

# **SECTION 32**

# **STATEMENT**

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

<b>Vendor:</b>	Hearn Property Pty Ltd
<b>Property:</b>	Unit 12 44 Nepean Highway SEAFORD VIC 3198

**VENDORS REPRESENTATIVE**

Compass Property Conveyancers

32 Murdoch Ave  
Narre Warren VIC 3805

Tel: (03) 9796 0968  
Fax: (03) 9796 0442  
Email: [compassprop@optusnet.com.au](mailto:compassprop@optusnet.com.au)

Ref: 21/1705

SECTION 32 STATEMENT  
UNIT 12 44 NEPEAN HIGHWAY SEAFORD VIC 3198

**32A FINANCIAL MATTERS**

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

**Their total does not exceed \$3500**

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.

**32B 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

**32C 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 in a designated bushfire- prone area under section 192A of the Building Act 1993.

(c) ROAD ACCESS

There is access to the Property by Road.

SECTION 32 STATEMENT  
UNIT 12 44 NEPEAN HIGHWAY SEAFORD VIC 3198

(d) PLANNING

Planning Scheme: Frankston Planning Scheme  
Responsible Authority: Frankston City Council  
Zoning: GRZ General Residential Zone  
Planning Overlay/s:

**32D NOTICES**

The Vendor is not aware of any Notices, Declarations, Property Management Plans, Reports, Recommendations or Orders in respect of the land issued by a Government Department or Public Authority or any approved proposal directly and currently affecting the land 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.

**32E 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.

**32F OWNERS CORPORATION**

Attached is a copy of the current Owners Corporation Certificate issued in respect of the land together with all documents and information required under section 151 of the *Owners Corporations Act 2006*.

**32G 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

**32H SERVICES**

<b>Service</b>	<b>Status</b>
Electricity supply	Connected
Gas supply	Connected
Water supply	Connected
Sewerage	Connected
Telephone services	Not Connected

SECTION 32 STATEMENT  
UNIT 12 44 NEPEAN HIGHWAY SEAFORD VIC 3198

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 any account with a service provider before settlement, and the purchaser may need to have the service reconnected.

**32I TITLE**

Attached are the following document/s concerning Title:

A copy of the Register Search Statements 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.

**ATTACHMENTS**

Attached to this Section 32 Statement please find:-

- All documents noted as attached within this Section 32 Statement  
**Due Diligence Checklist**

**DATE OF THIS STATEMENT**

/  /20

**Name of the Vendor**

**Hearn Property Pty Ltd**

**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.

The Purchaser further acknowledges being directed to the DUE DILIGENCE CHECKLIST.

**DATE OF THIS ACKNOWLEDGMENT**

/  /20

**Name of the Purchaser**

**Signature/s of the Purchaser**

x



Register Search Statement - Volume 9702 Folio 420

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

VOLUME 09702 FOLIO 420

Security no : 124089327676D  
Produced 16/04/2021 12:25 PM

LAND DESCRIPTION

Lot 12 on Registered Plan of Strata Subdivision 024612F.  
PARENT TITLE Volume 09605 Folio 281  
Created by instrument SP024612F 29/09/1986

REGISTERED PROPRIETOR

Estate Fee Simple  
Sole Proprietor  
HEARN PROPERTY PTY LTD of 100 DROUIN KORUMBURRA ROAD DROUIN SOUTH VIC 3818  
AM195172B 21/09/2015

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AM195173Y 21/09/2015  
WESTPAC BANKING CORPORATION

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 or Section 12 Strata Titles Act 1967 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE SP024612F 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: UNIT 12 44-45 NEPEAN HIGHWAY SEAFORD VIC 3198

ADMINISTRATIVE NOTICES

NIL

eCT Control 16320Q WESTPAC BANKING CORPORATION  
Effective from 22/10/2016

OWNERS CORPORATIONS

-----  
The land in this folio is affected by  
OWNERS CORPORATION PLAN NO. SP024612F

DOCUMENT END

**The information supplied has been obtained by SAI Global Property Division Pty Ltd who is licensed by the State of Victoria to provide this information via LANDATA® System. Delivered at 16/04/2021, for Order Number 67580928. Your reference: 21/1705.**

24612

CHART No. 9

PLAN OF STRATA SUBDIVISION

EDITION 2

THE PARCEL – The whole of the land described in Certificate of Title  
 Volume 9605 Folio 281 being part of  
 Crown Allotment 2 Section A  
 Parish of Frankston County of Mornington \* SEE BELOW

REGISTERED

24612 F

POSTAL ADDRESS OF BUILDINGS  
 44 & 45 NEPEAN HIGHWAY, SEAFORD 3198

TIME 10:30 DATE 29-9-86

FOR CURRENT ADDRESS FOR SERVICE OF NOTICE  
 SEE BODY CORPORATE SEARCH REPORT



NOTATIONS  
 WATERWAY NOTATION: LAND IN THIS PLAN  
 MAY ABUT CROWN LAND THAT MAY BE SUBJECT  
 TO A CROWN LICENCE TO USE

\* AND BEING LIMITED AS TO SO MUCH AS LIES  
 ABOVE THE DEPTH 15.24 METRES BELOW  
 THE SURFACE

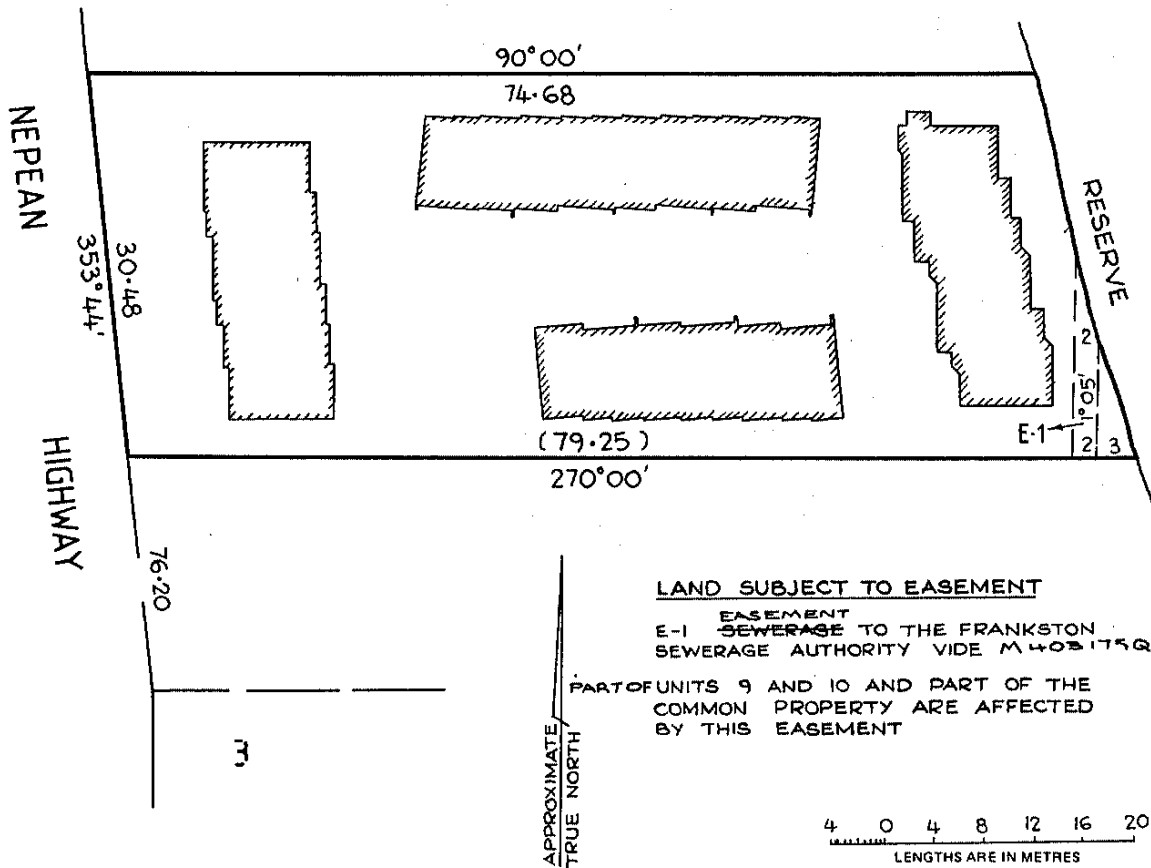


Diagram showing the external boundaries of the site and the location in relation thereto at ground level of all buildings in the parcel.

