

South Australia

Land and Business (Sale and Conveyancing) (Planning, Development and Infrastructure) Variation Regulations 2021

under the *Land and Business (Sale and Conveyancing) Act 1994*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Land and Business (Sale and Conveyancing) Regulations 2010*

- 4 Variation of regulation 8—Sale of land—form of vendor's statement
- 5 Variation of Schedule 1—Contracts for sale of land or businesses—forms
- 6 Variation of Schedule 3—Contracts for sale of land or businesses—inquiries

Schedule 1—Transitional provision

- 1 Transitional provision
 - 2 Attachment for section 7 vendor's statement
 - 3 Attachment for section 8 vendor's statement
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Land and Business (Sale and Conveyancing) (Planning, Development and Infrastructure) Variation Regulations 2021*.

2—Commencement

These regulations come into operation on 19 March 2021.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Land and Business (Sale and Conveyancing) Regulations 2010*

4—Variation of regulation 8—Sale of land—form of vendor's statement

Regulation 8(b)(ii) and (iii)—delete subparagraphs (ii) and (iii) and substitute:

- (ii) heading "5. Repealed Act conditions" and item 5.1;
- (iii) heading "24A. *Planning, Development and Infrastructure Act 2016*" and items 24A.1 and 24A.2;

5—Variation of Schedule 1—Contracts for sale of land or businesses—forms

- (1) Schedule 1, Form 1, Schedule, Division 1, Table of particulars, instructions at head of table, second instruction, (b) and (c)—delete paragraphs (b) and (c) and substitute:

- (b) *the heading "5. Repealed Act conditions" and item 5.1; and*
- (c) *the heading "24A. Planning, Development and Infrastructure Act 2016" and items 24A.1 and 24A.2,*

- (2) Schedule 1, Form 1, Schedule, Division 1, Table of particulars—after item 24.1 insert:

24A. Planning, Development and Infrastructure Act 2016

24A.1	Part 5—Planning and Design Code	<i>Is this item applicable?</i>	<input type="checkbox"/>
	<i>[Note—</i>	<i>Will this be discharged or satisfied prior to or at settlement?</i>	[]
	<i>Do not omit this item. The item and its heading must be included in the statement even if not applicable.]</i>	<i>Are there attachments?</i>	[]
		<i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	
		Title or other brief description of zone, subzone and overlay in which the land is situated (as shown in the Planning and Design Code):	
		Is the land situated in a State Heritage place?	[]
		Is the land designated as a place of local heritage value?	[]
		Is there a tree declared to be a significant tree or a stand of trees declared to be significant trees on the land?	[]

**Land and Business (Sale and Conveyancing) (Planning, Development and Infrastructure) Variation
Regulations 2021**

Variation of *Land and Business (Sale and Conveyancing) Regulations 2010*—Part 2

		Is there a current amendment to the Planning and Design Code released for public consultation by the State Planning Commission on which consultation is continuing or on which consultation has ended but whose proposed amendment has not yet come into operation? []	
24A.2	section 127—Condition (that continues to apply) of a development authorisation <i>[Note— Do not omit this item. The item and its heading must be included in the statement even if not applicable.]</i>	<i>Is this item applicable?</i> <i>Will this be discharged or satisfied prior to or at settlement?</i> <i>Are there attachments?</i> <i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	<input type="checkbox"/> [] []
		Date of authorisation: Name of relevant authority that granted authorisation: Condition(s) of authorisation:	
24A.3	section 139—Notice of proposed work and notice may require access	<i>Is this item applicable?</i> <i>Will this be discharged or satisfied prior to or at settlement?</i> <i>Are there attachments?</i> <i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	<input type="checkbox"/> [] []
		Date of notice: Building work proposed (as stated in the notice): Other building work as required pursuant to the Act:	
24A.4	section 140—Notice requesting access	<i>Is this item applicable?</i> <i>Will this be discharged or satisfied prior to or at settlement?</i> <i>Are there attachments?</i> <i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	<input type="checkbox"/> [] []
		Date of notice: Name of person requesting access:	

Land and Business (Sale and Conveyancing) (Planning, Development and Infrastructure) Variation Regulations 2021

