

NSW Purchaser Searches List



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Residential Contracts including Strata and Community Schemes

The document is only for use:

- > for contracts formed from 1 January 2025;
- > with the Contract for the sale and purchase of land 2022 edition produced by The Law Society of New South Wales and the Real Estate Institute of New South Wales; and
- > by law practices insured by Lexon Insurance Pte Ltd ('Lexon') and not for public circulation or for use by any other third party or practice without Lexon's prior written approval.

If the law applicable to the matter is not Australian Law then consider the Policy coverage terms regarding the Foreign Law exclusion.

NOTES: The information for local government enquiries below is for the Sydney City Council region. For other regions, please consult the relevant Authority for information. Different Authorities may provide differing searches and information in their search results.

Approximate costs are indicative only. Variation in costs may arise due to different search providers, different local government area of property and fee increases.

Additional searches may be required and the suggested timing of the searches must be modified to suit the transaction and any disclosure obligations. Where the transaction involves non-residential land (such as rural land), a contract other than the Contract for the sale and purchase of land 2022 edition produced by The Law Society of New South Wales and the Real Estate Institute of New South Wales may be used or the transfer of additional property, licences, registrations or interests (such as a water licence) may be relevant. The rights available to the Purchaser will depend on the relevant contract being used.

Rights set out below refer to standard contract provisions.

Note that if the Property is being sold at auction or the Purchaser's Solicitor is providing a s 66W certificate waiving the cooling-off period, consider which searches must be obtained and obtain instructions before the auction date as the Contract cannot be subject to any cooling-off rights.

AVAILABLE SEARCHES FOR PURCHASERS

Important Information

In NSW, the Vendor is obliged to attach prescribed documents to the Contract to comply with mandatory disclosure obligations including, for example, title searches, the deposited plan or strata plan, sewer diagrams and copies of dealings that are registered on the title. If the Vendor fails to attach the prescribed documents, the Purchaser will be entitled to rescind the Contract within 14 days after the exchange of the Contract, unless completion has occurred. It would be prudent to obtain a current title search to confirm whether there are any deviations from the title search attached to the Contract.

However, the Vendor is required to make certain prescribed warranties under the Contract, for example, that the Property is not subject to adverse affectations. If the Vendor fails to disclose in the Contract any adverse affectations or other matters impacting the Property, you may have a right to rescind the Contract in certain circumstances.

The purpose of undertaking the searches and enquiries is to:

- test the Vendor's warranties (and if necessary, consider your rescission rights if any issues are discovered upon making those searches and enquiries) - these investigations can be made promptly after exchange of contract; and
- identify any latent or patent defects in "quality" regarding the Property that the Vendor has not (and is not obliged to) disclosed under the Contract, and which may impact your decision to proceed with the purchase. These investigations should be carried out before exchange (or if not possible, ensure the Contract is subject to cooling-off rights).

This list is not exhaustive of enquiries that can be undertaken. Other additional standard and optional searches may be necessary depending upon the nature, use 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. If you have any issues of particular concern in buying the Property that may affect your decision to proceed, you should contact us as soon as possible as there may be other searches that we can conduct that may assist.

While some of the searches listed below provide no contractual rights, you may wish to order some of the searches during any applicable due diligence period. Even if you order searches immediately, they may not be received before the end of any applicable cooling-off or due diligence period.

Please instruct us in writing immediately if you require any searches listed in this document. We have marked "Yes" against the standard searches that Lightning Legal conducts as part of its routine conveyancing service for residential purchasers.

The cost of all searches will be invoiced to clients as disbursements on your invoice from Lightning Legal Pty Ltd. Search providers are at the discretion of Lightning Legal. In most cases we endeavour to find the cheapest search provider who will provide the search in a timely manner. This document sets out the approximate cost of searches however the actual cost may vary from this estimate. Search costs are subject to increases by the authorities providing the searches.

