or part of the land:

- (a) a copy of a report known as a "Health Commission Report" prepared by or on behalf of the South Australian Health Commission (under the repealed *South Australian Health Commission Act 1976*)?

NO

- (b) details (which may include a report of an environmental assessment) relevant to an agreement entered into with the EPA relating to an approved voluntary site contamination assessment proposal under section 103I of the *Environment Protection Act 1993*?

NO

- (c) details (which may include a report of an environmental assessment) relevant to an agreement entered into with the EPA relating to an approved voluntary site remediation proposal under section 103K of the *Environment Protection Act 1993*?

NO

- (d) a copy of a pre-1 July 2009 site audit report?

NO

- (e) details relating to the termination before completion of a pre-1 July 2009 site audit?

NO

**Note—**

These questions relate to details that the EPA may hold. If the EPA answers "YES" to any of the questions, the purchaser may obtain those details from the EPA (on payment of any fee fixed by the EPA).

**6—Further information held by councils**

Does the council hold details of any development approvals relating to—

- (a) commercial or industrial activity at the land; or  
(b) a change in the use of the land or part of the land (within the meaning of the *Development Act 1993* or the *Planning, Development and Infrastructure Act 2016*)?

NO

**Note—**

The question relates to information that the council for the area in which the land is situated may hold. If the council answers "YES" to the question, it will provide a description of the nature of each development approved in respect of the land. The purchaser may then obtain further details from the council (on payment of any fee fixed by the council). However, it is expected that the ability to supply further details will vary considerably between councils.

A "YES" answer to paragraph (a) of the question may indicate that a **potentially contaminating activity** has taken place at the land (see sections 103C and 103H of the *Environment Protection Act 1993*) and that assessments or remediation of the land may be required at some future time.

It should be noted that—

- the approval of development by a council does not necessarily mean that the development has taken place;
- the council will not necessarily be able to provide a complete history of all such development that has taken place at the land.

## 7—Further information for purchasers

### Note—

The purchaser is advised that other matters under the *Environment Protection Act 1993* (that is, matters other than those referred to in this Statement) that may be relevant to the purchaser's further enquiries may also be recorded in the public register. These include:

- details relating to environmental authorisations such as applications, applicants, locations of activities, conditions, suspension, cancellation or surrender of authorisations, disqualifications, testing requirements and test results;
- details relating to activities undertaken on the land under licences or other environmental authorisations no longer in force;
- written warnings relating to alleged contraventions of the *Environment Protection Act 1993*;
- details of prosecutions and other enforcement action;
- details of civil proceedings;
- other details prescribed under the *Environment Protection Act 1993* (see section 109(3)(l)).

Details of these matters may be obtained from the public register on payment to the EPA of the prescribed fee.

### If—

- an environment performance agreement, environment protection order, clean-up order, clean-up authorisation, site contamination assessment order or site remediation order has been registered on the certificate of title for the land; or
- a notice of declaration of special management area in relation to the land has been gazetted; or
- a notation has been made on the certificate of title for the land that a site contamination audit report has been prepared in respect of the land; or
- a notice of prohibition or restriction on taking water affected by site contamination in relation to the land has been gazetted,

it will be noted in the items under the heading *Environment Protection Act 1993* under the Table of Particulars in this Statement. Details of any registered documents may be obtained from the Lands Titles Registration Office.

**SCHEDULE - DIVISION 3****COMMUNITY LOTS AND STRATA UNITS****Matters to be considered in purchasing a community lot or strata unit**

The property you are buying is on strata or community title. There are **special obligations and restrictions** that go with this kind of title. Make sure you understand these. If unsure, seek legal advice before signing a contract. For example:

**Governance**

You will automatically become a member of the **body corporate**, which includes all owners and has the job of maintaining the common property and enforcing the rules. Decisions, such as the amount you must pay in levies, will be made by vote of the body corporate. You will need to take part in meetings if you wish to have a say. If outvoted, you will have to live with decisions that you might not agree with.

If you are buying into a mixed use development (one that includes commercial as well as residential lots), owners of some types of lots may be in a position to outvote owners of other types of lots. Make sure you fully understand your voting rights, see later.

**Use of your property**

You, and anyone who visits or occupies your property, will be bound by rules in the form of **articles or by-laws**. These can restrict the use of the property, for example, they can deal with keeping pets, car parking, noise, rubbish disposal, short-term letting, upkeep of buildings and so on. Make sure that you have read the articles or by-laws before you decide whether this property will suit you.