Part 2—Variation of *Land and Business (Sale and Conveyancing) Regulations 2010*

		Reason for which access is sought (as stated in the notice):	
		Activity or work to be carried out:	
24A.5	section 141—Order to remove or perform work	<i>Is this item applicable?</i>	<input type="checkbox"/>
		<i>Will this be discharged or satisfied prior to or at settlement?</i>	[]
		<i>Are there attachments?</i> <i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	[]
		Date of order:	
		Terms of order:	
		Building work (if any) required to be carried out:	
		Amount payable (if any):	
24A.6	section 142—Notice to complete development	<i>Is this item applicable?</i>	<input type="checkbox"/>
		<i>Will this be discharged or satisfied prior to or at settlement?</i>	[]
		<i>Are there attachments?</i> <i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	[]
		Date of notice:	
		Requirements of notice:	
		Building work (if any) required to be carried out:	
		Amount payable (if any):	
24A.7	section 155—Emergency order	<i>Is this item applicable?</i>	<input type="checkbox"/>
		<i>Will this be discharged or satisfied prior to or at settlement?</i>	[]
		<i>Are there attachments?</i> <i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	[]
		Date of order:	
		Name of authorised officer who made order:	
		Name of authority that appointed the authorised officer:	
		Nature of order:	
		Amount payable (if any):	

**Land and Business (Sale and Conveyancing) (Planning, Development and Infrastructure) Variation
Regulations 2021**

Variation of *Land and Business (Sale and Conveyancing) Regulations 2010*—Part 2

24A.8	section 157—Fire safety notice	<p><i>Is this item applicable?</i> <input type="checkbox"/></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>Date of notice:</p> <p>Name of authority giving notice:</p> <p>Requirements of notice:</p> <p>Building work (if any) required to be carried out:</p> <p>Amount payable (if any):</p>
<hr/>		
24A.9	section 192 or 193—Land management agreement	<p><i>Is this item applicable?</i> <input type="checkbox"/></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>Date of agreement:</p> <p>Names of parties:</p> <p>Terms of agreement:</p>
<hr/>		
24A.10	section 198(1)—Requirement to vest land in a council or the Crown to be held as open space	<p><i>Is this item applicable?</i> <input type="checkbox"/></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>Date requirement given:</p> <p>Name of body giving requirement:</p> <p>Nature of requirement:</p> <p>Contribution payable (if any):</p>
<hr/>		
24A.11	section 198(2)—Agreement to vest land in a council or the Crown to be held as open space	<p><i>Is this item applicable?</i> <input type="checkbox"/></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>Date of agreement:</p>

Land and Business (Sale and Conveyancing) (Planning, Development and Infrastructure) Variation Regulations 2021

Part 2—Variation of *Land and Business (Sale and Conveyancing) Regulations 2010*

		Names of parties:	
		Terms of agreement:	
		Contribution payable (if any):	
24A.12	Part 16 Division 1—Proceedings	<i>Is this item applicable?</i>	<input type="checkbox"/>
		<i>Will this be discharged or satisfied prior to or at settlement?</i>	[]
		<i>Are there attachments?</i> <i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	[]
		Date of commencement of proceedings:	
		Date of determination or order (if any):	
		Terms of determination or order (if any):	
24A.13	section 213—Enforcement notice	<i>Is this item applicable?</i>	<input type="checkbox"/>
		<i>Will this be discharged or satisfied prior to or at settlement?</i>	[]
		<i>Are there attachments?</i> <i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	[]
		Date notice given:	
		Name of designated authority giving notice:	
		Nature of directions contained in notice:	
		Building work (if any) required to be carried out:	
		Amount payable (if any):	
24A.14	section 214(6), 214(10) or 222—Enforcement order	<i>Is this item applicable?</i>	<input type="checkbox"/>
		<i>Will this be discharged or satisfied prior to or at settlement?</i>	[]
		<i>Are there attachments?</i> <i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	[]
		Date order made:	
		Name of court that made order:	
		Action number:	
		Names of parties:	
		Terms of order:	

Building work (if any) required to
be carried out:

- (3) Schedule 1, Form 1, Schedule, Division 2, Particulars of building indemnity insurance, Note, (a)—after "under the" insert:
Planning, Development and Infrastructure Act 2016, the repealed
- (4) Schedule 1, Form 1, Schedule, Division 2—before the Particulars relating to court or tribunal process insert:

