

SPECIAL CONDITIONS

The following condition is part of the contract to which this Vendors Statement is annexed and subsequently entered into between the Vendor and any Purchaser. The condition shall take effect as a Special Condition notwithstanding any conflicting General Conditions set out in or incorporated by reference to the Contract

1. It is agreed between the Purchaser and the Vendor that this Contract provides for the supply of farm land for the purposes of Section 38-480 of the GST Act (as defined).
 - a) The Vendor warrants that the property is land on which a farming business has been carried on for at least the five (5) years preceding this sale.
 - b) The Purchaser warrants that he intends to carry on a farming business on the land that he is registered or required to be registered under the GST Act and that these warranties shall not merge on the Settlement Date and shall survive for the benefit of the Vendor.
 - c) Notwithstanding the provision above, except where express provision is made to the contrary and subject to this clause, all amounts or other considerations payable by any party under this Contract represent the value of any taxable supply for which payment is to be made.
 - d) If the Vendor shall be found to have made a taxable supply in connection with the Contract for a consideration which under sub-clause (d) represents its value then the Purchaser must also pay to the Vendor on demand the amount of any GST payable in respect to the taxable supply.
 - e) Any GST payable by the Vendor may be recovered from the Purchaser as a liquidated debt on the earlier to occur of the date of settlement or the last day of the Vendor's taxable period by which he may lodge a GST return. The Purchaser confirms that the GST payable by him may not be paid or collected by settlement but may be payable after settlement. The obligation on the Purchaser to pay such tax shall not merge on settlement but shall continue to bind the Purchaser until fully performed and shall constitute a charge on the land by the Purchaser in favour of the Vendor until the Purchaser's obligations are fully performed.
 - f) "GST Act" means a New Tax System (Goods and Services Tax) Act 1999 and "Farming business" has the meaning given to it by the GST law.
 - g) This special condition will not merge upon settlement. In this special condition GST includes any penalties and interest imposed under the GST law, to the extent that any such penalties or interest may be attributable to the Purchaser.

2. No Water being transferred with sale

It is acknowledged by the Purchasers that none of the Vendors current Water Entitlements held by them is included in this sale, provided however, Water-Use Registration WUR000548, which authorises an Annual Use Limit of 80.2 megalitres on the property is included in the sale and delivery which is transferable to the Purchasers by them lodging a Form 24 with Lower Murray Water at their own cost following the completion of this sale.

3. IF THE PURCHASER IS A COMPANY:

The Guarantee referred to in General Condition 3 shall be in the form set out hereunder.

**VENDOR'S STATEMENT PURSUANT TO SECTION 32
OF THE SALE OF LAND ACT 1962**

This statement must be signed by the vendor and given to the purchaser before the purchaser signs the contract.

VENDOR **KEVIN JOHN STONE and PAMELA JEAN STONE**

PROPERTY **9214 Calder Highway, Irymple**
(Land in Plan of Consolidation 360415X and being the land more particularly described in
Certificate of Title Volume 10291 Folio 193)

1. FINANCIAL MATTERS

1.1 Particulars of any Rates, Taxes, Charges or Other Similar Outgoings (and any interest on them):

(a) Their amounts are as follows:

Authority	Amount	Interest (if any)
Mildura Rural City Council- per annum 2019/2020	\$2,211.60	
Lower Murray Water- per qtr 2019/2020 (Rural)	\$1,899.95	
Lower Murray Water- per annum 20169/2020 (Rural)	\$636.98	

(b) Amounts for which the purchaser may become liable as a consequence of the sale of which the vendor might reasonably be expected to have knowledge of, are as follows:

- (i) The purchaser will be liable for municipal, water, sewerage and drainage rates and charges from the date of settlement.
- (ii) The purchaser may also become liable for State Land Tax depending on the use to which the property is put and other properties owned by the purchaser.

1.2 Particulars of any Charges (whether registered or not) over the land imposed by or under an Act to secure an amount due under that Act, including the amount owing under the charge.

Nil.

1.3 Terms Contract

This section 1.3 only applies if the vendor statement is in respect of a terms contract where the purchaser is obliged to make 2 or more payments (other than a deposit or final payment) to the vendor after the execution of the contract and before the purchaser is entitled to a conveyance or transfer of the land, particulars are as follows:

Not applicable.

1.4 Sale Subject to Mortgage

This section 1.4 only applies if this vendor statement is in respect of a contract which provides that any mortgage (whether registered or unregistered), is NOT to be discharged before the purchaser becomes entitled to possession or to the receipt of rents and profits, are as follows:

Nil.

2. INSURANCE

2.1 Damage and Destruction

This section 2.1 only applies if this vendor statement is in respect of a contract which does NOT provide the land to remain at the risk of the vendor until the purchaser becomes entitled to possession or receipt of rents and profits.

Not applicable.

2.2 Owner-Builder

This section 2.2 only applies where there is a residence on the land that was constructed by an owner builder within the preceding 6 years and section 137B of the *Building Act 1993* applies to the residence.

Not applicable.

3. LAND USE

3.1 Easements, Covenants or Other Similar Restrictions

A description of any easement, covenant or other similar restriction affecting the land (whether registered or unregistered):

- (a) Are as set out in the attached copies of title documents otherwise none known to the vendor.
- (b) Particulars of any existing failure to comply with the terms of that easement, covenant or restriction are as follows:

To the best of the vendor's knowledge there is no existing failure to comply with the terms of any easement, covenant or similar restriction.

3.2 Road Access

There is access to the property by road.

