



Greenfield Site Due Diligence Checklist

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HOW TO USE THIS CHECKLIST

This checklist is structured across five due diligence categories. Use the checkbox column to track completion. The Notes / Status column is available for recording adviser status, key findings or outstanding queries.

IMPORTANT

Completion of this checklist does not substitute for specialist legal, planning, infrastructure, environmental or other development advice tailored to the specific site. This checklist is non-exhaustive and a sample only. It must not be relied upon without first seeking Best Hooper advice.

SITE / PROPERTY ADDRESS	DATE OF REVIEW	REVIEWED BY	FILE REFERENCE
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1 PLANNING RISK

NOTES / STATUS

Zoning & Strategic Policy

<input type="checkbox"/> Confirm current zone and permitted uses	
<input type="checkbox"/> Confirm land is within Urban Growth Boundary and appropriate zone	
<input type="checkbox"/> Identify applicable Structure Plan or PSP	
<input type="checkbox"/> Assess timeline for rezoning (if required)	
<input type="checkbox"/> Review state and local planning policies	
<input type="checkbox"/> Consider any existing use rights and any proposed reliance	
<input type="checkbox"/> Review long-term strategic development potential	

Precinct Structure Plan (PSP)

<input type="checkbox"/> Review exhibited or proposed planning scheme amendments affecting the land and surrounding precincts	
<input type="checkbox"/> Review approved PSP and associated ordinances or other controls	
<input type="checkbox"/> Identify roads, reserves and public open space allocations	
<input type="checkbox"/> Calculate net developable area after PSP dedications	
<input type="checkbox"/> Review staging and sequencing requirements	
<input type="checkbox"/> Review infrastructure obligations	

Check for proposed PSP amendments affecting yield

Development Contributions Plan (DCP) or Infrastructure Contributions Plan (ICP)

Review approved Contributions Plan

Assess applicable levies and rates

Identify Inner Public Purpose Land or Outer Public Purpose Land

Identify construction projects which may affect the land

Works in kind and land in kind obligations

Overlays & Other Constraints

Search for Public Acquisition Overlay (PAO)

Search for Development Plan Overlay (DPO)

Search for Floodway / LSIO overlay

Search for Environmental Significance Overlay (ESO)

Search for Vegetation Protection Overlay (VPO)

Search for Heritage Overlay

Other overlays

Review existing planning permits affecting the land including conditions, expiry dates and implementation status

Confirm permit pathway and anticipated conditions

Review setback or other built form requirements

2 INFRASTRUCTURE RISK

NOTES / STATUS

Water & Sewer

Confirm water supply availability and pressure zone

Confirm sewer infrastructure and connection strategy

Identify authority requirements and cost risk

Confirm timing conditions imposed by authority

Drainage

Confirm drainage outfall availability

Identify known natural watercourses or easements affecting drainage

Review drainage strategy for precinct

Identify drainage reserves / retarding basins

Assess flood and overland flow constraints

Review Melbourne Water / catchment authority requirements

Roads & Transport

- Confirm legal road access from a public road
 - Identify road upgrades and intersection works required
 - Identify VicRoads / council timing dependencies
 - Identify risk of paper roads or other access encumbrances
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Electricity & Telecommunications

- Confirm electricity network capacity
 - Identify substation requirements and cost risk
 - Check for HV transmission line easements
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Adjoining Owners

- Identify and consider any requirements that may arise from adjoining developments
 - Opportunity to share infrastructure delivery
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3 LAND & TITLE RISK

NOTES / STATUS

Title Searches & Ownership

- Obtain and review current title search(es)
 - Confirm registered proprietor matches vendor
 - Identify mortgages, charges and caveats
 - Confirm all required titles are included in acquisition
 - Obtain surveying advice
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Easements & Encumbrances

- Identify all registered and unregistered easements
 - Identify infrastructure not recorded on title
 - Assess impact of easements on lot yield and layout
 - Assess potential for relocation of easements
 - Check for power line, pipeline or utility easements
 - Check for rights of carriageway
 - Search for encroachments from or onto adjoining land
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Covenants & Agreements

- Search for registered restrictive covenants
 - Identify and review section 173 agreements
 - Review mechanism to remove or vary agreements
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Assess requirement for any new s173 agreements as part of development

Access & Land Assembly

Confirm legal access to a public road

Identify any revenge strips or third-party parcels

Review access arrangements where development is staged

Consider any potential paper roads affecting the land or adjoining sites

Confirm accurate boundaries for road reserves and paper roads

4 ENVIRONMENTAL RISK

NOTES / STATUS

Native Vegetation

Undertake preliminary native vegetation assessment

Identify ecological significance, habitat corridors and biodiversity constraints

Check PSP (if any) for potential constraints

Identify offset requirements under relevant framework

Map vegetation location relative to proposed development

Estimate feasibility and permissibility to remove vegetation

Cultural Heritage

Check cultural heritage sensitivity mapping for the site and adjoining property

Check PSP (if any) for potential constraints

Identify cultural heritage constraints affecting development yield or staging

Identify risk of any future cultural heritage restraints based on potential discoveries ie around waterways or known places of assembly

Identify relevant registered Aboriginal party

Determine whether CHMP is required

Estimate CHMP timeline and cost

Contamination

Review historical land use inc industrial, agricultural or other potentially contaminated uses

Undertake public searches for known contamination risk

Obtain Phase 1 Environmental Site Assessment

Commission Phase 2 assessment if required

Assess remediation strategy and cost

Review contamination impact on staging and program

Flood, Drainage & Geotechnical

- Identify flood-affected areas and overland flow paths
 - Obtain preliminary geotechnical assessment
 - Identify reactive or expansive soil conditions
 - Assess construction cost premium for geotechnical risks
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5 COMMERCIAL & FINANCIAL RISK

NOTES / STATUS

Contributions and Taxes

- Calculate GAIC liability
 - Consider staged payment arrangement for GAIC
 - Identify Public Open Space obligations and whether satisfied
 - Consider holding costs and any available exemptions
 - Windfall Gains Tax risk
 - Vacant Residential Land Tax
 - Identify available credits or offsets
 - Confirm contribution payment timing relative to staging
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Staging & Delivery

- Map staging dependencies on third parties
 - Prepare indicative program from acquisition to settlement
 - Identify authority sequencing requirements
 - Calculate holding cost implications of program
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Transaction Structure

- Assess appropriate acquisition structure, eg acquisition v development agreement
 - Review stamp duty implications of structure
 - Confirm vendor GST position and consider GST treatment for acquisition
 - Obtain tax advice for structuring of acquiring entity
 - Draft special conditions addressing identified risks
 - Review any related or conditional contracts
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Acquisition & Compensation

- Identify any PAO and acquiring authority
 - Identify any claims already paid to previous owners
 - Assess compensation entitlements
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- Review disturbance and business loss entitlements
- Develop strategy for PAO-affected land
- Consider impact of proposed infrastructure on unaffected land value

Leases and Other Occupational Rights

- Review any leases applying to the land
- Consider whether farming activities can be maintained
- Consider any other third party occupational rights
- Consider authority statutory entries



Talk to Best Hooper before you commit

Best Hooper Lawyers advises developers, landowners and investors across all stages of greenfield and infill development in Victoria — acquisitions, planning, compulsory acquisition, infrastructure, compensation and project delivery.

DEVELOPMENT DUE DILIGENCE & SITE STRATEGY

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