



Buying rural land: possible constraints

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Before buying rural land it is important to make sure that the land not only meets your budget, but also your expectations. This Landcare Note lists those things about a property (particularly in the state of Victoria) which influence its use.

Land ownership confers both rights and responsibilities to an owner.

It is not possible to use land in an unfettered way. Three types of constraint apply to properties:

- the inherent limitations of the land associated with soils, topography and climate
- community responsibilities to do with utilization and management of natural resources
- specific requirements which may be attached to a property because of either the property history or the property location.

The following list has been developed to ensure that potential owners of rural land look objectively at what they are undertaking.

Check the following:

Animal health restrictions

If the property has had any history of a key infectious disease, such as Johne's disease or anthrax, there may be restrictions applying to stock movement from the property. Chemical residue constraints

Some properties may have management constraints attached to them because of persevering residues of specific chemicals or because parts of the land may have been used for chemical disposal in the past. These records are not in the public domain but a vendor's declaration can be used to clarify the status.

Chemical control areas (CCA's)

Specified areas of Victoria have been designated as CCA's to protect various horticultural and other crops from spray drift at particular times of the year. More information can be gained from Agricultural Note AG0626: *Agricultural chemical user permits and chemical control areas.*

Crown land frontages

When these adjoin a property it is appropriate to check on lease arrangements to do with who has the lease, cost, management requirements and access entitlements.

Caveat

A previous owner may have attached a legal obligation to the property title and this may constrain some potential activities.

Easements

- Electricity,
- Telstra,
- Gas lines,
- Water mains.

Fire fighting preparedness

- Dams in suitable locations (eg near forested areas).
- Specific tanks dedicated to fire fighting.
- Provision of fire breaks, access and egress routes.
- Local fire restrictions as per: burning off lighting fires use of vehicles, welders, grinders, gas equipment etc.
- Rural fire fighting volunteer services

Irrigation licences/allocations

The Rural Water Management Authority issues these.

Local Area Plans

These are a new development occurring in some areas where an agreement has been set-up between members of a landcare group about land use and management. They may well have implications for the use of a property changing hands.

Local Government zoning restrictions

These are defined in the Planning Scheme

Maintenance obligations for

- River management or soil conservation structures
- Catchment Management Authority works
- Other government funded works

Native vegetation clearance requirements

A permit is required from the local government body to clear native vegetation. They will apply a range of standard assessment criteria to any proposal.

Pest animal problems

Evaluate the potential for rabbit, fox, wild dog problems and what consequences they may have for use of the land.

Private forestry (rights) agreements

An agreement can be made between a landowner and tree owner, which can be registered (as a covenant) on the title to the land. Where such agreements exist, a change in land ownership does not alter the rights of the tree owner to the trees.

Responsibilities under the Catchment and Land Protection Act (1994)

This act says it is the responsibility of all landowners to take all reasonable steps to:

- not contribute to land degradation which may cause problems to another land owner;
- conserve soil;
- protect water resources; and,
- control declared weeds.
- control of pest animals

Special Water Supply Catchment Area Plans or other Special Area Plans

Under the Catchment and Land Protection Act (1994) various areas have been declared as water supply catchments. Some have land use determinations applied to preserve the value of the area as a source of potable water.

Soil capability limitations

Land varies enormously in its ability to support various uses and activities at a level of acceptable risk. In some cases the local planning scheme will have rules governing these. In other cases, decisions will be made on the particular circumstances.

Those activities subject to such considerations are:

Septic/effluent disposal

Access and roading

House sites

Water storage's

Slope limitations

Steep land is much less capable of being used for development and management activities than flat or undulating land.

Steep land often is more susceptible to wildfire.

Unused road reserves

When these occur within the boundary of (or adjoin) a property it is appropriate to check on lease arrangements to do with cost, management requirements and access entitlements.

Water Supply

- Licences to receive stock and domestic water might be attached to the property.
- Water from waterways or from groundwater supplies requires a permit from the rural water authority. Applications to divert are assessed on a range of environmental and supply criteria.

Weed problems

Are their significant weed problems on the land or on adjoining properties? What are the implications? What control options are there?

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