3.3 Designated Bushfire Prone Area

The land is not in a bushfire prone area under section 192A of the *Building Act 1993*.

3.4 Planning Scheme

The required specified information is Attached is a certificate with the required specified information.

4. NOTICES

4.1 Notice, Order, Declaration, Report or Recommendation

Particulars of any notice, order, declaration, report or recommendation of a public authority or government department or approved proposal directly and currently affecting the land, being a notice, order, declaration, report, recommendation or approved proposal of which the vendor might reasonably be expected to have knowledge are as follows:

Nil.

4.2 **Agricultural Chemicals**

There are NO notices, property management plans, reports or orders in respect of the land issued by a government department or public authority in relation to livestock disease or contamination by agricultural chemicals affecting the ongoing use of the land for agricultural purposes. However, if this is not the case, the details of any such notices, property management plans, reports or orders, are as follows:

Nil.

4.3 **Compulsory Acquisition**

The particulars of any notice of intention to acquire served under section 6 of the *Land Acquisition and Compensation Act 1986* are as follows:

Nil.

5. **BUILDING PERMITS**

No building permits have been issued under the *Building Act 1993* in the preceding 7 years (required only where there is a residence on the land).

6. **OWNERS CORPORATION**

The land is not affected by an Owners Corporation within the meaning of the *Owners Corporations Act 2006*.

7. **GROWTH AREAS INFRASTRUCTURE CONTRIBUTION ("GAIC")**

Words and expressions in this section 7 have the same meaning as in Part 9B of the *Planning and Environment Act 1987*.

7.1 **Work-in-Kind Agreement**

There is no work-in-kind agreement (within the meaning of Part 9B of the *Planning and Environment Act 1987*).

7.2 **GAIC Recording**

The land is not affected by the GAIC.

8. **SERVICES**

The following services are **not** connected to the land:

- (a) gas supply
- (b) sewerage
- (c) telephone services

9. **TITLE**

9.1 Attached is a copy of the Register Search Statement and the document, or part of the document, referred to as a "diagram location" in the Statement that identifies the land and its location.

10. **DISCLOSURE OF ENERGY EFFICIENCY INFORMATION**

There is no certificate relating to Energy Efficiency Information applicable.

11. DUE DILIGENCE CHECKLIST

The Sale of Land Act 1962 provides that the vendor or the vendor's licensed estate agent must make a prescribed due diligence checklist available to the purchasers before offering land for sale that is vacant residential land or land on which there is a residence. The due diligence checklist is NOT required to be provided with, or attached to, this vendor statement but the checklist may be attached as a matter of convenience.

The vendor makes this statement in respect of the land in accordance with section 32 of the *Sale of Land Act 1962*.

Date of this Statement: / /

Signatures of the vendor:
Kevin John Stone

.....
Pamela Jean Stone

The purchaser acknowledges being given a duplicate of this statement signed by the vendor with the attached documents before the purchaser signed any contract.

Date of this Acknowledgment: / /

Signature of the purchaser:

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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 10291 FOLIO 193

Security no : 124084358310N
Produced 16/07/2020 12:46 PM

LAND DESCRIPTION

Land in Plan of Consolidation 360415X.
PARENT TITLES :
Volume 09459 Folio 066 Volume 10183 Folio 762
Created by instrument PC360415X 16/07/1996

REGISTERED PROPRIETOR

Estate Fee Simple
Joint Proprietors
KEVIN JOHN STONE
PAMELA JEAN STONE both of IRYMPLE
PC360415X 16/07/1996

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE U349972S 08/08/1996
BENDIGO AND ADELAIDE BANK LTD
TRANSFER OF MORTGAGE AL237488B 18/07/2014

MORTGAGE AJ379910S 19/12/2011
BENDIGO AND ADELAIDE BANK LTD
TRANSFER OF MORTGAGE AL237488B 18/07/2014

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE PC360415X FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 9214 CALDER HIGHWAY IRYMPLE VIC 3498

ADMINISTRATIVE NOTICES

NIL

eCT Control 03500L BENDIGO AND ADELAIDE BANK LTD - SAFE CUSTODY
Effective from 21/07/2017

