

Section 7

Context

With the commencement of the Planning and Design Code (Code), disclosure requirements for Form 1 and Form 2 have changed. The *Land and Business (Sale and Conveyancing) (Planning, Development and Infrastructure) Variation Regulations 2021* (Regulations) which commenced on 19 March 2021 varies the requirements for Council search certificates under section 7.

The following information under the *Planning, Development and Infrastructure Act 2016* must now be disclosed:

- the relevant zone, subzone and applicable overlays under the Code
- Code amendments for the Planning and Design Code
- State and local heritage listings
- significant trees declared in the Planning and Design Code
- details of development approvals
- notices and orders under sections 139, 140, 141, 142, 155, 157, 213 and 214
- land management agreements under sections 192 or 193
- agreements under section 198(2) to vest land in the council as open space.

This is in addition to information required to be provided under the *Development Act 1993*.

Documentation available under PlanSA to assist Councils

To assist in collating this information, a Council can download a Section 7 Report from PlanSA. This report can be automatically generated and includes zone, subzones and overlay information for the property. Further it identifies associated building insurance, DA Conditions, DA information, Heritage and LMAS details.

Vendor Obligations

With the commencement of the Regulations, vendors will have to notify purchasers if buildings on the subject land:

- have been identified by the SA Cladding Audit as having ACP cladding installed on their exterior which constitute a moderate, high or extreme risk as a result of that installation
- require remediation to reduce the risk to an acceptable level

- have not had the necessary remedial work performed or are not subject to a determination by the relevant council building fire safety committee under section 157 that no further action is required.

Where the building is captured under this definition, the vendor is required to advise the actions required to remediate the risk, and the estimated costs of remediation

The Property Interest Report from SAILIS will disclose the presence of Aluminium Composite Panel Cladding (ACP) identified as part of the Statewide Cladding Audit as requiring remediation. However, the additional information required to complete the Form 1 or Form 2 disclosure relating to ACP will need to be sought directly from the vendor.

Next Steps

Consumer and Business Affairs in the Attorney-General's Department will be commencing a comprehensive review of the Form 1 process in the latter half of 2021. Feedback from Councils will be welcomed during this process.

For more information

To find out more visit www.cbs.sa.gov.au or call CBS on 131 882.