Standard searches – All conveyances

Search/copy of document	Suggested timing	Approx. cost	Search required (☑ response)
Council rates (section 603 certificate) Details the rights, charges or other amounts due or payable to council. Facilitate the calculation of adjustments. [NOTE: Consider whether there are any other relevant searches that should be obtained from the relevant Council (e.g. a flood certificate, a noxious weeds certificate, a section 88G certificate, a swimming pool compliance certificate).]	After exchange	\$195.00	Mandatory
Water rates and charges (e.g. Sydney Water section 66 certificate) Details the water rates, charges or other amounts due or payable to the authority. Facilitates the calculation of adjustments. [NOTE: Consider whether there are any other relevant searches that should be obtained from the relevant water authority (e.g. a statement of existing building over sewer).]	After exchange	\$33.00	Mandatory
Local Land Services: Rates, Other Charges etc. Certificate regarding rates and other charges under section 203 of the <i>Local Land Services Act 2013</i> (NSW) and section 59F(5) of the <i>Meat Industry Act 1978</i> (NSW) to facilitate calculation of adjustments.	After exchange	\$108.49	Recommended if applicable to the Property e.g. rural properties
Title search A copy should be attached to the Contract. An updated title search can be obtained to confirm the registered proprietor and whether any contract annexures are missing.	After exchange	\$24.28 /search	Recommended Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Already attached to Contract for Sale
Current section 47 Land Tax Certificate (Revenue NSW) A copy is normally attached to the Contract. The Vendor must serve a current Land Tax Certificate on the Purchaser at least 14 days before completion of the Contract. A Land Tax Certificate is current	After exchange	\$69.80 /search	Optional Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

Search/copy of document	Suggested timing	Approx. cost	Search required (☒ response)
if it is less than three months old or it is issued in the year in which settlement will take place. If the Land Tax Certificate provided by the Vendor is less than three months old but does not relate to the land tax year in which settlement will take place, we recommend that the Purchaser order a s47 Land Tax Certificate.			The Vendor is required to provide this prior to settlement.

For strata and community schemes – Additional searches

Search/copy of document	Suggested timing	Approx. cost	Search required (☒ response)
Title search for the common property An updated title search can be obtained to confirm whether there have been any recent changes to the common property title, and whether any contract annexures are missing.	After exchange	\$24.28 /search	Recommended Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Already attached to Contract for Sale
s. 184 Body Corporate Certificate Details the levies, charges or other amounts due or payable to the body corporate. Facilitates the calculation of settlement adjustments.	After exchange	\$180.00 /search	Recommended Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/> Required unless provided by the Vendor.

Statutory enquiries – All conveyances

Search/copy of document	Suggested timing	Approx. cost	Search required (☒ response)
Australian Securities and Investment Commission Details of party corporation including directors, ABN.	Before exchange	\$14.68 where there is an on-file report \$19.90 where there is not an on-file report	Recommended if party is a corporation Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Certificates as to notices and orders <ul style="list-style-type: none"> Certificate under s735A (Certificate as to notices) under the <i>Local Government Act 1993</i> (NSW); and 	After exchange	\$207.80	Recommended Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

Search/copy of document	Suggested timing	Approx. cost	Search required (☒ response)
<ul style="list-style-type: none"> Certificate in respect of notices and orders under Schedule 5 of the <i>Environmental Planning and Assessment Act 1979</i> (NSW) (as amended) ('EP&A Act') and formerly dealt with under s121ZP of the EP&A Act. <p>Necessary to test Vendor's warranties.</p>			
<p>Contaminated land search</p> <p>Contains information extracted from the Environmental Protection Authority ('EPA') public registers/website. Includes the EPA contaminated land list, records of notice, former gasworks, licenced activities and other relevant data sets.</p> <p>Necessary to test Vendor's warranties.</p>	After exchange	\$99.00	<p>Recommended if the land may be contaminated, for vacant land or if subdivision, development or rezoning is proposed</p> <p>Yes <input type="checkbox"/></p> <p>No <input checked="" type="checkbox"/></p>
<p>Planning certificate for the land (section 10.7(2) certificate) under the <i>Environmental Planning and Assessment Act 1979</i> (NSW) (unless the land is not within a local government area).</p> <p>Section 10.7(5) certificate which contains additional information.</p>	After exchange	\$203.30 /search	<p>Recommended if the zoning certificate attached to the Contract has been issued by Council more than three months before the Contract date</p> <p>Yes <input type="checkbox"/></p> <p>No <input checked="" type="checkbox"/></p>
<p>Personal Property Securities Register</p> <p>Details of any personal property affected by a registered security interest.</p> <p>Necessary to check whether any chattels that form part of inclusions in the Contract are subject to any security interest. An incoming mortgagee may require a release of any interest.</p>	After exchange	\$12.10 (per search against company name, ABN, ACN, ARSN or ARBN)	<p>Recommended if the Vendor will be leaving any chattels in the Property for the Purchaser</p> <p>Yes <input type="checkbox"/></p> <p>No <input checked="" type="checkbox"/></p>
<p>APA Group</p> <p>Information regarding proposed or existing high pressure nature pipeline easements of the Australia Pipeline Trust.</p> <p>Necessary to test Vendor's warranties.</p>	After exchange	\$114.49	<p>Optional</p> <p>Yes <input type="checkbox"/></p> <p>No <input checked="" type="checkbox"/></p>
<p>Ausgrid</p> <p>Whether or land is subject of an approved proposal to acquire any right or interest.</p>	After exchange	\$113.49	<p>Optional</p> <p>Yes <input type="checkbox"/></p> <p>No <input checked="" type="checkbox"/></p>