Depending on the rules, you might not be permitted to make changes to the exterior of your unit, such as installing a television aerial or an air-conditioner, building a pergola, attaching external blinds etc without the permission of the body corporate. A meeting may be needed before permission can be granted. Permission may be refused. Note that the articles or by-laws **could change** between now and when you become the owner: the body corporate might vote to change them. Also, if you are buying before the community plan is registered, then any by-laws you have been shown are just a draft.

**Are you buying a debt?**

If there are unpaid contributions owing on this property, you can be made to pay them. You are entitled to **know the financial state of the body corporate** and you should make sure you see its records before deciding whether to buy. As a prospective owner, you can write to the body corporate requiring to see the records, including minutes of meetings, details of assets and liabilities, contributions payable, outstanding or planned expenses and insurance policies. There is a fee. To make a request, write to the secretary or management committee of the body corporate.

**Expenses**

The body corporate can **require you to maintain your property**, even if you do not agree, or can carry out maintenance and bill you for it.

The body corporate can **require you to contribute** to the cost of upkeep of the common property, even if you do not agree. Consider what future maintenance or repairs might be needed on the property in the long term.

**Guarantee**

As an owner, you are a **guarantor** of the liabilities of the body corporate. If it does not pay its debts, you can be called on to do so. Make sure you know what the liabilities are before you decide to buy. Ask the body corporate for copies of the financial records.

**Contracts**

The body corporate can make contracts. For example, it may engage a body corporate manager to do some or all of its work. It may contract with traders for maintenance work. It might engage a caretaker to look after the property. It might make any other kind of contract to buy services or products for the body corporate. Find out **what contracts the body corporate is committed to and the cost**.

The body corporate will have to raise funds from the owners to pay the money due under these contracts. As a guarantor, you could be liable if the body corporate owes money under a contract.

**Buying off the plan**

If you are buying a property that has not been built yet, then you **cannot be certain** what the end product of the development process will be. If you are buying before a community plan has been deposited, then any proposed development contract, scheme description or by-laws you have been shown could change.

**Mixed use developments - voting rights**

You may be buying into a group that is run by several different community corporations. This is common in mixed use developments, for example, where a group of apartments is combined with a hotel or a group of shops. If there is more than 1 corporation, then you should not expect that all lot owners in the group will have equal voting rights. The corporations may be structured so that, even though there are more apartments than shops in the group, the shop owners can outvote the apartment owners on some matters. Make enquiries so that you understand how many corporations there are and what voting rights you will have.

**Further information**

The Real Estate Institute of South Australia provides an information service for enquiries about real estate transactions, see [www.reisa.com.au](http://www.reisa.com.au).

The Australian Institute of Conveyancers (SA Division) (AICSA) provides information and operates a Public Advice Service with respect to conveyancers and the conveyancing process, see [www.aicsa.com.au](http://www.aicsa.com.au).

Information and a booklet about strata and community titles is available from the Legal Services Commission of South Australia at [www.lsc.sa.gov.au](http://www.lsc.sa.gov.au).

You can also seek advice from a legal practitioner.

---

# ACKNOWLEDGEMENT OF RECEIPT OF FORM 1

---

The Purchaser acknowledges receipt of the following:

**FORM 1 – STATEMENT UNDER SECTION 7 (*Land and Business (Sale and Conveyancing) Act 1994*)**

the above being identified by pages numbered 1 to 20 inclusive, together with the following annexures and supporting documents (if any):

FORM 3 Buyers Information Notice \_\_\_\_\_

Local Government Prescribed Inquiry \_\_\_\_\_

Copy of Contract \_\_\_\_\_

Property Interest Report \_\_\_\_\_

Emergency Services Levy Certificate \_\_\_\_\_

Land Tax Certificate \_\_\_\_\_

SA Water Certificate \_\_\_\_\_

EPA Statement Response Letter \_\_\_\_\_

By-Laws Community Titles Act 1996 \_\_\_\_\_

**SIGNED BY THE PURCHASER:**

Date: \_\_\_\_\_ Signed: \_\_\_\_\_

Date: \_\_\_\_\_ Signed: \_\_\_\_\_

The Purchaser:

1. acknowledges and consents to the parties and their representatives signing the Form 1 by digital and or electronic signatures under the *Electronic Communications Act* (SA);
2. by signing this Acknowledgement, signs for all Purchasers, and warrants authority to acknowledge the Form 1 for all Purchasers (if more than 1); and
3. is not required to sign a Form 1 for it to be validly served and acknowledges the signing provision above is included if the Agent serves the Form 1 in person and wants evidence of the Purchaser having been served. If the Form 1 is served electronically, the email is sufficient evidence of what has been served.