Particulars relating to aluminium composite panels

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

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

[]

If YES, give details of the following:

- 1 the actions required to remediate the risk (if known):
 - 2 the estimated costs of remediation (if known):
- (5) Schedule 1, Form 1, Schedule, Division 2, Particulars relating to environment protection, item 6(b)—after "*Development Act 1993*" insert:
or the *Planning, Development and Infrastructure Act 2016*

Land and Business (Sale and Conveyancing) (Planning, Development and Infrastructure) Variation Regulations 2021

Part 2—Variation of *Land and Business (Sale and Conveyancing) Regulations 2010*

- (6) Schedule 1, Form 2, Schedule 2, Division 1, Table of particulars, Part 1—after the item relating to section 42 of the *Development Act 1993* insert:

Planning, Development and Infrastructure Act 2016

Part 5—Planning and Design Code	*YES/NO	Title or other brief description of zone, subzone and overlay in which the land is situated (as shown in the Planning and Design Code): Is the land situated in a designated State Heritage place? *YES/NO Is the land designated as a place of local heritage value? *YES/NO Is there a tree declared to be a significant tree or a stand of trees declared to be significant trees on the land? *YES/NO Is there a current amendment to the Planning and Design Code released for public consultation by the State Planning Commission on which consultation is continuing or on which consultation has ended but whose proposed amendment has not yet come into operation? *YES/NO
section 127—Condition (that continues to apply) of a development authorisation	*YES/NO	Date of authorisation: Name of relevant authority that granted authorisation: Condition(s) of authorisation:

- (7) Schedule 1, Form 2, Schedule 2, Division 1, Table of particulars, Part 2—after the item relating to section 23(1) of the *Phylloxera and Grape Industry Act 1995* insert:

Planning, Development and Infrastructure Act 2016

section 139—Notice of proposed work and notice may require access	*YES/NO	Date of notice: Building work proposed (as stated in the notice): Other building work as required pursuant to the Act:
section 140—Notice requesting access	*YES/NO	Date of notice: Name of person requesting access: Reason for which access is sought (as stated in the notice): Activity or work to be carried out:

Land and Business (Sale and Conveyancing) (Planning, Development and Infrastructure) Variation Regulations 2021

Variation of Land and Business (Sale and Conveyancing) Regulations 2010—Part 2

section 141—Order to remove or perform work	*YES/NO	Date of order: Terms of order: Building work (if any) required to be carried out: Amount payable (if any):
section 142—Notice to complete development	*YES/NO	Date of notice: Requirements of notice: Building work (if any) required to be carried out: Amount payable (if any):
section 155—Emergency order	*YES/NO	Date of order: Name of authorised officer who made order: Name of authority that appointed the authorised officer: Nature of order: Amount payable (if any):
section 157—Fire safety notice	*YES/NO	Date of notice: Name of authority giving notice: Requirements of notice: Building work (if any) required to be carried out: Amount payable (if any):
section 192 or 193—Land management agreement	*YES/NO	Date of agreement: Names of parties: Terms of agreement:
section 198(1)—Requirement to vest land in a council or the Crown to be held as open space	*YES/NO	Date requirement given: Name of body giving requirement: Nature of requirement: Contribution payable (if any):
section 198(2)—Agreement to vest land in a council or the Crown to be held as open space	*YES/NO	Date of agreement: Names of parties: Terms of agreement: Contribution payable (if any):
Part 16 Division 1—Proceedings	*YES/NO	Date of commencement of proceedings: Date of determination or order (if any): Terms of determination or order (if any):

Land and Business (Sale and Conveyancing) (Planning, Development and Infrastructure) Variation Regulations 2021

Part 2—Variation of *Land and Business (Sale and Conveyancing) Regulations 2010*

section 213—Enforcement notice	*YES/NO	Date notice given: Name of designated authority giving notice: Nature of directions contained in notice: Building work (if any) required to be carried out: Amount payable (if any):
--------------------------------	---------	--

section 214(6), 214(10) or 222—Enforcement order	*YES/NO	Date order made: Name of court that made order: Action number: Names of parties: Terms of order: Building work (if any) required to be carried out:
--	---------	--