Search/copy of document	Suggested timing	Approx. cost	Search required (☒ response)
Necessary to test Vendor's warranties.			
Bankruptcy Register The bankruptcy register should provide information concerning name of bankrupt, dates of bankruptcy, and orders. Seek instructions to obtain in respect of the Vendor if necessary.	After exchange	\$29.30	Optional Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Before You Dig Australia Shows the presence of any infrastructure on the Property (even if you are not planning excavation works on the property), which may identify rights that might arise if the infrastructure is not protected by an easement and/or was not disclosed by the Vendor. Seek instructions to obtain if necessary.	After exchange	Free	Optional Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Cultural Heritage Unit and Aboriginal sites search Information on whether there are any Aboriginal sites recorded in the search area (basic search). Necessary to test Vendor's warranties.	After exchange	\$24.97	Optional Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Department of Defence Regarding presence of any unexploded ordnance (UXO). Necessary to test Vendor's warranties.	After exchange	\$86.64	Optional Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Department of Education Proposals by or on behalf of the Minister for Education and Training. Necessary to test Vendor's warranties.	After exchange	\$68.29	Optional Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Department of Lands To disclose information regarding Crown land tenures, including Crown tenure type, status, registered holders, primary due date, annual gross rental and current amount due.	After exchange	\$174.30	Optional Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

Search/copy of document	Suggested timing	Approx. cost	Search required (☒ response)
Necessary to test Vendor's warranties.			
Endeavour Energy	After exchange	\$116.84	Optional
Proposals to acquire any right or interest in the land.			Yes <input type="checkbox"/>
			No <input checked="" type="checkbox"/>
Necessary to test Vendor's warranties.			
Essential Energy	After exchange	\$111.05	Optional
Proposals to acquire any right or interest in the land.			Yes <input type="checkbox"/>
			No <input checked="" type="checkbox"/>
Necessary to test Vendor's warranties.			
Forestry Corporation	After exchange	\$197.30	Optional
Information on existing land interests or any board approved proposal that would affect titled to the land.			Yes <input type="checkbox"/>
			No <input checked="" type="checkbox"/>
Necessary to test Vendor's warranties.			
Jemena Gas Network	After exchange	\$97.76	Optional
Affection of the land by the company's high pressure natural gas pipelines or proposals under the <i>Pipelines Act 1967</i> (NSW).			Yes <input type="checkbox"/>
			No <input checked="" type="checkbox"/>
Necessary to test Vendor's warranties.			
Local Land Services: Stock Diseases and Stock (Chem Residues) Certificate	After exchange	\$108.49	Optional
Details of orders under the Stock Diseases Act and Stock (Chemical Residues) Act.			Yes <input type="checkbox"/>
			No <input checked="" type="checkbox"/>
Necessary to test Vendor's warranties.			
Mineral Resources: Primary Industries and Energy	After exchange	\$103.49	Optional
Information as to affectation by titles or applications for titles under the <i>Mining Act 1992</i> (NSW) and <i>Petroleum (Onshore) Act 1991</i> (NSW).			Yes <input type="checkbox"/>
			No <input checked="" type="checkbox"/>
Necessary to test Vendor's warranties.			

Search/copy of document	Suggested timing	Approx. cost	Search required (☒ response)
National Parks and Wildlife Service Information on any existing National Parks and Wildlife interests that may affect the Property. Necessary to test Vendor's warranties.	After exchange	\$88.49	Optional Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
National Trust Register Provides information with regard to whether a property is listed in the heritage register and/or if it is still under investigation. Necessary to test Vendor's warranties.	After exchange	\$307.30	Optional Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Native Title Registry (not available for freehold land) Search of the register and schedule information to find out whether an area of land or water is covered by a native title determination, application or indigenous land usage agreement. Necessary to test Vendor's warranties.	After exchange	\$24.97	Optional Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
NSW Electricity Networks Operations Pty Limited trading as TransGrid: Inquiry Information on existing rights or interests in the land or any TransGrid Board approved proposals which would affect title to land. TransGrid's assets include easements, transmission lines and substations. Necessary to test Vendor's warranties	After exchange	\$98.49	Optional Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
NSW Land and Housing Corporation Any proposal to acquire the whole or any part of the land. Necessary to test Vendor's warranties.	After exchange	<div> <div></div> <div>\$[insert - if available for relevant property]</div> </div>	Optional Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Office of Environment and Heritage Land to which, under the <i>Heritage Act 1977</i> (NSW), any order or listing on the State Heritage Register applies. Necessary to test Vendor's warranties.	After exchange	\$147.30	Optional Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