*Land and Business (Sale and Conveyancing) Act 1994 - section 13A*

*Land and Business (Sale and Conveyancing) Regulations 2025 - regulation 17*

## Buyers information notice

Prescribed notice to be given to purchaser

Before you buy a home there are a number of things that you should investigate and consider. Though it may not be obvious at the time, there could be matters that may affect your enjoyment of the property, the safety of people on the property or the value of the property.

The following questions may help you to identify if a property is appropriate to purchase. In many cases the questions relate to a variety of laws and standards. These laws and standards change over time, so it is important to seek the most up to date information. Various government agencies can provide up to date and relevant information on many of these questions. To find out more, Consumer and Business Services (CBS) recommends you check the website: [www.cbs.sa.gov.au](http://www.cbs.sa.gov.au).

Consider having a professional building inspection done before proceeding with a purchase. A building inspection will help you answer some of the questions below.

The questions have been categorised under the headings **Safety**, **Enjoyment** and **Value**, but all issues are relevant to each heading.

### Safety

- Is there **asbestos** in any of the buildings or elsewhere on the property e.g. sheds and fences?
- Does the property have any significant **defects** e.g. **cracking** or **salt damp**? Have the wet areas been waterproofed?
- Is the property in a **bushfire** prone area?
- Are the **electrical wiring**, **gas installation**, **plumbing** and **appliances** in good working order and in good condition? Is a **safety switch** (RCD) installed? Is it working?
- Are there any prohibited **gas appliances** in bedrooms or bathrooms?
- Are **smoke alarms** installed in the house? If so, are they hardwired? Are they in good working order and in good condition? Are they compliant?
- Is there a **swimming pool and/or spa pool** installed on the property? Are there any safety barriers or fences in place? Do they conform to current standards?
- Does the property have any **termite** or other pest infestations? Is there a current preventive termite treatment program in place? Was the property treated at some stage with persistent organochlorins (now banned) or other **toxic** termiticides?
- Has fill been used on the site? Is the soil contaminated by **chemical residues** or waste?
- Does the property use **cooling towers** or manufactured warm water systems? If so, what are the maintenance requirements?



## Enjoyment

- Does the property have any **stormwater** problems?
- Is the property in a **flood prone** area? Is the property prone to coastal flooding?
- Does the property have an on-site **wastewater treatment facility** such as a septic tank installed? If so, what are the maintenance requirements? Is it compliant?
- Is a **sewer mains connection** available?
- Are all gutters, downpipes and stormwater systems in good working order and in good condition?
- Is the property near **power lines**? Are there any trees on the property near power lines? Are you considering planting any trees? Do all structures and trees maintain the required clearance from any power lines?
- Are there any **significant** trees on the property?
- Is this property a unit on **strata or community title**? What could this mean for you? Is this property on strata or community title? Do you understand the restrictions of use and the financial obligations of ownership? Will you have to pay a previous owner's debt or the cost of planned improvements?
- Is the property close to a hotel, restaurant or other venue with entertainment consent for live music? Is the property close to any industrial or commercial activity, a busy road or airport etc that may result in the generation of **noise** or the **emission of materials or odours** into the air?
- What appliances, equipment and fittings are included in the sale of the property?
- Is there sufficient car parking space available to the property?

## Value

- Are there any **illegal or unapproved additions**, extensions or alterations to the buildings on the property?
- How **energy efficient** is the home, including appliances and lighting? What **energy sources** (e.g. electricity, gas) are available?
- Is the property connected to SA Water operated and maintained **mains water**? Is a mains water connection available? Does the property have a **recycled water** connection? What sort of water meter is located on the property (a **direct or indirect meter** – an indirect meter can be located some distance from the property)? Is the property connected to a water meter that is also serving another property?
- Are there water taps outside the building? Is there a watering system installed? Are they in good working order and in good condition?
- Does the property have **alternative sources** of water other than mains water supply (including **bore or rainwater**)? If so, are there any special maintenance requirements?

For more information on these matters visit [www.cbs.sa.gov.au](http://www.cbs.sa.gov.au)

Disclaimer: There may be other issues relevant to the purchase of real estate. If you are unable to ascertain enough information about the questions raised in this form and any other concerns you may have, we strongly recommend you obtain independent advice through a building inspection, a lawyer, and a financial adviser.