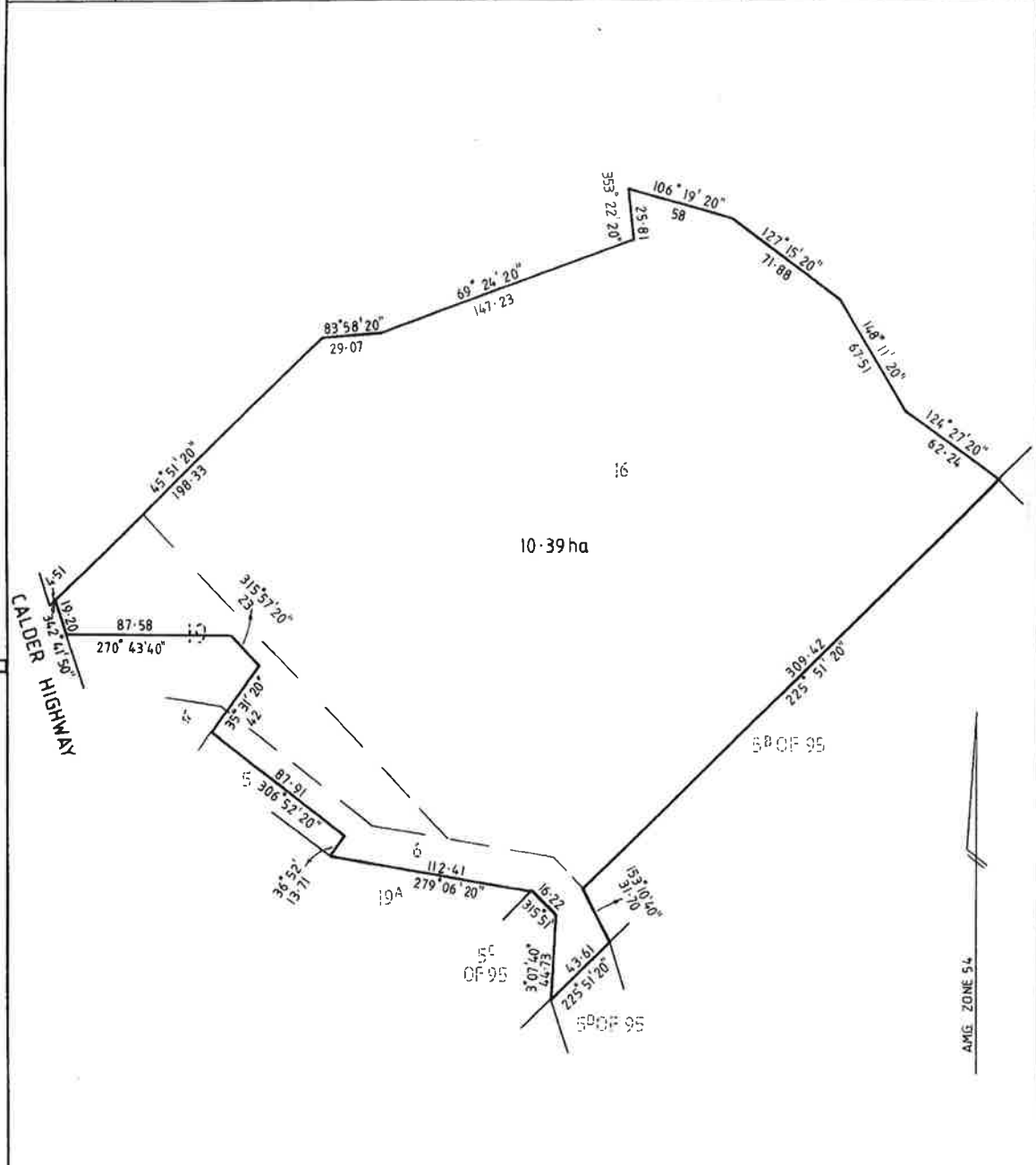
DOCUMENT END

Delivered from the LANDATA® System by InfoTrack Pty Ltd.

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PLAN OF CONSOLIDATION		LTO use only EDITION 1	Plan Number PC 360415X										
<p style="text-align: center;">Location of Land</p> <p>Parish: MILDURA</p> <p>Township: _____</p> <p>Section: 88</p> <p>Crown Allotment: 6, 16 & 19(PART)</p> <p>Crown Portion: _____</p> <p>LTO Base Record: LITHO SHEET 5</p> <p>Title Reference: VOL.10183 FOL.762 & VOL. 9459 FOL.066</p> <p>Last Plan Reference: L.P.138268 (LOT 2)</p> <p>Postal Address: CALDER HIGHWAY, (at time of consolidation) IRYMPLE SOUTH, 3498.</p> <p>AMG Co-ordinates E 608700 Zone: 54 (of approx. centre of land N6208500 in plan)</p>		<p style="text-align: center;">Council Certificate and Endorsement</p> <p>Council Name: MILDURA RURAL CITY COUNCIL Ref:</p> <ol style="list-style-type: none"> 1. This plan is certified under section 6 of the Subdivision Act 1988. 2. This plan is certified under section 11(7) of the Subdivision Act 1988. Date of original certification under section 6 / / 3. This is a statement of compliance issued under section 21 of the Subdivision Act 1988. <p>Council delegate _____ Council seal</p> <p>Date <i>19 / 12 / 95</i></p> <p>Re-certified under section 11(7) of the Subdivision Act 1988</p> <p>Council Delegate _____ Council Seal</p> <p>Date / /</p>											
Notations													
<p>Depth Limitation 15 METRES. APPLIES TO C.A. 6 ONLY. 15-24 METRES. APPLIES TO C.A.s 16 & 19.</p> <p style="text-align: center;">Survey This plan is/ is not based on survey This survey has been connected to permanent marks no(s) _____ In Proclaimed Survey Area No. _____</p>													
Easement Information			LTO use only										
<p>Legend: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">Easement Reference</th> <th style="width: 30%;">Purpose</th> <th style="width: 10%;">Width (Metres)</th> <th style="width: 10%;">Origin</th> <th style="width: 40%;">Land Benefitted/In Favour Of</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>			Easement Reference	Purpose	Width (Metres)	Origin	Land Benefitted/In Favour Of						<p>Statement of Compliance/ Exemption Statement</p> <p>Received ✓ Date <i>11 / 6 / 96</i></p>
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefitted/In Favour Of									
			<p>LTO use only</p> <p>PLAN REGISTERED TIME 3.50 pm DATE <i>16 / 7 / 95</i></p> <p style="text-align: center;"><i>Robert Bruce Freeman</i> Assistant Registrar of Titles</p> <p>Sheet 1 of 2 Sheets</p>										
<p>FREEMAN & FREEMAN LAND SURVEYORS PO BOX 2135 MILDURA VIC 3502 TELEPHONE: (050) 23 6239</p>		<p>LICENSED SURVEYOR (PRINT) <u>ROBERT BRUCE FREEMAN</u></p> <p>SIGNATURE _____ DATE 27 / 11 / 1995</p> <p>REF 5785 VERSION </p>	<p>DATE <i>19 / 12 / 95</i></p> <p>COUNCIL DELEGATE SIGNATURE _____</p> <p>Original sheet size A3</p>										