- (8) Schedule 1, Form 2, Schedule 2, Division 2, †Particulars of building indemnity insurance, Note, (a)—after "under the" insert:

Planning, Development and Infrastructure Act 2016, the repealed

- (9) Schedule 1, Form 2, Schedule 2, Division 2—before the †Particulars relating to court or tribunal process insert:

†Particulars relating to aluminium composite panels

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

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

*YES/NO

If YES, give details of the following:

- 1 the actions required to remediate the risk (if known):
- 2 the estimated costs of remediation (if known):

- (10) Schedule 1, Form 2, Schedule 2, Division 2, †Particulars relating to environment protection, item 6(b)—after "*Development Act 1993*" insert:

or the *Planning, Development and Infrastructure Act 2016*

6—Variation of Schedule 3—Contracts for sale of land or businesses—inquiries

- (1) Schedule 3, Table 1, Column 1, (2)—after "*Housing Improvement Act 1940*" insert:

Planning, Development and Infrastructure Act 2016 (other than the items relating to sections 127, 139, 140, 192, 193, 214(6), 214(10) and 222)

- (2) Schedule 3, Table 1, Column 1, (3)—delete "and the" and substitute:

, the

- (3) Schedule 3, Table 1, Column 1, (3)—after "section 61" insert:

and the *Planning, Development and Infrastructure Act 2016* sections 139 and 140

- (4) Schedule 3—delete "Department of Planning, Transport and Infrastructure" wherever occurring and substitute in each case:

Attorney-General's Department

Schedule 1—Transitional provision

1—Transitional provision

- (1) A vendor's statement for the purposes of section 7 of the *Land and Business (Sale and Conveyancing) Act 1994* will be taken to comply with the *Land and Business (Sale and Conveyancing) Regulations 2010* as varied by these regulations if the statement—

- (a) was prepared before 1 July 2021; and
- (b) was served on the purchaser on or after the commencement of these regulations (or was served before the commencement of these regulations but the contract for the sale of the land in respect of which the statement was prepared was not signed before the commencement of these regulations); and
- (c) complies with the Act and regulations as in force immediately before the commencement of these regulations; and
- (d) includes an attachment in the form specified in clause 2 of this Schedule (containing at least the required parts of the attachment and completed in accordance with the attachment's instructions).

- (2) A vendor's statement for the purposes of section 8 of the *Land and Business (Sale and Conveyancing) Act 1994* will be taken to comply with the *Land and Business (Sale and Conveyancing) Regulations 2010* as varied by these regulations if the statement—

- (a) was prepared before 1 July 2021; and
- (b) was served on the purchaser on or after the commencement of these regulations (or was served before the commencement of these regulations but the contract for the sale of the business in respect of which the statement was prepared was not signed before the commencement of these regulations); and

- (c) complies with the Act and regulations as in force immediately before the commencement of these regulations; and
 - (d) includes an attachment in the form specified in clause 3 of this Schedule (containing at least the required parts of the attachment and completed in accordance with the attachment's instructions).
- (3) A reference in this clause to a vendor's statement being served on the purchaser is, where a notice of amendment to the statement is served for the purposes of section 10 of the *Land and Business (Sale and Conveyancing) Act 1994*, a reference to the presumed date of service of the statement under that section.
- (4) An attachment referred to in subclause (1) or (2) need not, if attached to a vendor's statement served on the purchaser before 22 March 2021, contain the Particulars relating to aluminium composite panels.
- (5) An attachment referred to in subclause (1) or (2) will for all purposes be taken to form part of the vendor's statement to which it is attached.
- (6) In this clause—
- required parts**, in relation to an attachment in this Schedule, means—
- (a) in the case of the "Attachment for Form 1—Vendor's statement" in clause 2 of this Schedule—Part 1 of the attachment, the heading "24A. *Planning, Development and Infrastructure Act 2016*" in the table of particulars in Part 2 of the attachment and items 24A.1 and 24A.2 of that table;
 - (b) in the case of the "Attachment for Form 2—Vendor's statement (section 8)" in clause 3 of this Schedule—Part 1 of the attachment and Part 2—Division 1 in the table of particulars in Part 2 of the attachment;

served on, in relation to a vendor's statement in respect of land, or a business and land, that is to be sold at auction, means made available for perusal in accordance with section 11 of the *Land and Business (Sale and Conveyancing) Act 1994*.

