### **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. IF THE PURCHASER IS A COMPANY:

in the presence of:

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

FORM OF GUARANTEE				
	•••			
	•••			
(hereinafter called "the Guarantors"	) in consideration	of the within named	Vendor selling to the	
within named Purchaser at our reque	est the land descri	bed in the within Cor	ntract for the price and	
upon the terms and conditions there	in set forth do he	reby for ourselves ou	r respective executors	
and administrators jointly and severa	ally covenant with	h the said Vendor tha	t if at any time default	
shall be made in the payment of th	e deposit or resid	due of purchase mon	ey or interest or other	
monies payable by the Purchaser to the Vendor under the within Contract or in the performance				
or observance of any term or condition of the within Contract to be performed or observed by				
the Purchaser we will forthwith on o	demand by the Vo	endor pay to the Vend	dor the whole of such	
deposit residue of purchase money interest or other monies which shall then be due and payable				
to the Vendor and will keep the Vendor	ndor indemnified	against all loss of pu	rchase money interest	
and other monies payable under the	within Contract	and all losses costs	charges and expenses	
whatsoever which the Vendor may	incur by reason o	f any default as afore	said on the part of the	
Purchaser. This Guarantee shall be	e a continuing G	uarantee and shall ne	ot be released by any	
neglect or forbearance on the part	of the Vendor in	enforcing payment	of any of the monies	
payable under the within Contract	or the performan	ce or observance of a	any of the agreements	
obligations or conditions under the	within Contract of	or by time being give	n to the Purchaser for	
any such payment performance or o	bservance or by a	ny other thing which	under the law relating	
to sureties would but for this pro	ovision have the	effect of releasing	us our executors or	
administrators.				
<b><u>DATED</u></b> this	ay of	2	021.	
SIGNED SEALED AND DELIVE	ERED by	)		
		)		
in the presence of:		)		
SIGNED SEALED AND DELIVE	ERED by	)		

## 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 SHANE DONALD KEARNEY

PROPERTY 1090 Sturt Highway, South Merbein

(Crown Allotment 6 Section E Parish of Merbein and the land being more particularly described

in Certificate of Title Volume 06374 Folio 772)

#### 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 2020/21	\$1,424.20	
Lower Murray Water per qtr 2020/21	\$78.79	-

- (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) 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.

<b>1962.</b>	
Date of this Statement:	/
Signature of the vendor:	Shane Donald Kearney
The purchaser acknowledges being documents before the purchaser sig	given a duplicate of this statement signed by the vendor with the attached ned any contract.
Date of this Acknowledgment:	······/ ·······/ ·········/
Signature of the purchaser:	

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

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

\_\_\_\_\_

VOLUME 06374 FOLIO 772

Security no: 124088990831P Produced 30/03/2021 12:49 PM

CROWN GRANT

LAND DESCRIPTION

-----

Crown Allotment 6 Section E Parish of Merbein.

REGISTERED PROPRIETOR

-----

Estate Fee Simple

Sole Proprietor

SHANE DONALD KEARNEY of 7 RAINBOW STREET MERBEIN VIC 3505 AL364346M 17/09/2014

ENCUMBRANCES, CAVEATS AND NOTICES

-----

MORTGAGE AL364347K 17/09/2014 COMMONWEALTH BANK OF AUSTRALIA

Any crown grant reservations exceptions conditions limitations and powers noted on the plan or imaged folio set out under DIAGRAM LOCATION below. For details of any other encumbrances see the plan or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

\_\_\_\_\_

SEE TP349955A 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: 1090 STURT HIGHWAY MERBEIN SOUTH VIC 3505

ADMINISTRATIVE NOTICES

-----

NIL

eCT Control 15940N CBA - COMMONWEALTH BANK OF AUSTRALIA

Effective from 23/10/2016

DOCUMENT END

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## **EDITION 1** TP 349955A TITLE PLAN Notations Location of Land SUBJECT TO THE RESERVATIONS EXCEPTIONS CONDITIONS AND POWERS CONTAINED IN CROWN GRANT VOL 6374 FOL 772 AND NOTED ON SHEET 2 OF THIS PLAN MERBEIN Pansh: Township: Section: F Crown Allatment Crown Portion: IN THE MALLEE COUNTRY FOR THE PURPOSES OF THE LAND ACT Last Plan Reference Derived From: VOL 6374 FOL 772 ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN Depth Limitation: 50 FEET Description of Land / Easement Information THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT COMPILED: 15-03-2000 VERIFIED: AD COLOUR CODE LENGTHS ARE IN Metres = 0.3048 x Feet Sheet 1 of 2 sheets