PLAN OF CONSOLIDATION	Stage No.	Plan Number PC 360415X
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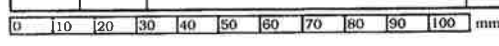


FREEMAN & FREEMAN
LAND SURVEYORS
 PO BOX 2135 MILDURA VIC 3502
 TELEPHONE: (080) 23 6239

ORIGINAL	SCALE
SCALE	20 0 40 80
SHEET SIZE A3	LENGTHS ARE IN METRES
1:2000	

LICENSED SURVEYOR (PRINT) ROBERT BRUCE FREEMAN
 SIGNATURE.....DATE 27 / 11 / 1995
 REF **5785** VERSION **1**

Sheet 2 of 2 Sheets
DATE <u>19/12/95</u>
COUNCIL DELEGATE SIGNATURE
Original sheet size A3



Property Report

 from www.land.vic.gov.au on 15 July 2020 03:07 PM

Address: 9214 CALDER HIGHWAY IRYMPLE 3498

Lot and Plan Number: This property has 2 parcels. See table below.

Standard Parcel Identifier (SPI): See table below.

Local Government (Council): MILDURA **Council Property Number:** 17383

Directory Reference: VicRoads 3 D6

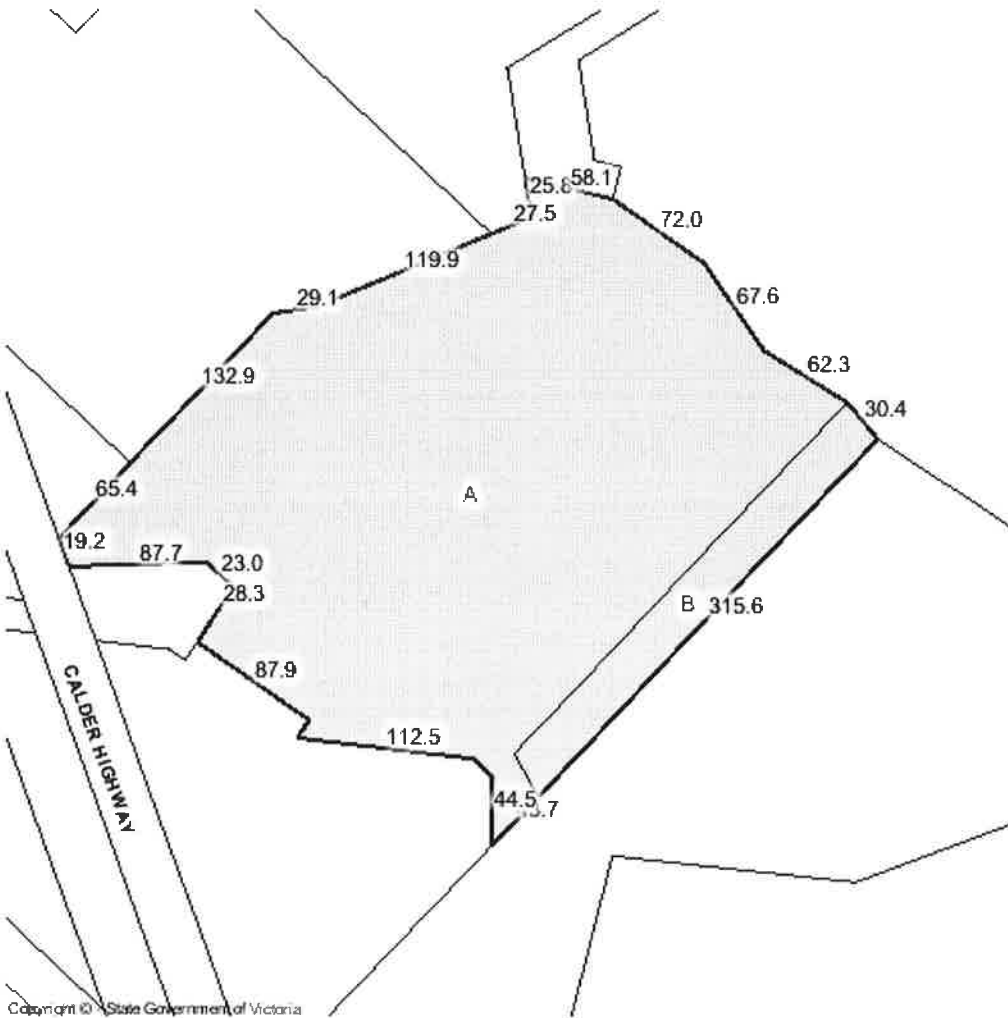
This property is not in a designated bushfire prone area.

No special bushfire construction requirements apply. Planning provisions may apply.

Further information about the building control system and building in bushfire prone areas can be found in the Building Commission section of the Victorian Building Authority website www.vba.vic.gov.au

Site Dimensions

All dimensions and areas are approximate. They may not agree with the values shown on a title or plan.



Area: 113356 sq. m
(11.3 ha)

Perimeter: 1496 m

For this property:

- Site boundaries
- Road frontages

Dimensions for individual parcels require a separate search, but dimensions for individual units are generally not available.

5 dimensions shorter than 17m not displayed

Calculating the area from the dimensions shown may give a different value to the area shown above - which has been calculated using all the dimensions.