SURVEYORS CERTIFICATE

I, David John Monahan of 581 Gilbert Rd. West Preston a surveyor licensed under the Surveyors Act 1978 certify that this plan and any measurements on which it is based have been made by me or under my personal direction and supervision; that the standard of accuracy of any measurements made to determine the external boundaries of the site complies with the requirements of and under the Surveyors Act 1978; that the plan accurately represents as at the 12<sup>th</sup> day of May 1986 in the manner required by or under the Strata Titles Act 1967 and by or under the Surveyors Act 1978; and within the limitations of the scale used and the standard of accuracy required, the boundaries of the units and the location at ground level of all buildings in the parcel in relation to the external boundaries of the site; and that all units are within the parcel.

Signature *D.J. Monahan* Date 22-5-86

SEAL OF MUNICIPALITY AND ENDORSEMENT

Sealed pursuant to Section 6 (ii), Strata Title Act  
*The Common Seal of the Mayor, Councillors, and Citizens of the City of Frankston was hereunto affixed this 30th day of June 1986 in the presence of....*

*[Signature]*  
 Mayor  
*[Signature]*  
 Councillor  
*[Signature]*  
 Town Clerk

**BARKER, MONAHAN & ASSOCIATES**  
 SURVEYORS & CIVIL ENGINEERS  
 581 GILBERT RD., WEST PRESTON, 3072  
 TELEPHONE 478 6020

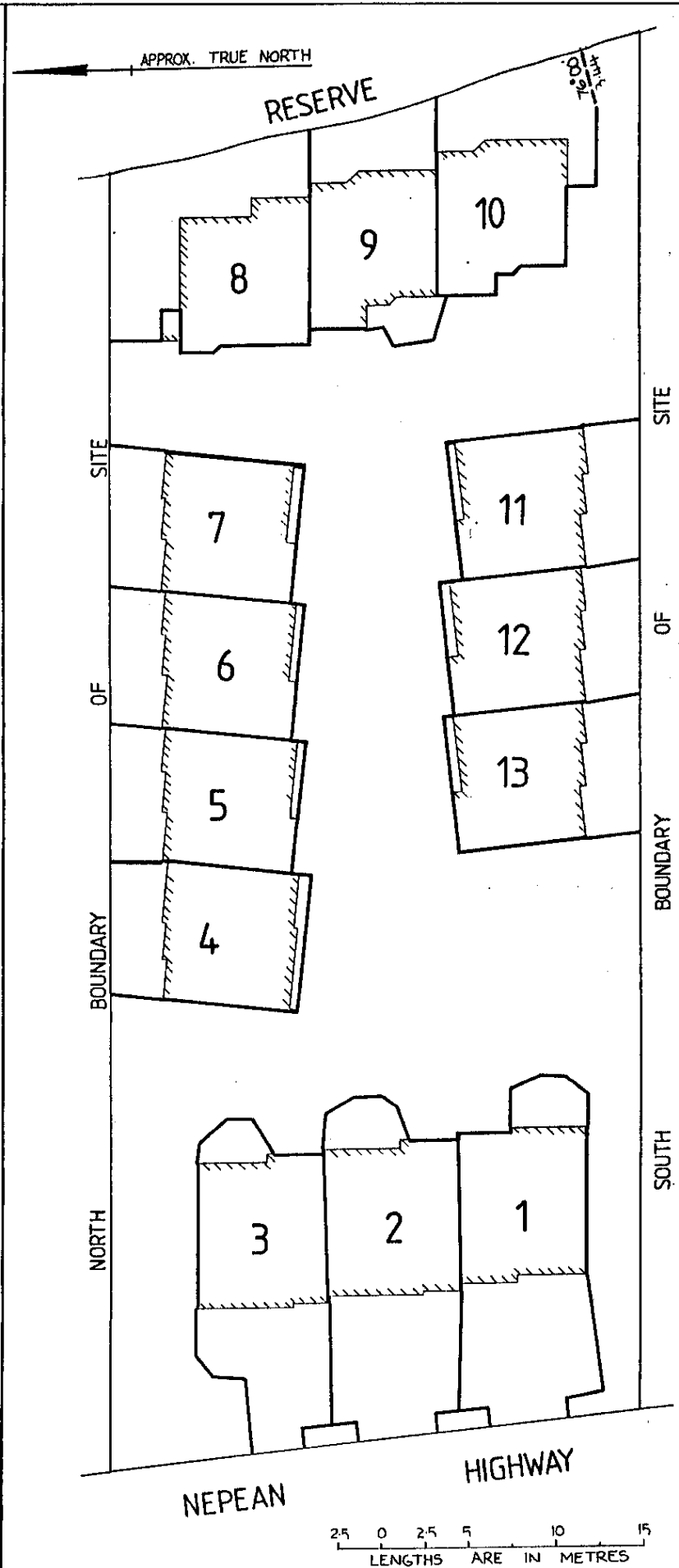
SURVEYORS REF.  
 7364  
 22-5-86

VICTORIA

*D.J. Monahan*  
 LICENSED SURVEYOR  
 SHEET 1 OF 2 SHEETS

5/11/2021 2:40:27

100  
75  
50  
25  
0  
25  
50  
75  
100



19-9-86

FOR CURRENT BODY CORPORATE DETAILS  
SEE BODY CORPORATE SEARCH REPORT

LEGEND

The buildings in the parcel, parts of which are contained in units 1 to 13 (both inclusive), are ~~double~~ storey buildings.

The lower boundary of <sup>each of</sup> units 1 to 13 (both inclusive) is four metres below that part of the site which is within the vertical or near vertical boundaries of the relevant unit as shown on the diagram on this sheet.

The upper boundary of <sup>each of</sup> units 1 to 13 (both inclusive) is ten metres above that part of the site.

The common property is all the land in the parcel except the land in units 1 to 13 (both inclusive).

No unit on this plan is an accessory unit.

**BARKER, MONAHAN & ASSOCIATES**  
SURVEYORS & CIVIL ENGINEERS  
581 GILBERT RD., WEST PRESTON. 3072  
TELEPHONE 478 6020

SURVEYORS REF.  
**7376**  
22-5-86

*D. J. Monahan*  
LICENSED SURVEYOR  
SHEET 2 OF 2 SHEETS  
COUNCIL REF. 2663





# Department of Environment, Land, Water & Planning

## Owners Corporation Search Report

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Produced: 16/04/2021 12:40:11 PM

**OWNERS CORPORATION  
PLAN NO. SP024612F**

The land in SP024612F is affected by 1 Owners Corporation(s)

### Land Affected by Owners Corporation:

Common Property, Lots 1 - 13.