2—Attachment for section 7 vendor's statement

Attachment for Form 1—Vendor's statement

(Attachment for vendor's statement under section 7 of the *Land and Business (Sale and Conveyancing) Act 1994*)

Particulars relating to *Planning, Development and Infrastructure Act 2016*

Contents

Preliminary

Part 1—Parties and land

Part 2—Particulars of mortgages, charges and prescribed encumbrances affecting the land

Part 3—Other particulars

Preliminary

To the purchaser:

The purpose of this attachment is to put you on notice of certain particulars relating to the *Planning, Development and Infrastructure Act 2016* and other matters concerning the land to be acquired that are additional to the particulars concerning the land specified elsewhere in the Form 1—Vendor's statement to which this is attached.

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

Instructions to the vendor for completing this attachment

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

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

If it is not applicable, ensure the box is empty or strike out the Part, particulars or item. Alternatively, the Part, particulars or item may be omitted, but not in the case of the heading "24A. Planning, Development and Infrastructure Act 2016" and items 24A.1 and 24A.2 in Part 2 of this attachment.

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 1—Parties and land

- (1) Purchaser:
Address:
- (2) Purchaser's registered agent:
Address:
- (3) Vendor:
Address:
- (4) Vendor's registered agent:
Address:
- (5) Date of contract if made before statement is served:
- (6) Description of the land:
[Identify the land including any certificate of title reference]

Part 2—Particulars of mortgages, charges and prescribed encumbrances affecting the land

The headings and items in the table of particulars in this Part are to be taken to be included in the table of particulars in Division 1 of the Schedule to the Form 1—Vendor's statement under section 7 of the *Land and Business (Sale and Conveyancing) Act 1994* to which this instrument is attached.

Table of particulars

Column 1	Column 2	Column 3
<i>[If an item is applicable, ensure that the box for the item is ticked and complete the item.]</i>		
<i>[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, <u>but not</u> in the case of the heading "24A. Planning, Development and Infrastructure Act 2016 and items 24A.1 and 24A.2 which must be retained as part of this attachment whether applicable or not.]</i>		
<i>[If an item is applicable, all particulars requested in column 2 must be set out in the item unless there is an attachment to this attachment and—</i>		
<ul style="list-style-type: none"> (a) <i>all the required particulars are contained in that attachment; and</i> (b) <i>the attachment is identified in column 2; and</i> (c) <i>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.</i> 		
<i>Particulars requested in bold type must be set out in column 3 and all other particulars must be set out in column 2.]</i>		
<i>[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 <u>each</u> such mortgage, charge or prescribed encumbrance.]</i>		
<i>[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 <u>all</u> of the requested particulars are contained in an attachment (instead of in the item) identify the attachment in the place provided in column 2 as required above by these instructions and (if required above) identify the parts of the attachment that contain the particulars.)]</i>		

24A. Planning, Development and Infrastructure Act 2016

24A.1	Part 5—Planning and Design Code	<i>Is this item applicable?</i>	<input type="checkbox"/>
	<i>[Note—</i>	<i>Will this be discharged or satisfied prior to or at settlement?</i>	<input type="checkbox"/>

Do not omit this item. The item and its heading must be included in the attachment even if not applicable.] **Are there attachments?** []
If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):

Title or other brief description of zone, subzone and overlay in which the land is situated (as shown in the Planning and Design Code):

Is the land situated in a State Heritage place?

[]

Is the land designated as a place of local heritage value?

[]

Is there a tree declared to be a significant tree or a stand of trees declared to be significant trees on the land?

[]

Is there a current amendment to the Planning and Design Code released for public consultation by the State Planning Commission on which consultation is continuing or on which consultation has ended but whose proposed amendment has not yet come into operation?

