

Burchell Higgins

PROPERTY SALES

Buying Rural Land

Under the *Property, Stock and Business Agents Act 2002*, a real estate agent can handle a purchase or sale of rural properties up to 20 hectares in size. Any property over this size, must be handled by the licensed Stock and Station Agent.

Important issues to consider when buying rural land are:

The economic climate of the area. Is the land to be used for agriculture, commercial purposes or private use?

Check that the property has appropriate council approvals and council zoning for any external buildings, and any future development.

How close by are health and other services that you need?

What are the property taxes?

Does the contract include any licences such as water usage?

- What about accessibility of service utilities such as power and telecommunication?
- Check for floodplains, areas with access problems, water problems.
- Particularly check for any easements or rights of way that may be through the property. Even though they may have not been used for some time, their use by others can affect your rights as well.
- Check that effective controls are in place and work has been maintained to control noxious pests on the land, such as rabbits and noxious weeds. Eradicating these can be costly.

If looking for undeveloped land, check the following:

- Water tables, depth, quality and reliability.
- Proximity of utilities and costs to bring them to the land / property and for installation and maintenance.
- Country road maintenance and accessibility in adverse climate conditions.

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Clearing sales

When buying rural land or property, ensure you know exactly what is being sold with the property. Many owners of rural land conduct a 'clearing sale' before selling.

While these auctions are commonly conducted by the agent selling the property, the conduct of clearing sales is not a standard activity of agents, and any funds paid to the agent in trust for the owner of the goods are not protected by the Property Services Compensation Fund. Many sales are conducted on a cash only basis.

Settlement

During the conveyancing process, any unpaid or outstanding expenses relating to the property, such as rates and utility fees, are identified. These amounts become part of the final figure. These are pro-rated so the vendor pays any amount owing for the period up until the date of settlement, and the purchaser pays any amount owing for the period after settlement.

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Rural properties

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 do so on private property.
- Do you understand your obligations to manage weeds and pest animals?
- Can you build new dwellings? Contact the local council for more information.

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- 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?

Land boundaries

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 affecting 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 Contract for Sale.