### Limitations on Owners Corporation:

Unlimited

### Postal Address for Services of Notices:

FOCUS PLUS MANAGEMENT GROUP 27 BELLBIRD ROAD MOUNT ELIZA VIC 3930

AF163514Q 28/06/2007

### Owners Corporation Manager:

NIL

### Rules:

Model Rules apply unless a matter is provided for in Owners Corporation Rules. See Section 139(3) Owners Corporation Act 2006

### Owners Corporation Rules:

NIL

### Additional Owners Corporation Information:

NIL

### Notations:

NIL

### Entitlement and Liability:

NOTE – Folio References are only provided in a Premium Report.

Land Parcel	Entitlement	Liability
Common Property	0	0
Lot 1	10	10
Lot 2	10	10
Lot 3	10	10
Lot 4	10	10
Lot 5	10	10
Lot 6	10	10



# Department of Environment, Land, Water & Planning

## Owners Corporation Search Report

Produced: 16/04/2021 12:40:11 PM

**OWNERS CORPORATION  
PLAN NO. SP024612F**

### Entitlement and Liability:

NOTE – Folio References are only provided in a Premium Report.

Land Parcel	Entitlement	Liability
Lot 7	10	10
Lot 8	10	10
Lot 9	10	10
Lot 10	10	10
Lot 11	10	10
Lot 12	10	10
Lot 13	10	10
<b>Total</b>	<b>130.00</b>	<b>130.00</b>

From 31 December 2007 every Body Corporate is deemed to be an Owners Corporation. Any reference to a Body Corporate in any Plan, Instrument or Folio is to be read as a reference to an Owners Corporation.

Statement End.

From [www.planning.vic.gov.au](http://www.planning.vic.gov.au) at 16 April 2021 01:40 PM

## PROPERTY DETAILS

Address: **12/44-45 NEPEAN HIGHWAY SEAFORD 3198**  
Lot and Plan Number: **Lot 12 SP24612**  
Standard Parcel Identifier (SPI): **12\SP24612**  
Local Government Area (Council): **FRANKSTON**  
Council Property Number: **223480**  
Planning Scheme: **Frankston**  
Directory Reference: **Melway 97 D12**

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

[Planning Scheme - Frankston](#)

## UTILITIES

Rural Water Corporation: **Southern Rural Water**  
Melbourne Water Retailer: **South East Water**  
Melbourne Water: **Inside drainage boundary**  
Power Distributor: **UNITED ENERGY**

[View location in VicPlan](#)

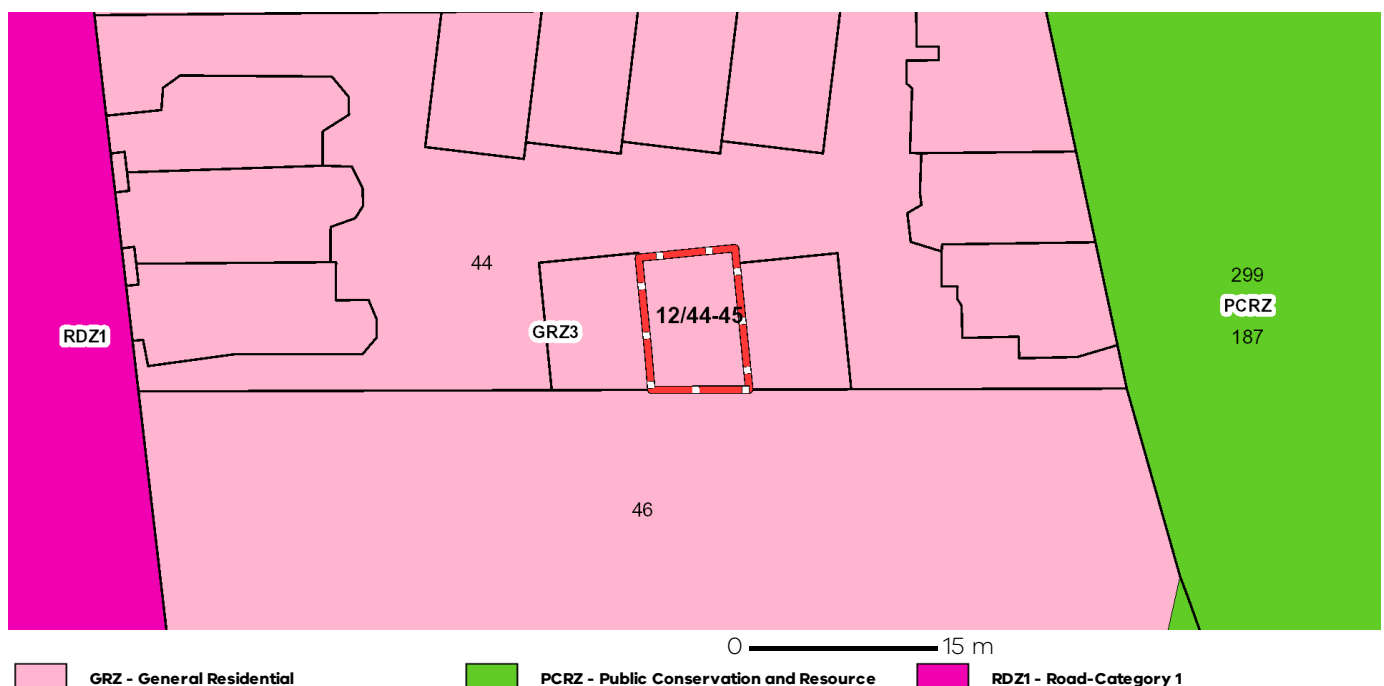
## STATE ELECTORATES

Legislative Council: **SOUTH-EASTERN METROPOLITAN**  
Legislative Assembly: **CARRUM**

## Planning Zones

[GENERAL RESIDENTIAL ZONE \(GRZ\)](#)

[GENERAL RESIDENTIAL ZONE - SCHEDULE 3 \(GRZ3\)](#)

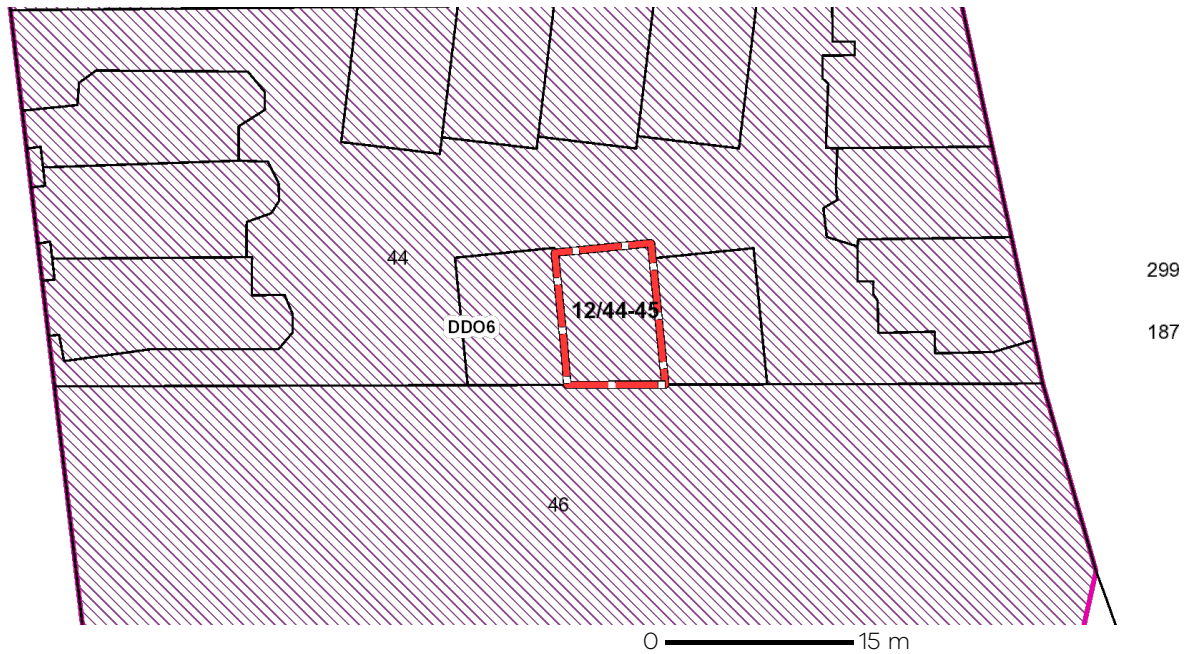


Note: labels for zones may appear outside the actual zone - please compare the labels with the legend.