[]

24A.2 section 127—Condition (that continues to apply) of a development authorisation **Is this item applicable?**
[Note— **Will this be discharged or satisfied prior to or at settlement?** []

Do not omit this item. The item and its heading must be included in the attachment even if not applicable.] **Are there attachments?** []
If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):

Date of authorisation:

Land and Business (Sale and Conveyancing) (Planning, Development and Infrastructure) Variation Regulations 2021

Schedule 1—Transitional provision

		Name of relevant authority that granted authorisation:	
		Condition(s) of authorisation:	
24A.3	section 139—Notice of proposed work and notice may require access	<i>Is this item applicable?</i>	<input type="checkbox"/>
		<i>Will this be discharged or satisfied prior to or at settlement?</i>	[]
		<i>Are there attachments?</i>	[]
		<i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	
		Date of notice:	
		Building work proposed (as stated in the notice):	
		Other building work as required pursuant to the Act:	
24A.4	section 140—Notice requesting access	<i>Is this item applicable?</i>	<input type="checkbox"/>
		<i>Will this be discharged or satisfied prior to or at settlement?</i>	[]
		<i>Are there attachments?</i>	[]
		<i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	
		Date of notice:	
		Name of person requesting access:	
		Reason for which access is sought (as stated in the notice):	
		Activity of work to be carried out:	
24A.5	section 141—Order to remove or perform work	<i>Is this item applicable?</i>	<input type="checkbox"/>
		<i>Will this be discharged or satisfied prior to or at settlement?</i>	[]

Are there attachments? []

If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):

Date of order:

Terms of order:

Building work (if any) required to be carried out:

Amount payable (if any):

24A.6 section 142—Notice to complete development

Is this item applicable?

Will this be discharged or satisfied prior to or at settlement? []

Are there attachments? []

If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):

Date of notice:

Requirements of notice:

Building work (if any) required to be carried out:

Amount payable (if any):

24A.7 section 155—Emergency order

Is this item applicable?

Will this be discharged or satisfied prior to or at settlement? []

Are there attachments? []

If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):

Date of order:

Name of authorised officer who made order:

Name of authority that appointed the authorised officer:

Nature of order:

Amount payable (if any):

Land and Business (Sale and Conveyancing) (Planning, Development and Infrastructure) Variation Regulations 2021
 Schedule 1—Transitional provision

24A.8	section 157—Fire safety notice	<p><i>Is this item applicable?</i> <input type="checkbox"/></p> <p><i>Will this be discharged or satisfied prior to or at settlement?</i> []</p> <p><i>Are there attachments?</i> [] <i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i></p> <p>Date of notice:</p> <p>Name of authority giving notice:</p> <p>Requirements of notice:</p> <p>Building work (if any) required to be carried out:</p> <p>Amount payable (if any):</p>
<hr/>		
24A.9	section 192 or 193—Land management agreement	<p><i>Is this item applicable?</i> <input type="checkbox"/></p> <p><i>Will this be discharged or satisfied prior to or at settlement?</i> []</p> <p><i>Are there attachments?</i> [] <i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i></p> <p>Date of agreement:</p> <p>Names of parties:</p> <p>Terms of agreement:</p>
<hr/>		
24A.10	section 198(1)—Requirement to vest land in a council or the Crown to be held as open space	<p><i>Is this item applicable?</i> <input type="checkbox"/></p> <p><i>Will this be discharged or satisfied prior to or at settlement?</i> []</p> <p><i>Are there attachments?</i> [] <i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i></p> <p>Date requirement given:</p> <p>Name of body giving requirement:</p> <p>Nature of requirement:</p>

		Contribution payable (if any):	
24A.11	section 198(2)—Agreement to vest land in a council or the Crown to be held as open space	<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> <i>If YES, identify the attachment(s)</i> <i>(and, if applicable, the part(s) containing the particulars):</i></p> <p>Date of agreement:</p> <p>Names of parties:</p> <p>Terms of agreement:</p> <p>Contribution payable (if any):</p>	<p style="text-align: right;"><input type="checkbox"/></p> <p style="text-align: right;">[]</p> <p style="text-align: right;">[]</p>
24A.12	Part 16 Division 1—Proceedings	<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> <i>If YES, identify the attachment(s)</i> <i>(and, if applicable, the part(s) containing the particulars):</i></p> <p>Date of commencement of proceedings:</p> <p>Date of determination or order (if any):</p> <p>Terms of determination or order (if any):</p>	<p style="text-align: right;"><input type="checkbox"/></p> <p style="text-align: right;">[]</p> <p style="text-align: right;">[]</p>
24A.13	section 213—Enforcement notice	<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> <i>If YES, identify the attachment(s)</i> <i>(and, if applicable, the part(s) containing the particulars):</i></p> <p>Date notice given:</p> <p>Name of designated authority giving notice:</p>	<p style="text-align: right;"><input type="checkbox"/></p> <p style="text-align: right;">[]</p> <p style="text-align: right;">[]</p>