For more accurate dimensions get copy of plan at [Title and Property Certificates](#)

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COPY OF RECORD IN THE VICTORIAN WATER REGISTER

WATER-USE LICENCE

Water Act 1989

The information in this copy of record is as recorded at the time of printing. Current information should be obtained by a search of the register. The State of Victoria does not warrant the accuracy or completeness of this information and accepts no responsibility for any subsequent release, publication or reproduction of this information.

Water-use licence WUL000548 does not remove the need to apply for any authorisation or permission necessary under any other Act of Parliament with respect to anything authorised by the water-use licence.

Water used under water-use licence WUL000548 is not fit for any use that may involve human consumption, directly or indirectly, without first being properly treated.

Water-use licence WUL000548 authorises the use of water for the purpose of irrigation, watering a kitchen garden that is not more than 0.4 hectares, watering animals kept as pets, watering cattle or other stock (not including piggeries, feed lots, poultry farms or any other intensive or commercial use), dairy use, and general non-irrigation farm use, on the land described below, subject to the conditions that are specified.

Land on which water may be used

Land description

Volume 10291 Folio 193
Plan PC360415X

Property address

9214 Calder Highway, IRYMPLE, VIC 3498

Holder(s) of Water-Use Licence

KEVIN JOHN STONE of PO BOX 785 IRYMPLE VIC 3498
PAMELA JEAN STONE of PO BOX 785 IRYMPLE VIC 3498

Water-Use Licence Details

Status	Active
Annual use limit	80.2 megalitres
Water share holding limit	160.4 megalitres
Licensing water authority	Lower Murray Water
Trading zone for water use	7 VIC Murray - Barmah to SA
Delivery system	First Mildura Irr. District
Related works licences	Nil
Associated water shares	WEE001242
Salinity impact zone	High Impact Zone (HI 2)

Application History

<i>Reference</i>	<i>Type</i>	<i>Status</i>	<i>Lodged date</i>	<i>Approved date</i>	<i>Recorded date</i>
WUV479604	Variation	Approved	18 Feb 2014	18 Feb 2014	

Conditions

Water-use licence WUL000548 is subject to the following conditions:

Managing groundwater infiltration

- 1 Subject to the Minister declaring a seasonal adjustment to annual use limits to accommodate exceptionally high evapotranspiration rates, the maximum number of megalitres of water that may be applied to the land specified in the licence in any 12-month period from 1 July to 30 June will be 80.20
- 2 Water used for the purposes of irrigation on the land specified in the licence must be measured through a meter approved by the water Authority unless the Authority has granted an exemption in writing.
- 3 Poned irrigation must not be carried out on the land specified in the licence without the addition of particular conditions governing the use of such an irrigation system.

Managing drainage disposal

- 4 Where irrigation results in drainage from the land specified in the licence that drainage water must be disposed in ways that meet with the standards, terms and conditions adopted from time to time by the water authority.

END OF COPY OF RECORD

Parcel Details

Letter in first column identifies parcel in diagram above

	Lot/Plan or Crown Description	SPI
A	Plan PC360415	PC360415
B	Lot 1 TP966304	1\TP966304

State Electorates

Legislative Council: NORTHERN VICTORIA

Legislative Assembly: MILDURA

Utilities

Rural Water Corporation: Lower Murray Water

Urban Water Corporation: Lower Murray Water

Melbourne Water: outside drainage boundary

Power Distributor: POWERCOR ([Information about choosing an electricity retailer](#))

Planning Zone Summary

Planning Zone: [FARMING ZONE \(FZ\)](#)
[SCHEDULE TO THE FARMING ZONE \(FZ\)](#)

Planning Overlay: [SPECIFIC CONTROLS OVERLAY \(SCO\)](#)
[SPECIFIC CONTROLS OVERLAY - SCHEDULE 1 \(SCO1\)](#)

Planning scheme data last updated on 8 July 2020.

A **planning scheme** sets out policies and requirements for the use, development and protection of land.

This report provides information about the zone and overlay provisions that apply to the selected land.

Information about the State and local policy, particular, general and operational provisions of the local planning scheme that may affect the use of this land can be obtained by contacting the local council or by visiting [Planning Schemes Online](#)

This report is NOT a **Planning Certificate** issued pursuant to Section 199 of the *Planning and Environment Act 1987*.

It does not include information about exhibited planning scheme amendments, or zonings that may affect the land.

To obtain a Planning Certificate go to [Titles and Property Certificates](#)