## Planning Overlays

DESIGN AND DEVELOPMENT OVERLAY (DDO)

DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 6 (DDO6)



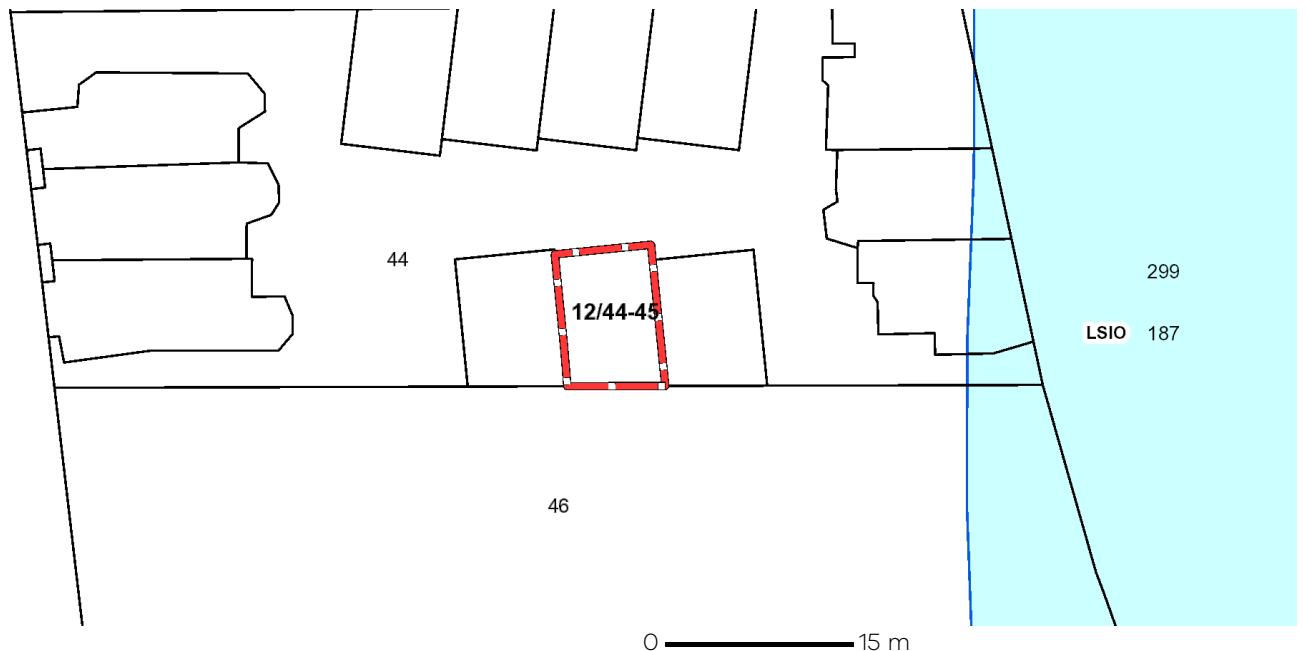
 **DDO - Design and Development**

Note: due to overlaps, some overlays may not be visible, and some colours may not match those in the legend

### OTHER OVERLAYS

Other overlays in the vicinity not directly affecting this land

LAND SUBJECT TO INUNDATION OVERLAY (LSIO)



 **LSIO - Land Subject to Inundation**

Note: due to overlaps, some overlays may not be visible, and some colours may not match those in the legend

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Read the full disclaimer at <https://www2.delwp.vic.gov.au/disclaimer>

Notwithstanding this disclaimer, a vendor may rely on the information in this report for the purpose of a statement that land is in a bushfire prone area as required by section 32C (b) of the Sale of Land 1962 (Vic).

## Areas of Aboriginal Cultural Heritage Sensitivity

All or part of this property is an 'area of cultural heritage sensitivity'.

'Areas of cultural heritage sensitivity' are defined under the Aboriginal Heritage Regulations 2018, and include registered Aboriginal cultural heritage places and land form types that are generally regarded as more likely to contain Aboriginal cultural heritage.

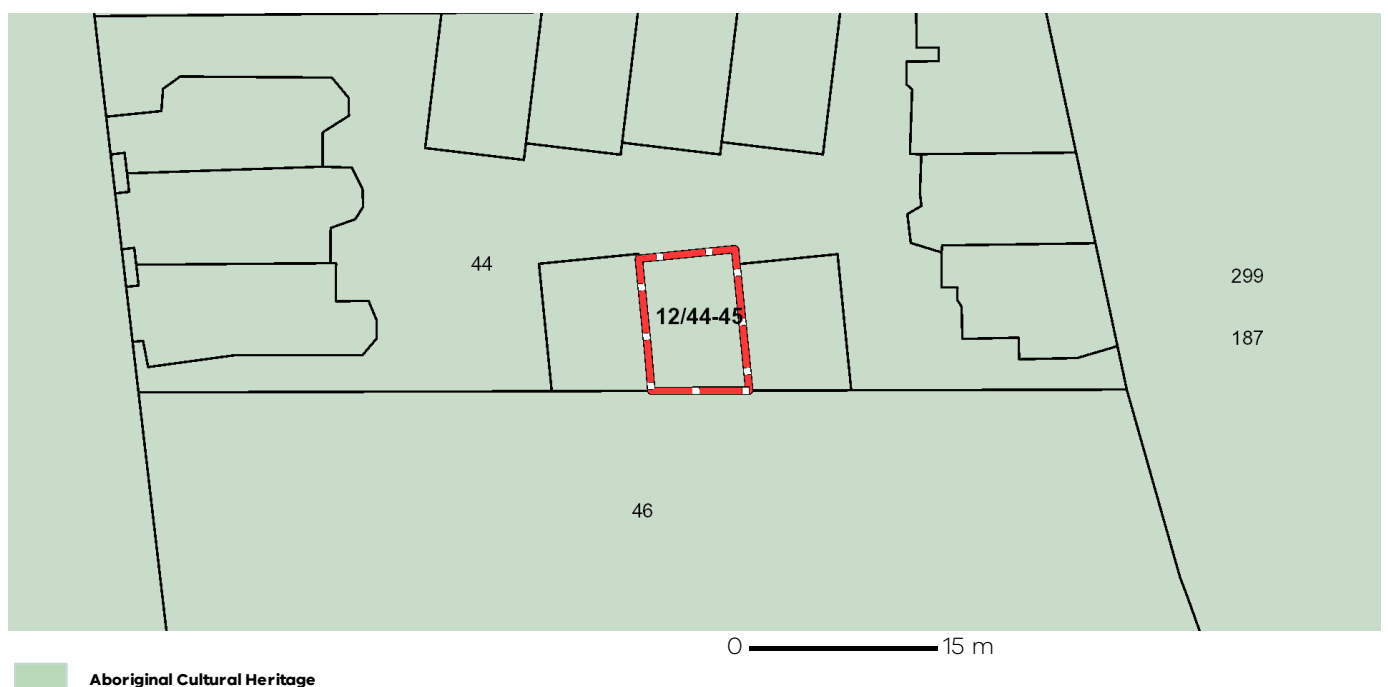
Under the Aboriginal Heritage Regulations 2018, 'areas of cultural heritage sensitivity' are one part of a two part trigger which require a 'cultural heritage management plan' be prepared where a listed 'high impact activity' is proposed.