Land and Business (Sale and Conveyancing) (Planning, Development and Infrastructure) Variation Regulations 2021

Schedule 1—Transitional provision

	Nature of directions contained in notice:	
	Building work (if any) required to be carried out:	
	Amount payable (if any):	
24A.14	section 214(6), 214(10) or 222—Enforcement order	
	<i>Is this item applicable?</i>	<input type="checkbox"/>
	<i>Will this be discharged or satisfied prior to or at settlement?</i>	[]
	<i>Are there attachments?</i>	[]
	<i>If YES, identify the attachment(s) (and, if applicable, the part(s) containing the particulars):</i>	
	Date order made:	
	Name of court that made order:	
	Action number:	
	Names of parties:	
	Terms of order:	
	Building work (if any) required to be carried out:	

Part 3—Other particulars

The headings and items in this Part are to be taken to be included in the particulars in Division 2 of the Schedule to the Form 1—Vendor's statement under section 7 of the *Land and Business (Sale and Conveyancing) Act 1994* to which this instrument is attached.

Particulars relating to aluminium composite panels

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

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

[]

If YES, give details of the following:

- 1 the actions required to remediate the risk (if known):
- 2 the estimated costs of remediation (if known):

Particulars relating to environmental protection

Does the council hold details of any development approvals relating to a change in the use of the land or part of the land (within the meaning of the *Planning, Development and Infrastructure Act 2016*)?

[]

Note—

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). It is expected that the ability to supply further details will vary considerably between councils.

3—Attachment for section 8 vendor's statement

Attachment for Form 2—Vendor's statement (section 8)

(Attachment for vendor's statement under section 8 of the *Land and Business (Sale and Conveyancing) Act 1994*)

Particulars relating to *Planning, Development and Infrastructure Act 2016*

Contents

Preliminary

Part 1—Parties and land

Part 2—Particulars of mortgages, charges and prescribed encumbrances affecting the land

Division 1—Items that must be included in attachment

†Division 2—Items to be included in attachment if land affected

†Part 3—Other particulars

Preliminary

To the purchaser:

The purpose of this attachment to a Form 2—Vendor's statement (section 8) is to put you on notice of certain particulars relating to the *Planning, Development and Infrastructure Act 2016* and other matters concerning land to be acquired as part of a business that are additional to the particulars concerning the land specified elsewhere in that Form 2—Vendor's statement (section 8) to which this is attached.

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

Instructions to the vendor for completing this attachment:

† means strike out or omit the Part, Division, particulars or item if not applicable.

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

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

Part 1—Parties and land

(1) Purchaser:

Address:

†(2) Purchaser's registered agent:

Address:

(3) Vendor:

Address:

†(4) Vendor's registered agent:

Address:

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

(6) Description of the land:

[Identify the land including any certificate of title reference]

Part 2—Particulars of mortgages, charges and prescribed encumbrances affecting the land

The headings and items in the table of particulars in this Part are to be taken to be included in the table of particulars in Schedule 2 Division 1 of the Form 2—Vendor's statement (section 8) to which this instrument is attached.

All the particulars required by column 3 of the tables below in relation to a prescribed encumbrance referred to in column 1 must be set out in column 3 unless a copy of a document is attached to this attachment and—

- (a) all the required particulars are contained in that document; and
- (b) those parts of the document that contain the required particulars are identified in column 3.

Land and Business (Sale and Conveyancing) (Planning, Development and Infrastructure) Variation Regulations 2021

Schedule 1—Transitional provision

Table of particulars

Column 1	Column 2	Column 3
Prescribed encumbrance	Is the encumbrance to be discharged or satisfied prior to or at settlement?	Other particulars required

Part 2—Division 1—Items that must be included in attachment

[If an item is not applicable strike it out or write "NOT APPLICABLE" or "N/A" in column 1.]

