Buyer Searches List –

Residential Contracts including Community Title

**Please see the Buyer Letter and Booklet for more information, including circumstances where it might be necessary to order additional standard and optional searches having regard to the nature and location of the Property, special conditions, obligations attached to the Property and your proposed use of the Property in order to ensure that your rights are protected.**

| **Please complete and return as soon as possible and by no later than: 27 May 2020** |
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# Standard searches – All conveyances

| **Buyers risk/concern** | **Rights** | **Suggested timing** | **Approx.  cost** | **Search required (tick response)** |
| --- | --- | --- | --- | --- |
| **Title Investigations**  **Current title search** | Termination – (if material defect).  Compensation – (if material or immaterial defect and Buyer gives notice prior to settling).  Termination or damages – (if warranties inaccurate) including that the Seller must be the registered owner at the time of settlement. | Now + settlement date | $25.30  /search | Standard  **We will require  these searches in order to properly advise you on  the Contract and  your rights**. |
| **Registered plan** | Now | $26.84 |
| **Registered encumbrances (e.g. easements), interests and administrative advices**  Real property description, title reference, encumbrances, registered leases, location of land, caveats, lot entitlement, by-laws, details of progressive development of the scheme, administrative advices. |  |  |
| **Department of Environment and Science**  Determine if land is on the Environmental Management Register or Contaminated Land Register. \*  ***\**Note**:This search does not provide all the information under the *Environmental Protection Act 1994* (Qld) that could potentially give rise to a statutory right of termination*.* | Termination or compensation under Contract if Seller fails to disclose notifiable activity or other circumstances that may lead to classification as contaminated.  Termination must be exercised at least two business days prior to settlement.  Claim for compensation must be made prior to settlement.  Under statute, if Property is on one of the applicable registers a Buyer may terminate if the Seller does not give disclosure before agreeing to sell. Termination must be exercised prior to settlement or possession, whichever is the earlier, or, if the Seller makes disclosure after the Contract, within 21 business days of the Seller’s notice. | Now | $52.10 (online) | Standard  Yes  No |
| **Land Tax**  Whether there are any outstanding amounts payable for land tax (which may become payable by the Buyer). | Arrears of land tax are a defect in title which allows termination if not paid at settlement.  Note that the commissioner may issue a notice requiring a Buyer to pay part of the purchase price equal to the unpaid land tax directly to the commissioner*.* | Contract signed | $40.60 | Standard  Yes  No |
| **Qld Transport and Main Roads**   * Roads * Port authority (only if on the river) * Rail   Current proposals, resumption information for roads, ports and rail.  (Queensland Transport will not provide information on proposals for resumptions not currently approved) | Termination under Contract (at any time before settlement) if a current proposal in relation to ‘transport infrastructure’ that affects the land | Contract signed  (takes 12 Business Days) | $33.60 | Standard  Yes  No |
| **Local government enquiries**  Set out below are some of the enquiries available through the local government | Enquiries may provide termination under Contract (at any time before settlement) if:   * Use of Property is unlawful; * Services pass unlawfully over land. |  |  |  |
| **● Rates search**  Rates information.  Outstanding infrastructure charges will not generally be shown in a rates search. For details of outstanding infrastructure charges, a planning and development certificate must be obtained.  A rates search may show outstanding notices issued and required to be disclosed under Local Law 17. However, the rates search may not fully show whether other Local Law 17 disclosure or maintenance obligations apply.  Additional investigations are necessary. See the Report for more detail. | Allows for adjustment in accordance with  the Contract  **Gold Coast City Council Local Law 17** (Maintenance of Works in Waterway Areas)  If the Property is in the Gold Coast City Council local government area, disclosure obligations and/or ongoing maintenance obligations may apply. | Contract signed  (takes 12 Business Days) | $144.00 | Standard  Yes  No |
| **● Town planning search**  (Limited) (Only standard recommendation if not in a Community Titles Scheme)  Town planning information (zoning, use, future use), summary of the provisions of planning scheme and regulatory provisions applying, any designations applying to the premises and information from infrastructure charges register.  May show if the Property cannot be used as intended. | See above | Contract signed | $236.00 | Standard  Yes  No |
| **● Sewerage and drainage plans**  Position of sewerage and drainage pipes.  May show if parts of the Property cannot be used as intended. | See above | Contract signed | $24.10 (often included  in rates search)  $45.00 (drainage plan only) | Standard  Yes  No |
| **● Building Notices Search**  (Property Notices Search in BCC)  Information about show cause and enforcement notices | Termination under Contract prior to settlement if a notice has issued prior to the Contract Date. | Contract signed | $83.65 (often included  in standard rates search) | Standard  Yes  No |
| **QCAT Tree Register and minor civil dispute (fences) searches** | Termination prior to settlement under statute if Seller doesn’t give a copy of any tree application or order prior to Contract.  Termination under Contract may also be possible |  |  |  |