If a significant land use change is proposed (for example, a subdivision into 3 or more lots), a cultural heritage management plan may be triggered. One or two dwellings, works ancillary to a dwelling, services to a dwelling, alteration of buildings and minor works are examples of works exempt from this requirement.

Under the Aboriginal Heritage Act 2006, where a cultural heritage management plan is required, planning permits, licences and work authorities cannot be issued unless the cultural heritage management plan has been approved for the activity.

For further information about whether a Cultural Heritage Management Plan is required go to <http://www.aav.nrms.net.au/aavQuestion1.aspx>

More information, including links to both the Aboriginal Heritage Act 2006 and the Aboriginal Heritage Regulations 2018, can also be found here - <https://www.aboriginalvictoria.vic.gov.au/aboriginal-heritage-legislation>



## Further Planning Information

Planning scheme data last updated on 7 April 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 <https://www.planning.vic.gov.au>

This report is NOT a **Planning Certificate** issued pursuant to Section 199 of the **Planning and Environment Act 1987**. It does not include information about exhibited planning scheme amendments, or zonings that may affect the land. To obtain a Planning Certificate go to Titles and Property Certificates at Landata - <https://www.landata.vic.gov.au>

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

To view planning zones, overlay and heritage information in an interactive format visit <https://mapshare.maps.vic.gov.au/vicplan>

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

## Designated Bushfire Prone Areas

**This property is in a designated bushfire prone area.**  
**Special bushfire construction requirements apply. Planning provisions may apply.**



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

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

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

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

Further information about the building control system and building in bushfire prone areas can be found on the Victorian Building Authority website <https://www.vba.vic.gov.au>

Copies of the Building Act and Building Regulations are available from <http://www.legislation.vic.gov.au>

For Planning Scheme Provisions in bushfire areas visit <https://www.planning.vic.gov.au>

# Owners Corporation Certificate

Owners Corporation Act 2006 and Owners Corporations Regulations 2018

Prepared for Lot 12 of Owners Corporation No. SP 24612F

Address of Lot: - 12/44 Nepean Hwy, Seaford VIC 3198

Applicant for the certificate is Andrea Hearn

**The information in this certificate is issued on 9<sup>th</sup> April 2021. You should obtain a new certificate for current information prior to settlement.**

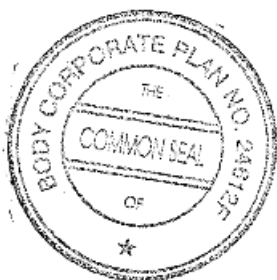
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- 1) The present administration fund fees are \$575.00/half year and maintenance fund fees are \$75.00/half year, being for the period 1<sup>st</sup> January 2021 to 30<sup>th</sup> June 2021. For the next period commencing 1<sup>st</sup> July 2021, the administration fund fees will be \$575.00/half year and maintenance fund fees will be \$75.00/half year.
- 2) Fees are paid up until 30<sup>th</sup> June 2021.
- 3) Unpaid fees now total \$Nil
- 4) The following levies have been struck and are payable on the following dates: - Nil
- 5) The following levies are proposed. –Nil
- 6) Owners Corporation presently has the following insurance cover:
  - a) Name of Company QBE Insurance (Australia) Ltd / CHU
  - b) No. of Policy 16523
  - c) Kind of Policy Residential Strata Insurance Plan
  - d) Building Amount \$4,166,154.00
  - e) Public Liability Amount \$20 Million
  - f) Buildings Covered All buildings
  - g) Renewal Date 15<sup>th</sup> August 2021
- 7) No repairs and maintenance about the common property, beyond the budgeted amounts, are known at this time.
- 8) Funds held by the Owners Corporation: -
  - a) in the business account as at 8/04/2021, total \$10,528.56
  - b) in the maintenance fund account as at 8/04/2021, total \$6,190.65
- 9) The following liabilities and contingent liabilities of the Owners Corporation are: - Nil.
- 10) The following contract, lease, licence or special privilege affecting the common property has been granted by the Owners Corporation: - The Owners Corporation has a standard SCA management agreement (contract) with Focus Plus Management Group dated 28<sup>th</sup> September 2020. There are no other lease, licence or special privileges to the Managers knowledge.
- 11) The following agreement to provide services to members and occupiers for a fee except by the Owners Corporations are: - Nil.

- 12) The following notices and orders served on the Owners Corporations are: - Nil.
- 13) The following legal proceedings to which the Owners Corporation is a party are : - Nil.
- 14) The Owners Corporation has appointed a professional manager: -  
Focus Plus Management Group  
Postal Address PO Box 875 Mt Eliza Vic 3930  
Phone 9787 9723  
Email [info@focusplusmanagement.com.au](mailto:info@focusplusmanagement.com.au)
- 15) The Owners Corporation has not appointed an administrator.
- 16) A copy of the rules are attached.
- 17) A statement in the prescribed form providing advice and information is attached.
- 18) A copy of all the resolutions of the last Annual General Meeting of the Owners Corporation by way of the minutes of the Annual General Meeting are attached.
- 19) Further information on prescribed matters by prescribed person can be obtained by inspection of the Owners Corporation Register, by contacting the Owners Corporation Manager and completing a request form.
- 20) The Owners Corporation Certificate is provided on the basis that the information is correct to the best knowledge of the Manager at the time. The information is subject to change without notice.
- 21) **Please make payments of any applicable Owners Corporation fees payable to Owners Corporation SP 24612F** and mail to: - Focus Plus Management Group of PO Box 875, Mt Eliza Vic 3930. or BPAY Biller Code: 96503 Ref: 296070733 13321
- 22) **Both vendors and purchases are required**, by the Owners Corporations ACT (2006) section 134, **to advise Focus Plus Management Group of the new owners address within one month of the completion of the contract.**

Dated this 9<sup>th</sup> April 2021.

The common seal of Owners Corporation SP 24612F was affixed and witnessed by and in presence of the registered manager in accordance with Section 20(1) and Section 21(2A) of the Owners Corporations Act (2006).



Registered Manager  
Peter Hartley  
Director of Focus Plus Management Group  
ABN 83 539 984 554  
PO Box 875, Mt Eliza, Vic. 3930  
Ph 03 9787 9723

See more information with attachments for items 16), 17) & 18).

# Model rules for an Owners Corporation

## 1 Health, safety and security

### 1.1 Health, safety and security of lot owners, occupiers of lots and others

A lot owner or occupier must not use the lot, or permit it to be used, so as to cause a hazard to the health, safety and security of an owner, occupier, or user of another lot.

### 1.2 Storage of flammable liquids and other dangerous substances and materials

- (1) Except with the approval in writing of the owners corporation, an owner or occupier of a lot must not use or store on the lot or on the common property any flammable chemical, liquid or gas or other flammable material.
- (2) This rule does not apply to—
  - (a) chemicals, liquids, gases or other material used or intended to be used for domestic purposes; or
  - (b) any chemical, liquid, gas or other material in a fuel tank of a motor vehicle or internal combustion engine.