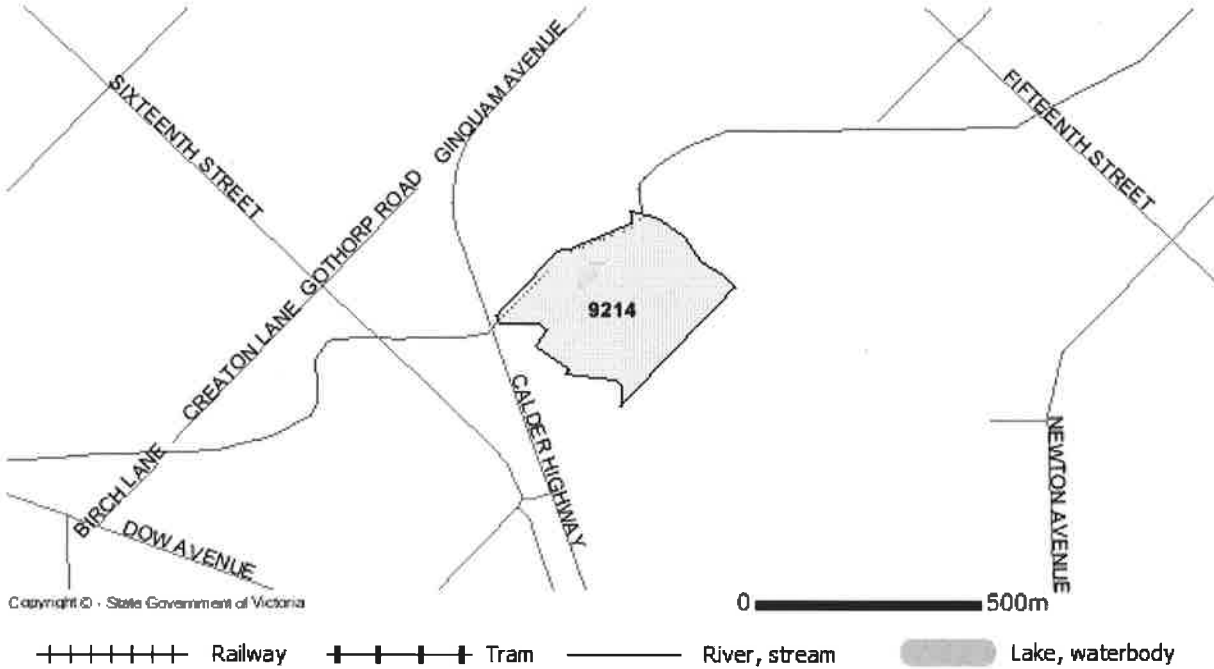
The Planning Property Report includes separate maps of zones and overlays

For details of surrounding properties, use this service to get the Reports for properties of interest

To view planning zones, overlay and heritage information in an interactive format visit [Planning Maps Online](#)

For other information about planning in Victoria visit www.planning.vic.gov.au

Area Map



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From www.planning.vic.gov.au at 15 July 2020 03:08 PM

PROPERTY DETAILS

Address: **9214 CALDER HIGHWAY IRYMPLE 3498**
 Lot and Plan Number: **More than one parcel - see link below**
 Standard Parcel Identifier (SPI): **More than one parcel - see link below**
 Local Government Area (Council): **MILDURA**
 Council Property Number: **17383**
 Planning Scheme: **Mildura**
 Directory Reference: **Vicroads 3 D6**

www.mildura.vic.gov.au

[Planning Scheme - Mildura](#)

This property has 2 parcels. For full parcel details get the free Property report at [Property Reports](#).

UTILITIES

Rural Water Corporation: **Lower Murray Water**
 Urban Water Corporation: **Lower Murray Water**
 Melbourne Water: **Outside drainage boundary**
 Power Distributor: **POWERCOR**

[View location in VicPlan](#)

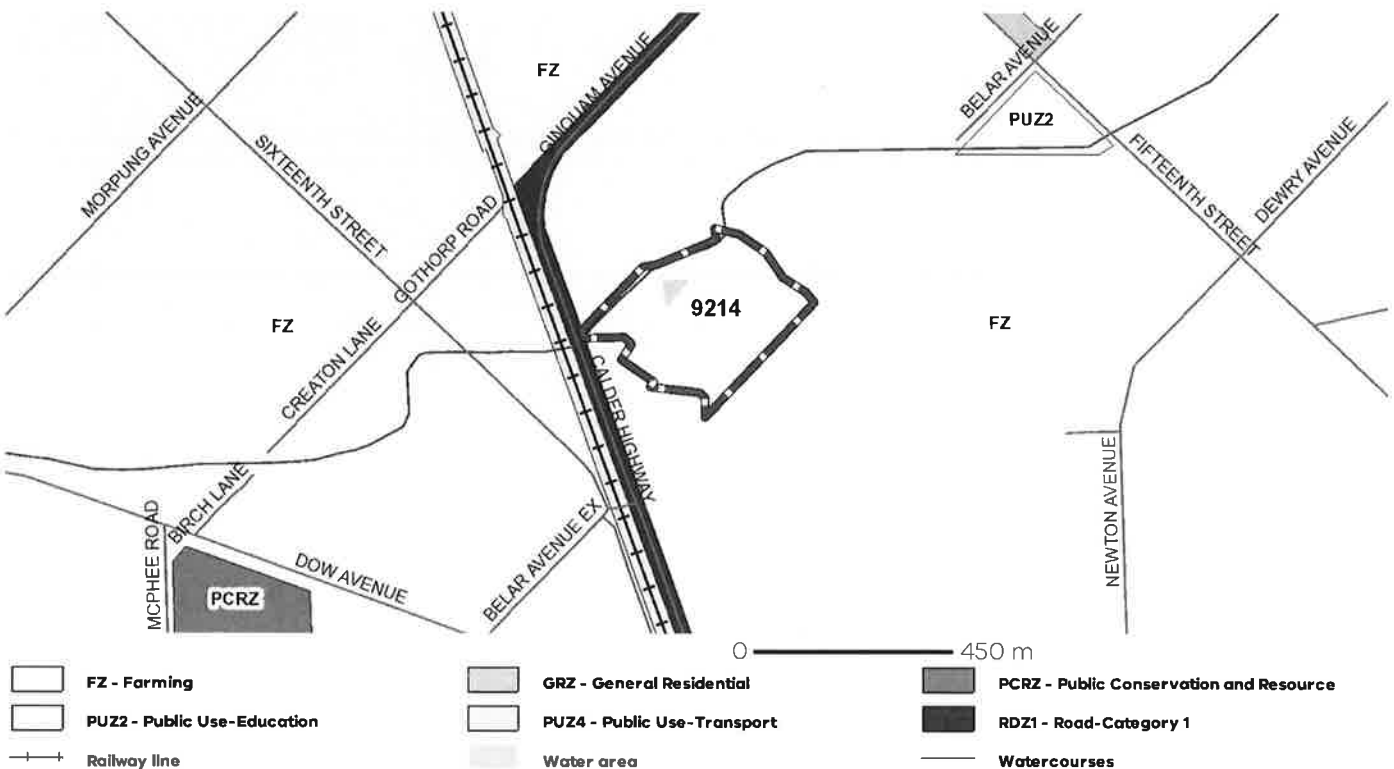
STATE ELECTORATES

Legislative Council: **NORTHERN VICTORIA**
 Legislative Assembly: **MILDURA**

Planning Zones

FARMING ZONE (FZ)