| **Online search for tree orders**  Details of orders in relation to trees on the Property under the *Neighbourhood Disputes (Dividing Fences and Trees) Act 2011* (Qld) | Now and preferably also a second search just prior to settlement | Free | Standard (plus also  standard over common property  if Property  is in a community titles scheme)  Yes  No |
| **QCAT records for tree applications and dividing fences applications and orders**  Details of applications and orders in relation to trees and fences on the Property under the *Neighbourhood Disputes (Dividing Fences and Trees) Act 2011* (Qld)*.* | Now and preferably also a second search just prior to settlement  (if possible having regard to length of time to receive physical searches) | $18.20 | Standard (plus also  standard over common property  if Property  is in a community titles scheme)  Yes  No |
| **Energex/Ergon**   * If the Property is connected under normal tariff conditions; * if the Property is connected under guarantee conditions and the amount of the guarantee; * if the Property is not connected  upon what conditions it may be connected; * whether there are any underground cables running through the Property. | If easement over cables is undisclosed:   * termination under Contract if material; * compensation may be claimed (before settlement) if material (where Buyer doesn’t terminate) or immaterial.   No right if easement is a proposed easement. | Contract signed  (takes 14 Business Days) | Energex $51.00  Ergon $27.45 | Standard  Yes  No |
| **Court Registers**  **Supreme, District and Federal Courts and QCAT**  Shows:   * if an action has been commenced  by or against the Seller; * the nature of any action commenced; * copies of all originating summons, interlocutory proceedings, orders, appeals, bills of costs and writs. | Termination under Contract if there is an unsatisfied judgment, order or writ issued affecting the Property, including where Seller is bankrupt | Contract signed | Free | Standard  Yes  No |
| **Bankruptcy register**  The bankruptcy register should provide information concerning name of bankrupt, dates of bankruptcy, and orders. | Termination under Contract if Seller is bankrupt. | Contract signed | $15.00 | Standard  Yes  No |
| **Telco search**  Major telecommunication network cables (including Optic Fibre) belonging to Telstra, Optus, UEComm, AAPT and PowerTel and other providers that pass through the Property and information on communications network that may impact on the Property. | No contractual termination rights. | Now | $112.00 | Standard  (although unlikely  to be relevant  for a community  titles scheme)  Yes  No |
| **Personal Property  Securities Register**  Details of any personal property affected by a registered security interest – important as assets you may be buying could be repossessed | Seller contractually sells the Property (Land, improvement and chattels) free from encumbrances other than those disclosed. If a security interest is not released at settlement by delivery of a Release and Undertaking to Amend the register then it may entitle termination. | Now +  settlement date | $4.80/ search | Standard  (if personal  property forms  part of the  transaction and advisable even  if it does not)  Yes  No |
| **Mining and other  geothermal tenures (online)**  Details of mining, petroleum, gas storage or geothermal tenures granted  **Note**: access agreements with holders  of mining, petroleum, gas and other geothermal tenures on the land or on adjoining property are binding on successors in title. These agreements  will not appear on the register and inquiries should be made of the Seller | No contractual termination rights (unless an access agreement). | Contract signed | Free | Standard  (if in known mining  or gas area, but otherwise optional)  Yes  No |
| **Australian Securities and Investment Commission** (if corporate Seller or Buyer) | Termination under Contract if a breach  of a warranty |  |  |  |
| **Company search**  Details of Seller corporation including directors, ABN | Now + settlement date | $13.20 / search | Standard:  Yes  No |
| **Organisation and Business Names search**  Organisation name, ABN, type of company, registration date and •whether the organisation holds a professional licence or registration. | Now | Free | Standard:  Yes  No |
| **Pool Safety Register**  This search shows whether there is:   * a pool on the land; * a current pool safety certificate for the Property; * a revocation notice for a pool safety certificate under s 246AG *Building Act 1975* (Qld). | If there is a pool on the land and no pool safety certificate was given at Contract, the Contract is subject to the Buyer being satisfied that a pool safety certificate can be issued. The Buyer, acting reasonably may terminate if no pool safety certificate issues prior to the Pool Safety Inspection Date under Contract.  If there is a revocation notice under s 246AG *Building Act 1975* (Qld)issued prior to Contract, Buyer may terminate. | Now | Free | Standard  Yes  No |
| **Transport Noise Corridor Search**  If the Property is in a noise corridor, the [Queensland Development Code](http://dlgp.qld.gov.au/resources/laws/queensland-development-code/current-parts/mp-4-4-buildings-in-transport-noise-corridors.pdf) requires buildings to achieve certain levels of noise mitigation through the use of appropriate materials for the floor, walls, roof, windows and doors where they are located in the corridor. | No contractual termination rights if the Property is in a noise corridor. | Now  (A search should be undertaken early in the conveyance so that a Buyer can exercise other termination rights if necessary.) | Free | Standard  Yes  No |