### 1.3 Waste disposal

An owner or occupier must ensure that the disposal of garbage or waste does not adversely affect the health, hygiene or comfort of the occupiers or users of other lots.

## 2 Committees and sub-committees

### 2.1 Functions, powers and reporting of committees and sub-committees

A committee may appoint members to a sub-committee without reference to the owners corporation.

## 3 Management and administration

### 3.1 Metering of services and apportionment of costs of services

- (1) The owners corporation must not seek payment or reimbursement for a cost or charge from a lot owner or occupier that is more than the amount that the supplier would have charged the lot owner or occupier for the same goods or services.
- (2) If a supplier has issued an account to the owners corporation, the owners corporation cannot recover from the lot owner or occupier an amount which includes any amount that is able to be claimed as a concession or rebate by or on behalf of the lot owner or occupier from the relevant supplier.
- (3) Subrule (2) does not apply if the concession or rebate—
  - (a) must be claimed by the lot owner or occupier and the owners corporation has given the lot owner or occupier an opportunity to claim it and the lot owner or occupier has not done so by the payment date set by the relevant supplier; or
  - (b) is paid directly to the lot owner or occupier as a refund.

## **4 Use of common property**

### **4.1 Use of common property**

- (1) An owner or occupier of a lot must not obstruct the lawful use and enjoyment of the common property by any other person entitled to use the common property.
- (2) An owner or occupier of a lot must not, without the written approval of the owners corporation, use for the owner or occupier's own purposes as a garden any portion of the common property.
- (3) An approval under subrule (2) may state a period for which the approval is granted.
- (4) If the owners corporation has resolved that an animal is a danger or is causing a nuisance to the common property, it must give reasonable notice of this resolution to the owner or occupier who is keeping the animal.
- (5) An owner or occupier of a lot who is keeping an animal that is the subject of a notice under subrule (4) must remove that animal.
- (6) Subrules (4) and (5) do not apply to an animal that assists a person with an impairment or disability.

### **4.2 Vehicles and parking on common property**

An owner or occupier of a lot must not, unless in the case of an emergency, park or leave a motor vehicle or other vehicle or permit a motor vehicle or other vehicle—

- (a) to be parked or left in parking spaces situated on common property and allocated for other lots; or
- (b) on the common property so as to obstruct a driveway, pathway, entrance or exit to a lot; or
- (c) in any place other than a parking area situated on common property specified for that purpose by the owners corporation.

### **4.3 Damage to common property**

- (1) An owner or occupier of a lot must not damage or alter the common property without the written approval of the owners corporation.
- (2) An owner or occupier of a lot must not damage or alter a structure that forms part of the common property without the written approval of the owners corporation.
- (3) An approval under subrule (1) or (2) may state a period for which the approval is granted, and may specify the works and conditions to which the approval is subject.
- (4) An owner or person authorised by an owner may install a locking or safety device to protect the lot against intruders, or a screen or barrier to prevent entry of animals or insects, if the device, screen or barrier is soundly built and is consistent with the colour, style and materials of the building.
- (5) The owner or person referred to in subrule (4) must keep any device, screen or barrier installed in good order and repair.

## **5 Lots**

### **5.1 Change of use of lots**

An owner or occupier of a lot must give written notification to the owners corporation if the owner or occupier changes the existing use of the lot in a way that will affect the insurance premiums for the owners corporation.

#### **Example**

If the change of use results in a hazardous activity being carried out on the lot, or results in the lot being used for commercial or industrial purposes rather than residential purposes.

## **5.2 External appearance of lots**

- (1) An owner or occupier of a lot must obtain the written approval of the owners corporation before making any changes to the external appearance of their lot.
- (2) An owners corporation cannot unreasonably withhold approval, but may give approval subject to reasonable conditions to protect quiet enjoyment of other lot owners, structural integrity or the value of other lots and/or common property.

## **5.3 Requiring notice to the owners corporation of renovations to lots**

An owner or occupier of a lot must notify the owners corporation when undertaking any renovations or other works that may affect the common property and/or other lot owners' or occupiers' enjoyment of the common property.

# **6 Behaviour of persons**

## **6.1 Behaviour of owners, occupiers and invitees on common property**

An owner or occupier of a lot must take all reasonable steps to ensure that guests of the owner or occupier do not behave in a manner likely to unreasonably interfere with the peaceful enjoyment of any other person entitled to use the common property.

## **6.2 Noise and other nuisance control**

- (1) An owner or occupier of a lot, or a guest of an owner or occupier, must not unreasonably create any noise likely to interfere with the peaceful enjoyment of any other person entitled to use the common property.
- (2) Subrule (1) does not apply to the making of a noise if the owners corporation has given written permission for the noise to be made.

# **7 Dispute resolution**

- (1) The grievance procedure set out in this rule applies to disputes involving a lot owner, manager, or an occupier or the owners corporation.
- (2) The party making the complaint must prepare a written statement in the approved form.
- (3) If there is a grievance committee of the owners corporation, it must be notified of the dispute by the complainant.
- (4) If there is no grievance committee, the owners corporation must be notified of any dispute by the complainant, regardless of whether the owners corporation is an immediate party to the dispute.
- (5) The parties to the dispute must meet and discuss the matter in dispute, along with either the grievance committee or the owners corporation, within 14 working days after the dispute comes to the attention of all the parties.
- (6) A party to the dispute may appoint a person to act or appear on the party's behalf at the meeting.
- (7) If the dispute is not resolved, the grievance committee or owners corporation must notify each party of the party's right to take further action under Part 10 of the **Owners Corporations Act 2006**.
- (8) This process is separate from and does not limit any further action under Part 10 of the **Owners Corporations Act 2006**.

# **Owners Corporation Statement of Advice and Information for Prospective Purchasers and Lot Owners**

Schedule 3, Regulation 12, Owners Corporations Regulations 2007

OC 10 (12/07)

## **What is an Owners Corporation?**

The lot you are considering buying is part of an Owners Corporation. Whenever a plan of subdivision creates common property, an Owners Corporation is responsible for managing the common property. A purchaser of a lot that is part of an Owners Corporation automatically becomes a member of the Owners Corporation when the transfer of that lot to the purchaser has been registered with Land Victoria.

If you buy into an Owners Corporation, you will be purchasing not only the individual property, but also ownership of, and the right to use, the common property as set out in the plan of subdivision. This common property may include driveways, stairs, paths, passages, lifts, lobbies, common garden areas and other facilities set up for use by owners and Occupiers. In order to identify the boundary between the individual lot you are purchasing (for which the owner is solely responsible) and the common property (for which all members of the Owners Corporation are responsible), you should closely inspect the plan of subdivision.

## **How are decisions made by an Owners Corporation?**

As an owner, you will be required to make financial contributions to the Owners Corporation, in particular for the repair, maintenance and management of the common property. Decisions as to the management of this common property will be the subject of collective decision making. Decisions as to these financial contributions, which may involve significant expenditure, will be decided by a vote.

## **Owners Corporation rules**

The Owners Corporation rules may deal with matters such as car parking, noise, pets, the appearance or use of lots, behaviour of owners, Occupiers or guests and grievance procedures.

You should look at the Owners Corporation rules to consider any restrictions imposed by the rules.

## **Lot entitlement and lot liability**

The plan of subdivision will also show your lot entitlement and lot liability. Lot liability represents the share of Owners Corporation expenses that each Lot Owner is required to pay.

Lot entitlement is an owner's share of ownership of the common property, which determines voting rights. You should make sure that the allocation of lot liability and entitlement for the lot you are considering buying seems fair and reasonable.

