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Update Summary

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THE SALE OF LAND

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UPDATED COMMENTARY

Chapter 16: Sale of Land Act 1962 (Vic) – (Annotated)

James Barber KC has reviewed and updated the chapter. Highlights include the following.

Definitions

New commentary on s 2 is provided at [16.075].

Land which can be disposed of without being subdivided

New commentary on s 8A is provided at [16.160].

Sale of land prior to approval of plan

New commentary on s 9AA is provided at [16.190].

Disclosure of works

New commentary on s 9AB is provided in regard to cases including *Asia Digital Investments Pty Ltd v Mara Dextra Pty Ltd* [2023] VSC 565. See [16.200].

Amendments to plan

New commentary on s 9AC is provided at [16.220] and [16.222].

Possession

New commentary on s 9AD is provided at [16.225].

Rescission of off-the-plan contract

New commentary on s 9AE is provided at [16.230].

Retention or repayment of deposit on rescission of off-the-plan contract

New commentary on s 9AF is provided at [16.240].

Avoidance by a purchaser where land does not accord with the plan

New commentary on s 9AH is provided at [16.250].

Avoidance by a purchaser where plan of subdivision amended

New commentary on s 10 is provided at [16.260].

Sunset clauses in residential off-the-plan contracts

New commentary on ss 10A to 10F is provided with reference to *Transformer Development Group Pty Ltd v Tait Street Investments Pty Ltd* [2023] VCC 878. See [16.265].

Prohibitions on recovering land tax or windfall gains tax

New commentary on ss 10G to 10I is provided at [16.270].

Owners corporation must have insurance

New commentary on s 11 is provided at [16.280].

Offences in relation to the sale of land

New commentary on ss 12 and 12A is provided at [16.290].

