

# OVER THE COUNTER CONDITIONS

The Suburban Land Agency and its Appointed Sales Agents strongly recommend obtaining independent legal, financial and accounting advice before entering into a First Grant Contract.

All residential blocks made available for sale by the Suburban Land Agency are listed on the Website. The Website is updated regularly to provide the latest information.

If you elect to purchase the right to the grant of a Crown Lease, you will be required to:

- make your choice from the available residential blocks;
- exchange a First Grant Contract and pay a 5% deposit by 5pm on the fifth business day following your Block Selection Appointment (or 10% if you are providing a deposit bond or bank guarantee); and
- settle the First Grant Contract for the block.

Timing of exchange, timing of settlement and other definitions are further explained in the relevant section on the following pages.

You can also contact the Suburban Land Agency or the Appointed Sales Agents on the Contact Phone Number for any other enquiries you may have about the available residential blocks and this document or the Residential Over-the-Counter Sales process.

**Note:** References to “you” and “your” in this document refer to the Applicant for the lease of a residential block.

## SECTION 1: CHOOSING A BLOCK

### Step 1 – Read the documentation provided and seek advice

- You should read all documentation provided by the Suburban Land Agency and the Appointed Sales Agents relevant to the purchase.
- Specifically you must read the Specimen First Grant Contract and the Housing Development Guide for the block or blocks you are interested in.  
You will also need to make any necessary enquiries with financial institutions to ensure you are in a position to complete the purchase of a block or blocks.

### Step 2 – Check the Website for details of blocks currently available for sale

- Visit the Website for details of the blocks currently available for sale.
- The Website is updated regularly to provide the latest information on available blocks.
- The Suburban Land Agency and the Appointed Sales Agents cannot guarantee that your first preference for a block will be available at the time you are selecting a block.
- The Suburban Land Agency and the Appointed Sales Agents recommend you make a list based on the available blocks in preference order before coming to select a block at your appointment time.

### Step 3 – Check the Website and make a list of your preferred blocks

- To select a block to purchase, buyers can make a Block Selection Appointment with an Appointed Sales Agent by sending an email to an Email Address or by calling a Contact Phone Number.
- Block Selection Appointments will be allocated to

buyers in the order which their request is received and subsequently confirmed.

- **Note:** You may accept the first available appointment offered to you or you may choose a later appointment. If you choose a later appointment, someone else may then be ahead of you in the queue.

### Step 4 – Come into the Sales Venue

- A staff member will be ready to assist you at your Block Selection Appointment time.
- If you miss your Block Selection Appointment, you will need to make a new Block Selection Appointment.
- At your Block Selection Appointment you will need to select a block and enter into a Holding Notice for Residential Land..

**Note:** Photo identification (i.e. drivers license or passport), and proof of your current address (i.e. drivers license, current bank statement, public utility record or other proof of address acceptable to the Suburban Land Agency) will be required for all buyers.

- **Note:** Appointments will be managed at the discretion of the Suburban Land Agency and the Appointed Sales Agents.

### Appointment of Agent

If you are unable to attend your Block Selection Appointment, you may appoint an agent to act on your behalf (“Agent”) by completing a Buyer Appointment of Agent Form.

The Buyer Appointment of Agent Form must be presented to the Suburban Land Agency or the relevant Appointed Sales Agent by your Agent at your Block Selection Appointment prior to selecting a block and must be accompanied by photo identification for you and the Agent.

If you appoint an Agent, a reference in these Over-the-Counter Conditions to you includes your Agent.

### Step 5 – Complete the required documentation, provide proof of identification

After you have selected a block, a staff member will help you complete a Holding Notice for Residential Land.

Following your appointment with an Appointed Sales Agent and completing a Holding Notice for Residential Land for your chosen block, you will be required to attend the Suburban Land Agency's Solicitors by 5pm the fifteenth business day after block selection to exchange First Grant Contracts. The Suburban Land Agency or the relevant Appointed Sales Agent will arrange this appointment time for you while you are at the Sales Venue.

**Note:** Failure to present to the Suburban Land Agency's Solicitors at your appointment time may result in your chosen block being returned to the Suburban Land Agency for sale.

You may download the Holding Notice for Residential Land from the Suburban Land Agency Website and complete it prior to your visit to the Sales Venue to select a block.

You will be required to provide photo identification (i.e. drivers licence or passport), and proof of your current address (i.e. drivers licence, current bank statement, public utility record or other proof of address acceptable to the Suburban Land Agency and the Appointed Sales Agent).

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## Definition of “Holding Period End Date”

The Suburban Land Agency will hold the block until the Holding Period End Date specified on your Holding Notice for Residential Land, which will be until 5pm the fifth business day from your allocated Block Selection Appointment.

If you fail to present to the Suburban Land Agency's Solicitors and exchange First Grant Contracts by 5pm on the Holding Period End Date, the block you selected will be returned to the Suburban Land Agency for sale.