## **Further information**

If you are interested in finding out more about living in an Owners Corporation, you can contact Consumer Affairs Victoria. If you require further information about the particular Owners Corporation you are buying into you can inspect that Owners Corporation's information register.

## **Management of an Owners Corporation**

An Owners Corporation may be self-managed by the Lot Owners or professionally managed by an Owners Corporation Manager. If an Owners Corporation chooses to appoint a professional manager, it must be a Manager registered with the Business Licensing Authority (BLA).

**IF YOU ARE UNCERTAIN ABOUT ANY ASPECT OF THE OWNERS CORPORATION OR THE DOCUMENTS YOU HAVE RECEIVED FROM THE OWNERS CORPORATION, YOU SHOULD SEEK EXPERT ADVICE.**

## MINUTES OF ANNUAL GENERAL MEETING

### OWNERS CORPORATION 24612 44 Nepean Hwy, SEAFORD VIC 3198

Held via video conference, 28/9/2020 commenced at 7:00 PM.

#### PRESENT:

Lot #	Unit #	Attendance	Owner Name	Representative
5	5	Yes	Anthony Boril	
11	11	Yes	Jackie Spraggon	
12	12	Yes	Hearn Property Pty Ltd ATF	Peter Hearn
13	13	Yes	Ray & Gail Gill	

In attendance; Peter Hartley Owners Corporation Manager from Focus Plus Management Group.

#### NO QUORUM

A quorum for this meeting has not been achieved. In accordance with the Owners Corporations Act 2006 sec 78, the meeting proceeded. All resolutions are interim resolutions. The affect is that an interim resolution cannot be acted on for 29 days after it is made but if notice of a special general meeting is given within the 29 day period, the interim resolution cannot be acted on until the resolution is confirmed at that meeting (which must be held within 28 days after the notice is given) or if the meeting is not held, until the end of that 28 day period.

#### 1 CHAIRPERSON

Resolved that Jacquie Spraggon is elected Chairperson of the Owners Corporation and that Peter Hartley act as Chairperson for this meeting today; and that the Manager would perform the duties of Owners Corporations Secretary.

#### 2 MINUTES

Resolved that the minutes of the last Annual General Meeting held 2/10/2019 be accepted.

#### 3 REAPPOINTMENT OF MANAGER

Resolved that a) the Owners Corporation appoint Focus Plus Management Group as Managers of Owners Corporation 24612, for a minimum period of three years.

b) Peter Hearn & Jackie Spraggon witness the affixing of the Common Seal of the Owners Corporation in accordance with Sections 20 and 21 of the Owners Corporations Acts 2006 to the standard Strata Communities Australia (Vic) Contract of Appointment, as circulated with the notice of meeting.

c) the Owners Corporation delegate to the Manager all powers and functions of the Owners Corporation that are necessary to enable the Manager to perform its duties under the Appointment.

#### 4 ACCEPTANCE OF REPORTS

Resolved that the following reports as circulated with the Notice of Meeting be accepted.

- Managers Report.
- Balance Sheet and Income & Expenditure Report for the period ending 30/06/2020.
- Interest on Arrears Report.
- Complaints Report.
- The Owners Corporation Common Seal was used in accordance with the Owners Corporation Act (2006) sec 21(2A)(a) and 151, on Owners Corporation Certificates.

#### 5 INSURANCE - VALUATION & ALTERNATIVE QUOTES

Resolved that a) The Manager made all appropriate disclosures relative to insurance commissions, as required under the Financial Services Reform Act, also as stated in the Contract of Appointment and Managers Report. Copies of the Product Disclosure Statement & Financial Services Guide were tabled and offered to those present.

b) A building insurance valuation report be obtained and for the cover to be arranged for the valuation amount as soon as practicable, and that the Manager arrange alternative quotes and if the current insurer is not the best priced, owners vote by ballot to select the best insurer before the next renewal of the policy.

**The current insurance is summarised here;**

Policy No. 16523

QBE Insurance (Australia) Limited

Type : Residential Strata

Broker : CHU

Premium : \$8,189.85 Paid on : 06/07/2020 Start : 15/08/2020 Next due : 15/08/2021

<b>Cover</b>	<b>Sum Insured</b>	<b>Excess</b>
Building	\$4,166,154.00	\$500.00
Public Liability	\$20 Million	\$0.00
Office Bearers Liability	\$100,000.00	\$0.00

c) The owner(s) causing/making an insurance claim pay the insurance excess that applies at that time.

Owners are reminded that the Owners Corporation insurance does not cover any contents (items such as carpets and light fittings); owners must choose their own insurers for contents, legal liability on private property and/or landlords insurance.

**6 GARDENING MATTERS**

Resolved that the gardening and mowing arrangements continue as last year.

In summary the arrangements are; that owners maintain the garden beds immediately adjoining their unit; the Owners Corporation will arrange a contractor to mow 12 times a year and complete other gardening (pruning and weeding) twice a year. Additionally, the mowing contractor be requested to clear a strip of grass to provide walking access from the rear gate to the creek, 3-4 times a year.

**7 MAINTENANCE MATTERS**

Resolved that

a) owners to advise the Manager of any safety issues that require repair or maintenance.

b) the Committee be delegated to determine maintenance priorities and obtain quotes for the works and utilise the available funds and strike levies in accordance with the powers allowed by the Owners Corporation Act. In particular, the quote discussed at the meeting to repair the south boundary fence that adjoins common property for \$836 and; repair of the rear gate and the supply and installation of a new keypad security lock for the rear gate (owners & residents will be provided the code in due course) and; a working-bee to re-stain the front boundary fence will be arranged (within the applicable restrictions) later this year.

c) The Manager to advise Unit 8 of specific building and rear yard maintenance issues pertaining to Unit 8, which require attention.

**8 BUDGET & FEES**

Resolved that the proposed Admin Fund budgeted fees be increased a little to better cover some increased maintenance discussed at this meeting to \$14,950.00 and Maintenance Fund budgeted fees of \$1,950.00 as circulated with the Notice of Meeting and allocated according to lot liability, be accepted for the year commencing 1/7/2020, fees are due Six-monthly, on the first day of each July and January.

As fees for 1/7/2020 to 31/12/2020 have been paid and adjustment for Admin Fund fee for this period will be due 1/1/2021 of \$45/unit.

**9 INTEREST ON FEES IN ARREARS**

Resolved that the Owners Corporation charge interest at the rate set under the Penalty Interest Rate Act 1963 or less and is subject to change on all debts in accordance with the Owners Corporations Act 2006 and to be implemented with a grace period; a reminder letter and as practicable by the Manager. Applications to waive interest can only to be considered at the Annual General Meeting, applications need to be in writing and provided before the meeting.

**10 COST RECOVERY**

Resolved that

- a) the Owners Corporation may recover as a debt due from the person in default or breach the costs, charges and expenses incurred by the Owners Corporation arising out of any default or breach by any lot owner, or occupier of a lot, of any obligation under the Owners Corporations Act 2006 or Owners Corporation Regulations 2007 or the Rules of the Owners Corporation. This includes all administrative fees charged to the Owners Corporation by the Manager and all legal fees incurred as a result of the failure to pay fees, levies and charges due.
- b) The Manager and/or the Committee of the Owners Corporation shall have the power to appoint a lawyer to act on behalf of the Owners Corporation in relation to any debt recovery action taken.

