

Material Facts Checklist

Whilst the onus is on the vendor and real estate agent to disclose any material facts that they are aware of, when it comes to buying your next property you're better off asking too many questions than too few.

Here's a non-exhaustive list of questions you may like to ask the agent when you conduct your next inspection.

Building defects

- Are you aware of any unrectified defects on the building/s?
- Any active or unrectified damage due to pest infestations?
- Is there any asbestos on the land or in the building/s?
- Are all appliances, fixtures and fittings staying with the property in working order?
- Are there any electrical, gas or plumbing issues that are unrectified or been deemed unsafe?

Restrictions

- Are there any restrictions to vehicle access to the land?
- Any parking restrictions nearby?

Noise, amenity and enjoyment

- Is the land beneath a commercial flight path?
- Subject to intermittent loud noises?
- Is neighbouring land owned or leased by the government or community housing groups or registered rooming houses?

Illegal activities

- Has the land been used to manufacture illicit substances?
- Has the land been used to store toxic substances?
- Has the land been used for the sale of illegal substances, as a brothel or been occupied by someone convicted of drug or violent offences?
- Are there any registered sex offenders living nearby?
- Have the police been called out about the behaviour of nearby occupants?
- Have any complaints been lodged with the council regarding nearby properties?

Neighbourhood disputes

- Are there any present or past disputes between the vendor and the owners of the neighbouring properties?

Building and planning

- Are there any structures on the land built without a planning or building permit (where one was required)?
- Are there any planning applications for nearby land?
- Are there any approved planning applications for nearby land?

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Contamination

- Is nearby land used by any noxious industry?
- Is there contamination by toxic chemicals, lead-based paints, PFA's, pesticides or past or present mining?
- Has the land ever been used by the fire-brigade, defence force or for growing commercial crops or mining?
- Is the groundwater contaminated by anything?
- Has the land ever had fuel tanks located on or nearby it?

Miscellaneous

- Are you aware of anybody dying at the property?
- Are there any memorials on the property?
- Are there any heritage overlays, objects or sites of aboriginal cultural significance, rare plants or animals or native vegetation that would need a permit to remove?
- Has the land ever been flooded?
- Has the land ever been subject to bushfire?
- Are there any sinkholes or subsidence on the land?
- Any declared pest vegetation or animals on the land?

Once you have this information, what do you need to do next? If you're unsure about whether to proceed with the purchase or what leverage you may have please get in touch.

We'd love to help you work out your next steps. Our property team can be contacted via property@entourage.com.au or by calling 03 9421 1651.

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