

# Buying or Selling Rural Land?

## Understand the risks related to buying or selling a property with WEEDS

- *What is a weed?*
- *If I buy the land with weeds on it do they become my problem?*
- *How do I find out about weeds on a property?*
- *Who enforces weed management on rural land?*

## Further information

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## Property Purchase "Buyer Beware - Seller Beware"

The purchase of rural land is a major decision. The presence of weeds, and the ongoing cost of managing weeds is often not considered. This is especially the case as more people with little or no experience in rural land management move away from the city and make a tree change.

Before signing a contract, prospective purchasers should carefully consider the following:

- What are considered to be priority weeds in this area?
- What are my legal obligations relating to weeds?
- Is the property located in a weed infested area?
- Are there infestations of priority weeds on the land?
- Have weed infestations been managed in the past?
- What will be the ongoing cost of weed control?
- If the land is to be used for farming, will weed infestations result in production losses?

Council's biosecurity (weeds) officers can explain what Priority weeds are found in the region and provide resources to help you identify them.

Privacy laws prevent Council from disclosing details of a specific property's weed infestation without the land owner's consent. However, by seeking to answer the questions above, purchasers can be better informed before signing on the dotted line.

## Vendors Obligation to disclose

Under the Conveyancing (sale of land) Regulation 2017 the vendor now has a legal obligation to disclose details of any Biosecurity Directions or Biosecurity Undertakings that exist in relation to the property. Biosecurity Directions and Biosecurity Undertakings are legally binding documents issued or accepted by Local Council. They contain details of weed control activities that must be undertaken on the land within a specified timeframe.

Under the *Conveyancing (sale of land) Regulation 2017*, Schedule 3, Part 3, Adverse Affectations now include Individual Biosecurity Directions or Biosecurity Undertakings issued under the *Biosecurity Act 2015*. These must be

disclosed by the vendor as such. To formally make this disclosure in contract, a copy of the Individual Biosecurity Direction or Biosecurity Undertaking must be attached to the contract of sale.

## *Conveyancing (sale of land) Regulation 2017* Part 3 Adverse affectations

**27.** *An individual biosecurity direction (within the meaning of the Biosecurity Act 2015) that:*

- (a) prohibits, regulates or controls the doing of anything, or*
- (b) requires something to be done.*

**28.** *A biosecurity undertaking (within the meaning of the Biosecurity Act 2015).*

## What should I do before purchase?

Your Solicitor or Conveyancer should request a certificate entitled "Disclosure of Biosecurity Directions and Undertakings" as well as a Section 10.7 (5) Certificate from Snowy Monaro Regional Council.

A Section 10.7(5) Certificate is issued under the *EP & A Act* and can provide, amongst other things, broader information on weed matters specific to a property or to the locality within which a property is situated.

With the owner's permission you can arrange for someone who knows about weeds to inspect the property with you. If weeds are found, a weed spraying contractor can provide an estimate of how much weed control work will cost and what ongoing weed management work will be required in the future. Council does not provide information on such costs; however, there are a number of weed spraying contractors in the area which can be found in the yellow pages or via an online search.

The small cost of an independent inspection and obtaining a Section 10.7(5) certificate will assist you in making an informed decision regarding the purchase of rural land.

For more information on how to identify and control weeds please contact the Biosecurity (weeds) staff at Snowy Monaro Regional Council.