**11 COMMITTEE ELECTION AND DELEGATIONS**

Resolved that

- a) all Committee positions be declared vacant and the nominations of Anthony Boril, Jackie Spraggon and Peter Hearn be accepted as Committee Members.
- b) All powers and functions of the Owners Corporation, allowable by the Act, be delegated to the Committee to enable the Committee to conduct the business of the Owners Corporation until the next Annual General Meeting.
- c) The Committee be appointed as the Dispute Resolution/Grievance Committee to deal with all matters in relation to Part 10 of the Owners Corporations Act (2006) and Model rules.

There being no further business, Peter Hartley thanked those present for their attendance and contributions, then declared the meeting closed at 8:35 PM.

# Rate and Valuation Notice 2020-2021



Tax Invoice

ABN 49 454 768 065

Rates and charges for the period  
1 July 2020 to 30 June 2021



Hearn Property Pty Ltd  
C/- Hodges Mentone  
44 Florence Street  
MENTONE VIC 3194

Notice date: **14/08/2020**

Frankston City Council  
PO Box 490  
FRANKSTON VIC 3199  
Phone: 1300 322 322  
info@frankston.vic.gov.au  
frankston.vic.gov.au



031  
1031683  
R4\_6085

Assessment No./Reference No. **0000328 3**

Ward: **North-West**

## Property details

12/44-45 Nepean Highway, Seaford 3198  
Lot 12 SP 24612

Australian Valuation Property Classification Code:  
120 : Single Strata Unit/Villa Unit/Townhouse

Date of valuation: 1/01/2020

Site Value (SV): \$215,000

\*Capital Improved Value (CIV): \$425,000

Net Annual Value (NAV): \$21,250

Valuation Effective Date: 1/07/2020

\*Capital Improved Value includes land and any improvements

## Financial details

Declared on: 1 June 2020

General Rate	0.002326 cents in \$ on \$425,000	\$988.55
Municipal Charge		\$166.40
Garbage Charge 80L @ \$317.70	\$317.70 x 1	\$317.70

If you're experiencing payment difficulty, there may be additional ways we can assist. Please visit Council's website for payment options

## Victorian Government charges

Fire Services Category - Residential \$113.00 + (0.000054 X \$425,000) \$135.95  
Garbage Charges include the State Government Imposed Landfill Levy



For email notices:  
frankston.enotices.com.au  
Reference No: **D1256D8BBI**

This notice does not include any adjustments/payments made after **07/08/2020**  
Interest is charged at 10% per annum on all overdue payments —  
interest rate is set by the Attorney-General of Victoria

ARREARS (if any)	1st INSTALMENT	2nd INSTALMENT	3rd INSTALMENT	4th INSTALMENT	TOTAL DUE
	\$402.60	\$402.00	\$402.00	\$402.00	\$1,608.60
Due immediately	Due 30/09/2020	Due 30/11/2020	Due 28/02/2021	Due 31/05/2021	
By application only, nine monthly direct debit payments visit: frankston.vic.gov.au	30/09/2020 \$184.60 31/10/2020 \$178.00 30/11/2020 \$178.00	31/12/2020 \$178.00 31/01/2021 \$178.00 28/02/2021 \$178.00	31/03/2021 \$178.00 30/04/2021 \$178.00 31/05/2021 \$178.00		

## How to pay



### Online

Using a Visa, Mastercard or debit card via Council's website.

Visit: frankston.vic.gov.au



### BPAY

Contact your participating financial institution to pay from your cheque, savings or credit card account.  
Visit: bpay.com.au

Billier Code: 1966  
Ref: 00003283



### Phone or Post Billpay

Using a Visa, Mastercard or debit card.

Phone: 1300 721 138  
Ref: 00003283  
or

By Post Billpay: 13 18 16  
Billpay Code: 0760  
Ref: 00003283

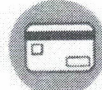


### Centrelink

Deducted from your Centrelink payments.

Learn more: centrelink.gov.au

CRN: 555014543H  
Ref: 00003283



### Direct Debit

By application to council only, for more information please visit: frankston.vic.gov.au



### Mail

Attach cheque or money order to this portion of your notice and post to:

Frankston City Council  
PO Box 490  
Frankston 3199

Receipts not issued for mail payments



### In Person

By cash, cheque, money order, EFTPOS or Credit Card (Visa or Mastercard).

Present this notice with payment at any Council Customer Service Centre.

Find your nearest location: frankston.vic.gov.au

Payments (Visa/MasterCard) &amp; account balances:

[southeastwater.com.au](http://southeastwater.com.au) or call 1300 659 658

Account enquiries:

[southeastwater.com.au/enquiries](http://southeastwater.com.au/enquiries) or call 131 851

Mon-Fri 8am to 6pm

Faults and emergencies (24/7):

[live.southeastwater.com.au](http://live.southeastwater.com.au) or call 132 812

Interpreter service:

For all languages 9209 0130

TTY users 133 677 (ask for 131 851)

 Hearn Property P/L  
 44 Florence St  
 MENTONE VIC 3194

Account number: 27063355

Date due: 7 October 2020

Last bill	Payments received	Balance	Current charges	Total due
\$146.35	- \$146.35cr	\$0.00	+ \$223.65	\$223.65

### Your account breakdown

Issue date	22 September 2020
Property	FLAT 12 44 NEPEAN HIGHWAY SEAFORD VIC 3198
Property reference	51B//09991/514
Group account number	3225414
Last bill	\$146.35
Payment received	\$146.35cr
Balance brought forward	\$0.00
Our charges (no GST)	\$118.55
Other authorities' charges (no GST)	\$105.10
<b>Total due</b>	<b>\$223.65</b>

### Your snapshot

Average daily cost

**\$1.30**

### Important note:

We're keeping our bills stable in 2020-21. Full details on prices and charges at

[southeastwater.com.au/residentialprices](http://southeastwater.com.au/residentialprices)

This bill may seem more as it includes the annual parks charge. The state government uses it for the upkeep of parks, gardens, zoos and the Shrine.

### Payment options


**Direct debit**

 Set up payments at [mysoutheastwater.com.au](http://mysoutheastwater.com.au)

**BPAY® (Up to \$20,000)**

Biller code: 24208

Ref: 1002 7063 3500 008


**Credit card**

 Pay by Visa or MasterCard at [southeastwater.com.au](http://southeastwater.com.au) or call 1300 659 658

**Cheque**

 Mail a cheque with this portion of your bill to:  
 South East Water, GPO Box 2763 Melbourne VIC 3001

**Postbillpay**

Billpay Code: 0361

Ref: 1002 7063 3500 008

Call 131 816

 Visit: [postbillpay.com.au](http://postbillpay.com.au)

Or visit an Australia Post store.


**Centrepay**

 Arrange regular deductions from your Centrelink payments visit [humanservices.gov.au/centrepay](http://humanservices.gov.au/centrepay) CRN:555 050 397J

**Total due:**
**\$223.65**
**Account number:**
**27063355**
**Date paid:**
**Receipt number:**

 Property ref: 51B//09991/514  
 FLAT 12 44 NEPEAN HIGHWAY  
 SEAFORD VIC 3198


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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](https://consumer.vic.gov.au/duediligencechecklist) (consumer.vic.gov.au/duediligencechecklist).

## Urban living

### Moving to the inner city?

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

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

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

## Growth areas

### Are you moving to a growth area?

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

## Flood and fire risk

### Does this property experience flooding or bushfire?

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

## Rural properties

### Moving to the country?

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

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

### Can you build new dwellings?

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

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

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

## Soil and groundwater contamination

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

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

(04/10/2016)

## **Land boundaries**

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

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

## **Planning controls**

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

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

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

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

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

## **Safety**

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

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

## **Building permits**

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

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

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

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

## **Utilities and essential services**

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

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

## **Buyers' rights**

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

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