# Optional searches – All conveyances

| **Buyers risk/concern** | **Rights** | **Suggested timing** | **Approx. Cost** | **Search required (tick response)** |
| --- | --- | --- | --- | --- |
| **Computer Inventory of Survey  Plans search (Radial search)**  (available from Department of Natural Resources, Mines and Energy or its distributors)  May point to previous surveys which can then be obtained | Termination under Contract if material defect  Compensation if Buyer completes and defect material or immaterial. Claim for compensation must be notified prior to settlement. | Contract signed | $50.00 | Optional  Yes  No |
| **Queensland Building and Construction Commission**  Details of insurance cover for the Property | No contractual termination rights. | Contract signed | $46.75 | Optional  Yes  No |
| **Vegetation Management (State)**  Details of:   * requirements under the *Vegetation Management Act 1999* (Qld) for clearing vegetation * whether land is high risk and clearing is subject to protected plants framework under *Nature Conservation Act 1992* (Qld) | No contractual termination rights. | Contract signed | Free | Optional (but advisable if Property is being purchased for development)  Yes  No |
| **Protected Plants (State)** (Search in Department of Environment and Heritage Protection)  Details of high risk areas for protected plants. | No contractual termination rights. | Contract signed | Free | Optional (but advisable if Property is being purchased for development)  Yes  No |
| **Local government Enquiries**  ● Special **water meter reading** | No contractual termination rights. Results may be used for adjustment under clause 2.6.  Allows for adjustment in accordance with  the Contract (particularly prevents liability  for large water costs if leak has occurred  or other high usage) | Contract signed  (takes 14 days) | $49.00 | Optional  Yes  No |
| **● Town planning (standard)**  As per limited town planning advice above, however additional information obtained will generally only be relevant for future development or checking compliance of existing development  Per limited search (see above) plus copy of decision notices for current and declined development approvals and copy of infrastructure agreements.  See Booklet regarding circumstances where this search might be necessary to reveal obligations attached to the Property which could be significant. | Termination under Contract (at any time before settlement) if outstanding development approval condition which, if complied with, would constitute a material mistake or omission in Seller's title (e.g., requirement for grant of easement). | Contract signed  (takes 12 Business Days) | $826.00 | Optional (but advisable if  you intend to develop  or need to check development is compliant)  Yes  No |
| **● Town planning (full)**  As per standard town planning advice above, however Council will be bound by the information provided in the certificate which can provide additional protection if you are considering future development  Per standard search (see above) plus statement re fulfilment or non-fulfilment of any current development conditions, details of infrastructure agreements, advice of prosecutions for development offences.  See Booklet regarding circumstances where this search might be necessary to reveal obligations attached to the Property which could be significant. | Termination under Contract (at any time before settlement) if outstanding development approval condition which, if complied with, would constitute a material mistake or omission in Seller's title (e.g., requirement for grant of easement). | Contract signed (takes 30 Business Days) | Contact us for a quote. May cost between $3,000.00 and $6,000.00 | Optional (but advisable if  you intend to develop  or need to check development is compliant)  Yes  No |
| **● Building approval search**  Details of building approvals and inspections | No contractual termination rights for lack of building approvals. | Now | Building records $83.65 | Optional (but advisable if  you intend to build  or renovate)  Yes  No |
| Inspection search $83.65 |
|  |
| **● Health Department search**  Whether the Property is registered with the Health Department and any contraventions | No contractual termination rights. | Contract signed | TBA, if required | Optional (but advisable if business conducted)  Yes  No |
| **● Heritage search**  Whether Property listed on heritage register or any heritage agreements in existence | Contractual termination right (ay any time before settlement) if listed on register or is affected by *Queensland Heritage Act 1992* (Qld) | Contract signed | Search  City Plan | Optional (relevant if  building more than 50 years old)  Yes  No |
| **● Online Planning and Development System search** (availability depends on Local Government area)  Some Local Governments provide free online searches that provide some, but not necessarily all, Development Application materials and decisions. The information may not be complete and is not warranted by Council.  The information shows applications (whether approved or not) and approvals and may include development conditions that run with the land (i.e. bushfire management plans and other ongoing conditions  of approval). | Potential termination under Contract (at any time before settlement) if outstanding development approval condition which, if complied with, would constitute a material mistake or omission in Seller's title (e.g., requirement for grant of easement). | Contract signed | Free | Optional (but advisable, particularly if a standard or full town planning search is not being conducted or development is intended)  Yes  No |