Metres = 0.201168 x Links

TITLE PLAN

TP 349955A

# LAND DESCRIPTION INCLUDING RESERVATIONS EXCEPTIONS CONDITIONS AND POWERS SHOWN ON THE CROWN GRANT

delinated with the measurements and thetatals through in the may drawn in the margin of these presents and thereis colored yellow. Paravirus severables and for any and for all purposes as though he held the land without limitation as to depth. Excerction severables made that for any and for all purposes as though he held the land without limitation as to depth. Excerction severables and the second of the severable and direct and similars in addicated in the Mirar of 1910 in upon to make or 100 read their forecesses against an exercision as dealed in the held for gold allow and mineral as aforesaid and for any array array that all mineral as aforesaid and to certain and remove therefore any each gold allow and mineral surfaces of the second of the s		HII THAT PIECE OF LAND IN the MALLEY COUNTRY in the said Sinte
delinented with the measurements and abottais thereof in the map drawn in the margin of these presents and therein colored yellow. Passumed in the third that the grantee shall be entitled to sink wells for water and to the use and enjoyment of any wells or springs of water upon or within the boundaries of the said land for any and for all purposes as though he held the land without limitation as to depth Excertron envertheless unto Us Our heirs and successors all gold and silver and minerals as defined in the Affases del 1988 in upon or under or within the boundaries of the land hereby granted. And reserving to Us Our heirs and successors free liberty and authority for Us Our heirs and successors and Our and their linearcess agants and servants at any time or times bereafter to enter upon and successors and and to search and mine therein for gold silver and minerals and the servants at any time or times bereafter to enter upon and successors for and work dispose of and carry away the said gold silver and minerals said of the vortings of all mines seams lodes and deposits containing such incidents that are necessary to be used for the getting of the said gold silver and minerals and the working of all mines seams lodes and deposits containing such limits are necessary to be used for the getting of the said gold silver and minerals and the working of all mines seams lodes and deposits containing such limits are necessary to be used for the special Ann acts reserving to Us Our heirs and successors—  Of all petroleum as defined in the Mines (Petroleum) Act 1935 on or below the surface of the said land and and the right of access of the purpose of searching for and for the operations of obtaining such petroleum in any part or parts of the said land.  Provinced actwars that the said land is and shall be subject to the right of any person being the holder of a mineral right or of a mining harden and positions and provisions as those to the said which such person would for the time being be cutiled to mine for gold and	containing two goods more orders bear	ng Allotment sex of Section E in the Proust of Monten Country of
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AND PROVIDED also that the said land is and shall be subject to the right of any person being the belder of a miner's right or of a mining lease or mineral losse under the Miner Act 1933 or any corresponding previous enactment to enter therein and to mine for gold silver or minerals within the meaning mineral losse under the Miner Act 1933 or any corresponding previous enactment to enter therein and under the same conditions and provisions as those to of the said Act and to erect and occupy mining plant or making thereon in the same manner and under the same conditions and provisions as those to of the said Act and to erect and occupy mining plant or making the conditions and provision as those to of the said Act and to erect and occupy mining plant or making the conditions are transferred by such person for surface damage to be done to such land by reason of mining thereon such compensation to be determined as provided for the time being by law and the payment thereof to be	that the grantee shall be entitled to ank wells for a said land for any and for all purposes as though he and silver and minerals as defined in the Mines Act 1926 and successors free liberty and authority for Us Our he he said land and to search and mine therein for gold scarch for and work dispose of and carry away the article shafts make drives erect machinary and to carry incidents that are necessary to be used for the getting gold silver and minerals in upon or under the land h  (i) all petroleum as defined in the Mines (Petrol (ii) the right of access for the purpose of scarch	in the map drawn in the margin of these powers and successors and other parts of the safe and to the use and onjoyment of any wells or springs of water upon or within the boundaries of the held the land without limitation as to depth Excerting nevertheless unto US Our heirs and successors and our and their licensees agents and nerely granted. Any reserving to Us Our heirs and successors and Our and their licensees agents and servants at any time or times hereafter to enter upon either and minerals as a foresaid and to extract and remove therefrom any such gold silver and minerals surface and remove therefrom any such gold silver and minerals and to our one of the said gold silver and minerals which may be necessary or usual in mining and with all other of the said gold silver and minerals and the working of all mines seams lodes and deposits containing such ereby granted Ann axio reserving to US Our heirs and successors— seems Act 1935 on or below the surface of the said land and ing for and for the operations of obtaining such petroleum in any part or parts of the said land and other proposes necessary for obtaining and conveying such petroleum in the event of such petroleum being do the purposes necessary for obtaining and conveying such petroleum in the event of such petroleum being do the purposes necessary for obtaining and conveying such petroleum in the event of such petroleum being
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		damage to be done to such land by reason of mining thereon such compensation to be determined as provided for the time being by law and the payment thereof to b
LENGTHS ARE IN LINKS         Metres = 0.3048 x Feet         Sheet 2 of 2 sheets	LINKS	Sheet 2 of 2 sheet