SCHEDULE TO THE FARMING ZONE (FZ)



Note: labels for zones may appear outside the actual zone - please compare the labels with the legend.

Planning Overlays

SPECIFIC CONTROLS OVERLAY (SCO)

SPECIFIC CONTROLS OVERLAY - SCHEDULE 1 (SCO1)



Note: due to overlaps, some overlays may not be visible, and some colours may not match those in the legend

OTHER OVERLAYS

Other overlays in the vicinity not directly affecting this land

DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY (DCPO)



Note: due to overlaps, some overlays may not be visible, and some colours may not match those in the legend

Further Planning Information

Planning scheme data last updated on 9 July 2020.

A **planning scheme** sets out policies and requirements for the use, development and protection of land. This report provides information about the zone and overlay provisions that apply to the selected land. Information about the State and local policy, particular, general and operational provisions of the local planning scheme that may affect the use of this land can be obtained by contacting the local council or by visiting <https://www.planning.vic.gov.au>.

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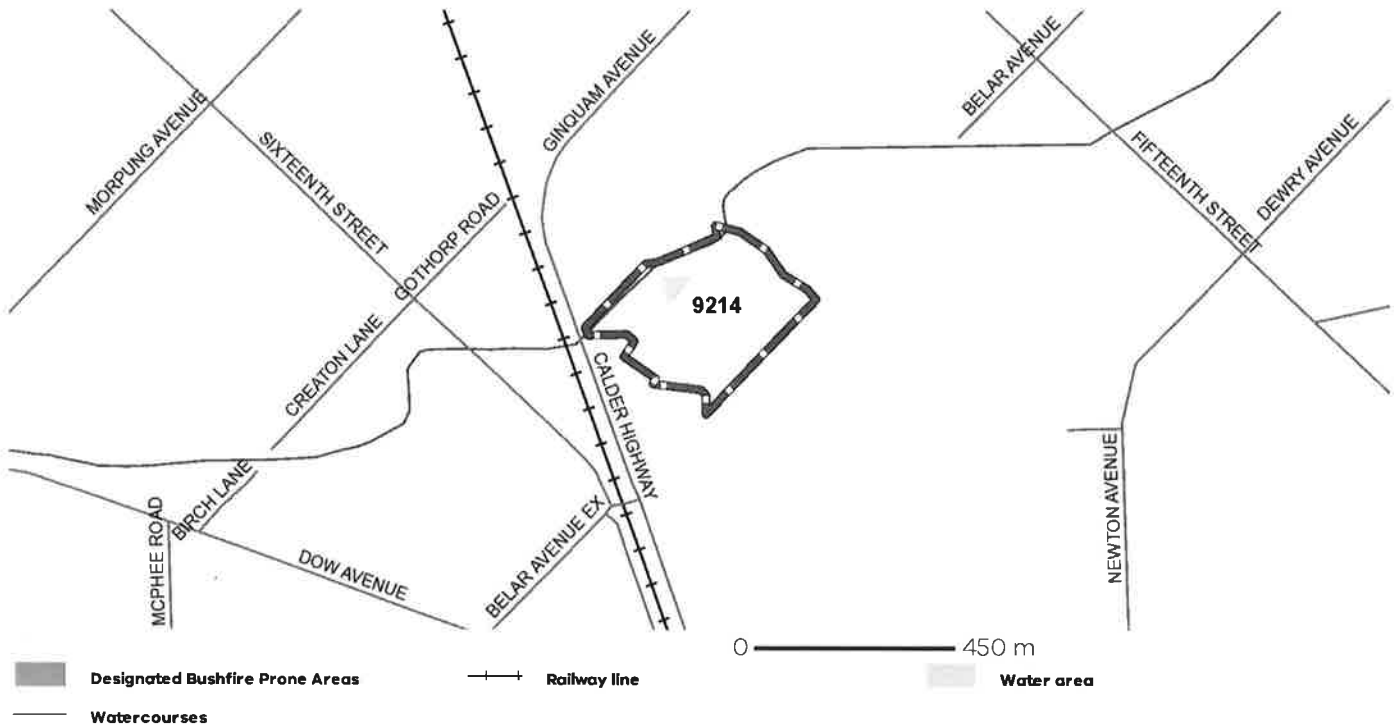
For details of surrounding properties, use this service to get the Reports for properties of interest.

To view planning zones, overlay and heritage information in an interactive format visit <https://mapshare.maps.vic.gov.au/vicplan>

For other information about planning in Victoria visit <https://www.planning.vic.gov.au>

Designated Bushfire Prone Areas

This property is not in a designated bushfire prone area.
No special bushfire construction requirements apply. Planning provisions may apply.



Designated bushfire prone areas as determined by the Minister for Planning are in effect from 8 September 2011 and amended from time to time.