| **● Flood search**  (Brisbane City Council has online  flood search and State Government Flood Checker has historical data)  Whether the Property has flooded  and the level of the last flood | No contractual termination rights. | Now | Free in  most areas | Optional  (but advisable if  land located near a waterway or in a flood prone area or you intend to build on land)  Yes  No |
| **● Vegetation Protection Orders**  Details of whether vegetation on the Property is protected vegetation or subject to an order  (Brisbane this is under Natural Assets Local Law) | No contractual termination rights. | Contract signed | Free | Optional  (but advisable for purchase of properties near waterways, bushland or is rural to be developed)  Yes  No |
| **Powerlink**  Information concerning the Authority’s future interest in the Property, easements and transmission lines | If easement over cables is undisclosed:   * termination under Contract if material; * compensation may be claimed (before settlement) if material (where Buyer doesn’t terminate) or immaterial.   No right if easement is a proposed easement. | Contract signed | $56.00 | Optional (generally only necessary for large rural or commercial properties)  Yes  No |
| **Coastal Development Approval (Historical Tidal Works Approvals)**   * historical tidal works approvals issued prior to 18 November 2005; * the date of any approval issued * nature of the works approved. | No contractual termination rights. | Contract signed | Free (to identify approvals through Queensland Globe) | Optional  (advisable if the Property has a jetty  or other construction over water)  Yes  No |
| $158.70 (copy of approval) |
| $22.65 (per plan) |
| **Coastal management search**  Whether the land is within a coastal management control district or an erosion-prone area and therefore the provisions of the *Coastal Protection and Management Act 1995* (Qld) applies | No contractual termination rights.  Right to terminate under *Coastal Protection and Management Act 1995* (Qld) – requires notice at least 14 days prior to settlement of an undischarged coastal protection notice under s 59 or an undischarged tidal works notice under s 60. | Contract signed | Free | Optional  (if Property is  located in a coastal area (beach or harbour area) this search is advisable)  Yes  No |
| **World heritage list**  Whether Property listed on the  heritage list. | Termination under Contract (at any time before settlement) if on World Heritage List  or affected by *Queensland Heritage Act 1992* (Qld). | Now | Free | Optional  Yes  No |
| **National heritage listing**  Information on indigenous, natural and historic sites on the register | Termination under Contract (at any time before settlement) if on World Heritage List  or affected by *Queensland Heritage Act 1992* (Qld). | Contract signed | Free | Optional  Yes  No |
| **Queensland Heritage Register search**  Whether Property is listed on heritage register or any heritage agreements in existence | Termination under Contract (at any time before settlement) if affected by *Queensland Heritage Act 1992* (Qld). | Contract signed | $43.70 | Optional  Yes  No |
| **ATSI Cultural Heritage Register  and Database**  (DNRM)  Whether Property listed on heritage register or any heritage agreements  in existence | No contractual termination rights. | Contract signed | Free | Optional  Yes  No |
| ***Environment Protection and Biodiversity Conservation Act 1999* (Cth)**  Information about protection of world and national heritage places, wetlands of international importance, biodiversity conservation, threatened and migratory species, marine areas  and parks and nuclear actions | No contractual termination rights. | Now | Free | Optional (but advisable if buying vacant land for development)  Yes  No |
| **Unexploded Ordnance (UXO) (Department of Defence)**  Details of whether a site may have potential UXO contamination. | No contractual termination rights. | Contract signed | Free | Optional (generally only necessary for non-urban properties)  Yes  No |
| **Fish Habitats (Department of National Parks, Sport and Racing)**  Details of whether a site may be affected by a declared fish habitat area (which may limit coastal development) | No contractual termination rights | Contract signed | Free | Optional  (if Property is  located in a coastal area (beach or harbour area) this search is advisable)  Yes  No |
| **Biosecurity Act - Register of Prohibited Matter and Restricted Matter Permits**  Details of biosecurity risks present on property | No contractual termination rights. | Contract signed | $49.65 | Optional  (if Property is  located in an agricultural area this search is advisable)  Yes  No |
| **Dial before you Dig**  Shows the presence of infrastructure on the Property | Termination – (if material defect).  Compensation – (if claimed before settlement and defect is material, where Buyer doesn't terminate, or immaterial).  Termination or damages – (if any warranties inaccurate). | Contract signed | Free | Optional  Yes  No |
| **Inland Rail**  **(www.inlandrail.artc.com.au/route)**  Details of inland rail freight line. | Termination under Contract (at any time before settlement) if a current proposal in relation to ‘transport infrastructure’ that affects the land. | Contract signed | Free (although further enquiries and costs may be necessary if Property is directly affected or is in proximity to line) | Optional (but advisable if Property is located in SEQ Queensland between Goondiwindi and Brisbane)  Yes  No |