## SECTION 2: EXCHANGE

### Step 1 – Legal representation and finance

- The Suburban Land Agency and its Appointed Sales Agents strongly recommend that you engage a solicitor to advise you on your legal obligations as you will be entering into a legally binding contract.
- You will also need to make any necessary enquiries with financial institutions to ensure you are in a position to complete the purchase of a block.

### Step 2 – First Grant Contract

- If the Suburban Land Agency Website indicates a future contract range, at exchange the First Grant Contract titled “First Grant Contract – Land Not Ready” is required to be exchanged.
- If the Website indicates that a block is “Land Ready”, at exchange the First Grant Contract titled “First Grant Contract – Land Ready” is required to be exchanged.
- The Suburban Land Agency's Solicitor will prepare the First Grant Contract in accordance with your Holding Notice for Residential Land and your copy of the First Grant Contract will be handed to you after contracts are exchanged.
- Please note that only the name(s) of the person(s) on the Holding Notice for Residential Land can be entered as Buyer(s) on the First Grant Contract and Lessee(s) on the Crown Lease. The Suburban Land Agency's Solicitor will not accept any applications for a change to the applicant name following submission of the Holding Notice for Residential Land. Changes of a typographical nature will be considered but proof will be required.

### Step 3 – Exchange of First Grant Contract

- On the day of exchange of the First Grant Contract you will be required to:
  - a) enter into a legally binding contract with the Suburban Land Agency by exchanging the First Grant Contract; and
  - b) pay the 5% deposit for the Block (or 10% if providing a deposit bond or bank guarantee).
- Payments of 5% deposit for the Block can be made by cheque to the Suburban Land Agency or 10% if you are providing a deposit bond or bank guarantee. If you propose to provide a deposit bond or bank guarantee, please refer to the Specimen First Grant Contract.
- Cash will not be accepted.

## SECTION 3: DATE FOR COMPLETION (SETTLEMENT)

The Date for Completion (settlement) will be determined in accordance with the First Grant Contract. This is usually 30 Working Days from the date the Crown Lease is served on you or a date may be specified on the front page of the First Grant Contract.

## SECTION 4: STAMP DUTY

Please note that stamp duty must be paid on your First Grant Contract within 90 days of the date the First Grant Contract is exchanged for each block of land not currently ready to build on. Stamp duty on First Grant Contracts for blocks of land ready to build on must be paid before settlement.

Stamp duty must be paid to the ACT Revenue Office. For further information, visit [www.revenue.act.gov.au](http://www.revenue.act.gov.au) or call (02) 6207 0028.

## SECTION 5: DISCLAIMERS AND OTHER RIGHTS AND LIABILITIES

The Suburban Land Agency makes no representations or warranties as to the suitability of any Crown Lease or block for you. The Suburban Land Agency and the Appointed Sales Agents strongly recommend that you make your own enquiries and that you obtain legal, financial and accounting advice prior to entering into a First Grant Contract for the right to the grant of a Crown Lease.

Nothing in these Over-the-Counter Sales Conditions will be construed to create any binding contract (expressed or implied) between the Suburban Land Agency and you or your agents until a formal written contract, if any, is entered into by the parties.

Any conduct or statement whether prior to or subsequent to your entry into a First Grant Contract is not, and these Residential Over-the-Counter Sales Conditions are not, and will not be deemed to be:

- a) an offer to contract; or
- b) a binding undertaking of any kind by the Suburban Land Agency or Appointed Sales Agents (including, without limitation, an undertaking that could give rise to any promissory estoppel, quantum meruit or any other contractual, quasi contractual or restitutionary action or any rights with a similar legal or equitable basis whatsoever).

Without limiting its rights at law or otherwise and according to such processes as it may determine to be appropriate, the Suburban Land Agency or its Appointed Sales Agents may:

- a) amend these Residential Over-the-Counter Sales Conditions;
- b) seek an amended Holding Notice for Residential Land;
- c) consider and accept or reject any Holding Notice for Residential Land;
- d) suspend or cease to proceed with the sales process or any part of the sales process or any Holding Notice for Residential Land ; and/or
- e) vary or extend any time or date in these Over-the-Counter Conditions or Holding Notice for Residential Land.



**ACT**  
Government

**Suburban Land**  
Agency

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If you are one of two or more Applicants named in the Holding Notice for Residential Land, you are liable for all of the obligations in this document and the Holding Notice for Residential Land both separately and jointly with the other person(s) named as Applicants.

The Suburban Land Agency and its Appointed Sales Agents are not responsible for the reliability and speed of your internet service in relation to your ability to obtain a block selection appointment.

In these Over-the-Counter Sales Conditions :

- Appointed Sales Agents means Civium Property Group.
- Sales Venue means:  
Civium Property 17-23 Townshend Street, Phillip ACT
  
- Suburban Land Agency's Solicitor means:  
Clayton Utz  
Level 10  
2 Phillip Law Street  
Canberra ACT.
- Website means [www.suburbanland.act.gov.au](http://www.suburbanland.act.gov.au)
- Contact Phone Number means:  
Civium Property: 6162 0681  
Email Address means:  
Civium Property: [enquiries@civium.com.au](mailto:enquiries@civium.com.au)