## Property Report from www.land.vic.gov.au on 30 March 2021 12:21 PM

Address: 1090 STURT HIGHWAY MERBEIN SOUTH 3505 Crown Description: Allot. 6 Sec. E PARISH OF MERBEIN

Standard Parcel Identifier (SPI): 6~E\PP3089

Local Government (Council): MILDURA Council Property Number: 24156

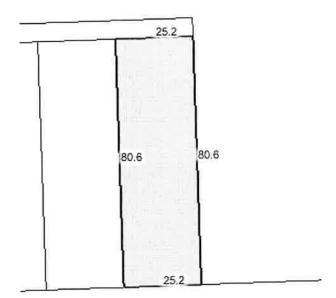
Directory Reference: VicRoads 3 B5

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 <a href="https://www.vba.vic.gov.au">www.vba.vic.gov.au</a>

#### Site Dimensions

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



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Area: 2023 sq. m Perimeter: 211 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.

For more accurate dimensions get copy of plan at Title and Property Certificates

#### **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 information continued on next page

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#### **Planning Zone Summary**

Planning Zone: GENERAL RESIDENTIAL ZONE (GRZ)

GENERAL RESIDENTIAL ZONE - SCHEDULE 1 (GRZ1)

Planning Overlays: DESIGN AND DEVELOPMENT OVERLAY (DDO)

DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 8 (DDO8)

SPECIFIC CONTROLS OVERLAY (SCO)

SPECIFIC CONTROLS OVERLAY - SCHEDULE 1 (SCO1)

Planning scheme data last updated on 24 March 2021.

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 abut the land. To obtain a Planning Certificate go to <u>Titles and Property Certificates</u>

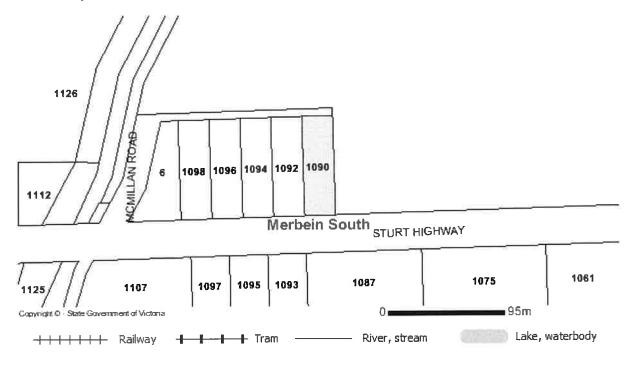
The Planning Property Report includes separate maps of zones and overlays

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 on 30 March 2021 12:41 PM

#### **PROPERTY DETAILS**

1090 STURT HIGHWAY MERBEIN SOUTH 3505 Address:

Allot. 6 Sec. E PARISH OF MERBEIN Crown Description:

Standard Parcel Identifier (SPI): 6-E\PP3089

www.mildura.vic.gov.au Local Government Area (Council): **MILDURA** 

24156 Council Property Number:

planning-schemes.delwp.vic.gov.au/schemes/mildura Planning Scheme: Mildura

Directory Reference: VicRoads 3B5

#### UTILITIES

**STATE ELECTORATES** Legislative Council: Rural Water Corporation: **Lower Murray Water** 

**NORTHERN VICTORIA** Urban Water Corporation: Lower Murray Water Legislative Assembly: MILDURA

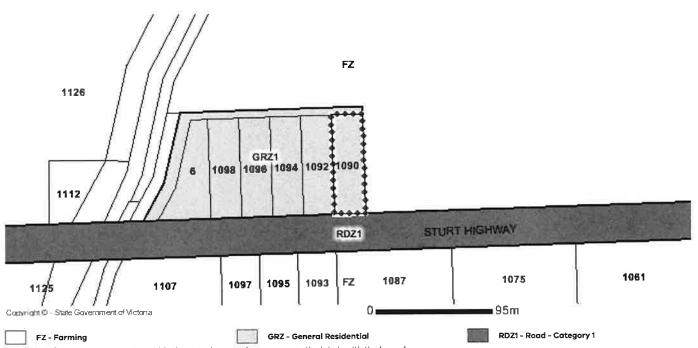
Melbourne Water: outside drainage boundary