Search/copy of document	Suggested timing	Approx. cost	Search required (☒ response)
NSW Treasury – Office of Energy and Climate Change: Inquiry Proposals to acquire any right or interest in the land for the purposes of the <i>Pipelines Act 1967</i> (NSW). Necessary to test Vendor's warranties.	After exchange	\$86.99	Optional Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Telco cable search Advises of any major network cables (including optic fibre) belonging to Telstra, Optus, Vodafone, AAPT and PowerTel, their subsidiaries and any other carriers that pass through the Property. Necessary to test Vendor's warranties.	Before exchange	\$133.77	Optional Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Transport Asset Holding Entity (formerly Rail Corporation NSW) Whether or not the Property is affected by any Rail Corporation NSW, Transport for NSW or Australian Rail Track Corporation rail proposal requiring acquisition of the whole or any part of the land or interest in the land. Necessary to test Vendor's warranties.	After exchange	\$106.79	Optional Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Transport for NSW (Roads) Information as to whether or not the land described is affected by any proposals requiring the whole or any part of such land for a toll way or a classified road under the <i>Roads Act 1993</i> . Necessary to test Vendor's warranties.	After exchange	\$106.79	Optional Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
WaterNSW: Water Licence Interest Search Information as to interest under the <i>Water Act 1912</i> and/or <i>Water Management Act 2000</i> . Necessary to test Vendor's warranties.	After exchange	\$227.30	Optional Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

Purchaser-arranged searches – strongly advised to obtain

Search	Suggested timing
<p>Pest inspection and building inspection</p> <p>To confirm that the Property is not infested with termites or other pests, and to confirm that the Property is structurally sound.</p> <p>The Vendors' warranties do not apply to the structures on the Property, only title matters. Therefore, these inspections are strongly recommended.</p>	<p>You must arrange these reports before exchange or before cooling-off expires</p>
<p>Body Corporate Owners Corporation records (If property being purchased forms part of a strata or community scheme)</p> <p>To uncover any issues regarding the administration and maintenance of the common property, for example in respect expenses incurred by the Owners Corporation, the history of the building, any building works, special levies, past work history, litigation, disputes and breaches of by-laws.</p>	<p>You must arrange this report before exchange or before cooling-off expires</p>
<p>Technical investigations</p> <p>Investigations via technical consultants to identify issues, or to ascertain the extent of issues, regarding contamination and asbestos.</p> <p>Recommended where s10.7 planning certificate or Contract discloses contamination or asbestos.</p> <p>Also recommended where Property is vacant land, or development, subdivision or rezoning is proposed.</p>	<p>You must arrange these investigations before exchange or before cooling-off expires</p>
<p>Building Certificate</p> <p>Issued by Council - to confirm the Property will not be the subject of Council issuing a work order or demolition order.</p> <p>A vendor may refuse to permit the Purchaser to obtain the certificate, as the Vendor may be required by Council to carry out works.</p>	<p>You must arrange this certificate after exchange</p>
<p>Survey (If survey report is not attached to the Contract and the Vendor is not prepared to provide a survey or make the Contract conditional upon receipt of a survey report)</p> <p>To identify the boundaries of the land, the area and location of improvements and show any encroachments on or by the Property being purchased.</p>	<p>You must arrange this report after exchange</p>

Lightning Legal Client Acknowledgement

As a client of Lightning Legal, you acknowledge that:

1. We have advised you to consider undertaking all of the searches listed in this document and you have considered the purchaser risk/concern outlined for each search and its relevance to the property you are purchasing and your intended use of the property;
2. Failure to undertake relevant searches may (amongst other things)
 - a. mean that rights of termination/rescission of contract 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 Purchaser(s);
3. You instruct us to undertake the searches marked 'Yes ☒' above as well as any other searches you instruct us by email to undertake as additional searches by emailing team@lightninglegal.com.au; and
4. You acknowledge that you will incur additional search costs and may (where searches are required in addition to those marked 'Yes ☒') incur additional legal fees in carrying out the searches selected.

[#Client name]

/ /

Date

[#Client name]

/ /

Date