The Building Regulations 2018 through application of the Building Code of Australia, apply bushfire protection standards for building works in designated bushfire prone areas.

Designated bushfire prone areas maps can be viewed on VicPlan at <https://mapshare.maps.vic.gov.au/vicplan> or at the relevant local council.

Note: prior to 8 September 2011, the whole of Victoria was designated as bushfire prone area for the purposes of the building control system.

Further information about the building control system and building in bushfire prone areas can be found on the Victorian Building Authority website <https://www.vba.vic.gov.au>

Copies of the Building Act and Building Regulations are available from <http://www.legislation.vic.gov.au>

For Planning Scheme Provisions in bushfire areas visit <https://www.planning.vic.gov.au>

Due diligence checklist

What you need to know before buying a residential property

Before you buy a home, you should be aware of a range of issues that may affect that property and impose restrictions or obligations on you, if you buy it. This checklist aims to help you identify whether any of these issues will affect you. The questions are a starting point only and you may need to seek professional advice to answer some of them. You can find links to organisations and web pages that can help you learn more, by visiting the [Due diligence checklist page on the Consumer Affairs Victoria website](http://consumer.vic.gov.au/duediligencechecklist) (consumer.vic.gov.au/duediligencechecklist).

Urban living

Moving to the inner city?

High density areas are attractive for their entertainment and service areas, but these activities create increased traffic as well as noise and odours from businesses and people. Familiarising yourself with the character of the area will give you a balanced understanding of what to expect.

Is the property subject to an owners corporation?

If the property is part of a subdivision with common property such as driveways or grounds, it may be subject to an owners corporation. You may be required to pay fees and follow rules that restrict what you can do on your property, such as a ban on pet ownership.

Growth areas

Are you moving to a growth area?

You should investigate whether you will be required to pay a growth areas infrastructure contribution.

Flood and fire risk

Does this property experience flooding or bushfire?

Properties are sometimes subject to the risk of fire and flooding due to their location. You should properly investigate these risks and consider their implications for land management, buildings and insurance premiums.

Rural properties

Moving to the country?

If you are looking at property in a rural zone, consider:

- Is the surrounding land use compatible with your lifestyle expectations? Farming can create noise or odour that may be at odds with your expectations of a rural lifestyle.
- Are you considering removing native vegetation? There are regulations which affect your ability to remove native vegetation on private property.
- Do you understand your obligations to manage weeds and pest animals?

Can you build new dwellings?

Does the property adjoin crown land, have a water frontage, contain a disused government road, or are there any crown licences associated with the land?

Is there any earth resource activity such as mining in the area?

You may wish to find out more about exploration, mining and quarrying activity on or near the property and consider the issue of petroleum, geothermal and greenhouse gas sequestration permits, leases and licences, extractive industry authorisations and mineral licences.

Soil and groundwater contamination

Has previous land use affected the soil or groundwater?

You should consider whether past activities, including the use of adjacent land, may have caused contamination at the site and whether this may prevent you from doing certain things to or on the land in the future.

Land boundaries

Do you know the exact boundary of the property?

You should compare the measurements shown on the title document with actual fences and buildings on the property, to make sure the boundaries match. If you have concerns about this, you can speak to your lawyer or conveyancer, or commission a site survey to establish property boundaries.

Planning controls

Can you change how the property is used, or the buildings on it?

All land is subject to a planning scheme, run by the local council. How the property is zoned and any overlays that may apply, will determine how the land can be used. This may restrict such things as whether you can build on vacant land or how you can alter or develop the land and its buildings over time.

The local council can give you advice about the planning scheme, as well as details of any other restrictions that may apply, such as design guidelines or bushfire safety design. There may also be restrictions – known as encumbrances – on the property's title, which prevent you from developing the property. You can find out about encumbrances by looking at the section 32 statement.

Are there any proposed or granted planning permits?

The local council can advise you if there are any proposed or issued planning permits for any properties close by. Significant developments in your area may change the local 'character' (predominant style of the area) and may increase noise or traffic near the property.

Safety

Is the building safe to live in?

Building laws are in place to ensure building safety. Professional building inspections can help you assess the property for electrical safety, possible illegal building work, adequate pool or spa fencing and the presence of asbestos, termites or other potential hazards.

Building permits

Have any buildings or retaining walls on the property been altered, or do you plan to alter them?

There are laws and regulations about how buildings and retaining walls are constructed, which you may wish to investigate to ensure any completed or proposed building work is approved. The local council may be able to give you information about any building permits issued for recent building works done to the property, and what you must do to plan new work. You can also commission a private building surveyor's assessment.

Are any recent building or renovation works covered by insurance?

Ask the vendor if there is any owner-builder insurance or builder's warranty to cover defects in the work done to the property.

Utilities and essential services

Does the property have working connections for water, sewerage, electricity, gas, telephone and internet?

Unconnected services may not be available, or may incur a fee to connect. You may also need to choose from a range of suppliers for these services. This may be particularly important in rural areas where some services are not available.

Buyers' rights

Do you know your rights when buying a property?

The contract of sale and section 32 statement contain important information about the property, so you should request to see these and read them thoroughly. Many people engage a lawyer or conveyancer to help them understand the contracts and ensure the sale goes through correctly. If you intend to hire a professional, you should consider speaking to them before you commit to the sale. There are also important rules about the way private sales and auctions are conducted. These may include a cooling-off period and specific rights associated with 'off the plan' sales. The important thing to remember is that, as the buyer, you have rights.

KEVIN JOHN STONE
and
PAMELA JEAN STONE

VENDOR'S STATEMENT

Property
9214 Calder Highway, Irymple

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