**POWERCOR** Power Distributor:

#### **Planning Zones**

GENERAL RESIDENTIAL ZONE (GRZ)

GENERAL RESIDENTIAL ZONE - SCHEDULE 1 (GRZ1)



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

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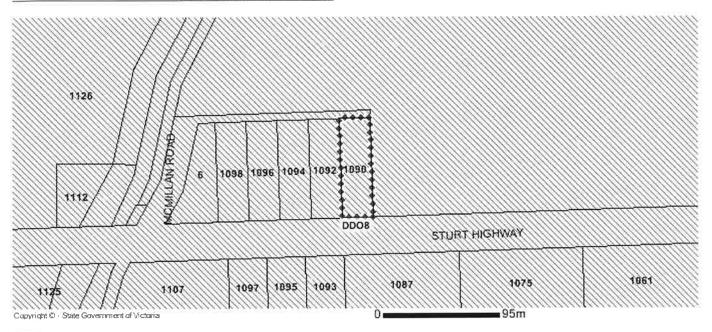
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#### **Planning Overlays**

DESIGN AND DEVELOPMENT OVERLAY (DDO)

DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 8 (DDO8)

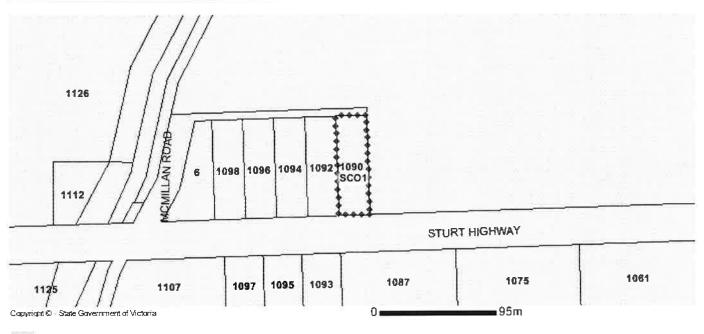


DDO - Design and Development

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

#### SPECIFIC CONTROLS OVERLAY (SCO)

#### SPECIFIC CONTROLS OVERLAY - SCHEDULE 1 (SCO1)



SCO - Specific Controls

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

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Notwithstanding this disclaimer, a vendor may rely on the information in this report for the purpose of a statement that land is in a bushfire prone area as required by section 32C (b) of the Sale of Land 1962 (Vic).



#### **Further Planning Information**

Planning scheme data last updated on 24 March 2021.

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

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 abut the land. To obtain a Planning Certificate go to Titles and Property Certificates at Landata - https://www.landata.vic.gov.au

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 <a href="http://mapshare.maps.vic.gov.au/vicplan">http://mapshare.maps.vic.gov.au/vicplan</a> For other information about planning in Victoria visit https://www.planning.vic.gov.au

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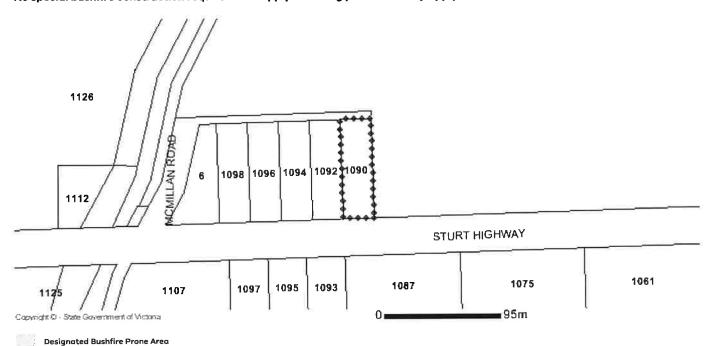
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#### Designated Bushfire Prone Area

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 http://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 <a href="www.vba.vic.gov.au">www.vba.vic.gov.au</a>

Copies of the Building Act and Building Regulations are available from www.legislation.vic.gov.au

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

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Notwithstanding this disclaimer, a vendor may rely on the information in this report for the purpose of a statement that land is in a bushfire prone area as required by section 32C (b) of the Sale of Land 1962 (Vic).

## 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 (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.

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#### 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.

#### **SHANE DONALD KEARNEY**

#### **VENDOR'S STATEMENT**

Property

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