Planning, Development and Infrastructure Act 2016

Part 5—Planning and Design Code	*YES/NO	<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):</p> <p>Is the land situated in a designated State Heritage place? *YES/NO</p> <p>Is the land designated as a place of local heritage value? *YES/NO</p> <p>Is there a tree declared to be a significant tree or a stand of trees declared to be significant trees on the land? *YES/NO</p> <p>Is there a current amendment to the Planning and Design Code released for public consultation by the State Planning Commission on which consultation is continuing or on which consultation has ended but whose proposed amendment has not yet come into operation? *YES/NO</p>
section 127—Condition (that continues to apply) of a development authorisation	*YES/NO	<p>Date of authorisation:</p> <p>Name of relevant authority that granted authorisation:</p> <p>Condition(s) of authorisation:</p>

†Part 2—Division 2—Items to be included in attachment if land affected

[If an item is not applicable, strike it out or write "NOT APPLICABLE" or "N/A" in column 1, or else omit the items and headings that are not applicable.]

Planning, Development and Infrastructure Act 2016

section 139—Notice of proposed work and notice may require access	*YES/NO	Date of notice: Building work proposed (as stated in the notice): Other building work as required pursuant to the Act:
section 140—Notice requesting access	*YES/NO	Date of notice: Name of person requesting access: Reason for which access is sought (as stated in the notice): Activity or work to be carried out:
section 141—Order to remove or perform work	*YES/NO	Date of order: Terms of order: Building work (if any) required to be carried out: Amount payable (if any):
section 142—Notice to complete development	*YES/NO	Date of notice: Requirements of notice: Building work (if any) required to be carried out: Amount payable (if any):
section 155—Emergency order	*YES/NO	Date of order: Name of authorised officer who made order: Name of authority that appointed the authorised officer: Nature of order: Amount payable (if any):

Land and Business (Sale and Conveyancing) (Planning, Development and Infrastructure) Variation Regulations 2021

Schedule 1—Transitional provision

section 157—Fire safety notice	*YES/NO	Date of notice: Name of authority giving notice: Requirements of notice: Building work (if any) required to be carried out: Amount payable (if any):
section 192 or 193—Land management agreement	*YES/NO	Date of agreement: Names of parties: Terms of agreement:
section 198(1)—Requirement to vest land in a council or the Crown to be held as open space	*YES/NO	Date requirement given: Name of body giving requirement: Nature of requirement: Contribution payable (if any):
section 198(2)—Agreement to vest land in a council or the Crown to be held as open space	*YES/NO	Date of agreement: Names of parties: Terms of agreement: Contribution payable (if any):
Part 16 Division 1—Proceedings	*YES/NO	Date of commencement of proceedings: Date of determination or order (if any): Terms of determination or order (if any):
section 213—Enforcement notice	*YES/NO	Date notice given: Name of designated authority giving notice: Nature of directions contained in notice: Building work (if any) required to be carried out: Amount payable (if any):

section 214(6), 214(10) or 222—Enforcement order	*YES/NO	Date order made: Name of court that made order: Action number: Names of parties: Terms of order: Building work (if any) required to be carried out:
---	---------	---

†Part 3—Other particulars

The headings and items in this Part are to be taken to be included in the particulars in Schedule 2—Division 2 to the Form 2—Vendor's statement (section 8) to which this instrument is attached.

†Particulars relating to aluminium composite panels

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

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

*YES/NO

If YES, give details of the following:

- 1 the actions required to remediate the risk (if known):
- 2 the estimated costs of remediation (if known):

Land and Business (Sale and Conveyancing) (Planning, Development and Infrastructure) Variation Regulations 2021

Schedule 1—Transitional provision

†Particulars relating to environmental protection

Does the council hold details of any development approvals relating to a change in the use of the land or part of the land (within the meaning of the *Planning, Development and Infrastructure Act 2016*)?

*YES/NO

Note—

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). It is expected that the ability to supply further details will vary considerably between councils.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 18 March 2021

No 32 of 2021