# Buyer/Seller arranged searches – strongly advised to obtain

| **Buyers risk/concern** | **Rights** | **Suggested timing** | **Approx. Cost** | **Search required (tick response)** |
| --- | --- | --- | --- | --- |
| **Survey**  Identify the boundaries of the land, the area and location of improvements. | Termination under Contract if material defect  Compensation under Contract if Buyer completes and defect material or immaterial. Claim for compensation must be notified  prior to settlement. | Contract signed | Depends on surveyor engaged by you | Optional  (although you are strongly advised to obtain a survey)  **You must** arrange  a surveyor to conduct a survey,  if you choose to |

| | Please complete, sign and return as soon as possible. | | --- | | By signing and returning this form, you acknowledge that:  1. We have advised you to undertake all applicable standard searches;  2. Failure to undertake standard searches may (amongst other things):  a. mean that rights of termination and compensation are not identified;  b. defects in the Property, or the title to it, may not be identified; and  c. result in loss or cause additional expense to you as Buyers;  3. You instruct us to undertake the Optional searches marked – ‘Yes ’; and  4. You acknowledge that you will incur additional search costs and may (depending  on our fee arrangements) incur additional legal fees in carrying out the Optional Searches selected. |
| --- | --- | --- |

| **Signed** |  |  | **Signed** |  |
| --- | --- | --- | --- | --- |
| Client 1 Name | Matthew Vigilanti |  | Client 2 Name |  |
| Client 1 Signature |  |  | Client 2 Signature |  |

Further Information – Notes for Author

* To access Searches on this list, please refer to the Link to Searches document in the pack. All links and references are subject to change. Practitioners should make their own enquiries to determine whether the links have been updated. Different local authority areas and regions may have different options for ordering searches and may provide different information in their search results. If in doubt, please contact the relevant authority for assistance.
* **Land tax search** – Refer *Taxation Administration Act 2001* (Qld).
* **Local Government - Building Notices Search** *-* show cause and enforcement notices are issued under *s 247 and s 248 Building* *Act 1975* (Qld) or s167 and 168 *Planning Act 2016* (Qld).
* ***QCAT Search for fences and trees*** - applications and orders in relation to trees and fences on the Property are issued under the *Neighbourhood Disputes (Dividing Fences and Trees) Act 2011* (Qld).
* ***QCAT Tree Register and minor civil dispute fence decision searches*** - QCAT Tree Register and minor civil dispute fence decision searches.
* ***Mining and other geothermal tenures Search*** - Refer s 185(1)(h),(i),(j) *Land Title Act 1994* (Qld)regarding access agreements with holders of mining, petroleum, gas and other geothermal tenures on the land or on adjoining property being binding on successors in title.
* ***Transport Noise Corridor Search*** – See Queensland Development Code (QDC) Mandatory Part (MP) 4.4.
* ***Queensland Building and Construction Commission Search*** - refer the *Queensland Building and Construction Commission Act 1991*(Qld).
* ***Coastal Development Approval Search*** – refer to s 86 of the *Harbours Act 1955* (Qld)(now part of the *Transport Infrastructure Act 1994* (Qld)).
* ***Title search of common property*** ***Search*** – Right of termination under s 209 *Body Corporate and Community Management Act 1997* (Qld) for undisclosed Body Corporate Asset
* ***Body Corporate Records Search*** and ***Form 13 Information Certificate*** – For inaccuracy in Disclosure Statement – see s 209 (existing lot) *Body Corporate and Community Management Act 1997* (Qld)*;* For breach of implied warranty - see s 224 *Body Corporate and Community Management Act 1997* (Qld).
* ***Body Corporate Orders (Form 3 BCCM) from Body Corporate Commissioner Search*** – For compensation where order issued prior to Contract, note cl 7.4(4)

