REDDESTONE WIND FARM ACTION GROUP

LANDHOLDER GUIDE No. 3

Easements, Access and Property Rights

Helping Landholders Make Informed Decisions

Why Should I Read This?

When a major infrastructure project is proposed, you may hear terms such as **easement**, **access rights**, **transmission corridor** or **property rights**.

These terms can sound complicated, but understanding them is important before agreeing to anything that affects your land.

This guide explains these concepts in plain English and outlines some of the questions you may wish to ask before making any decision.

What is an Easement?

An easement is a legal right that allows another person or organisation to use part of your land for a specific purpose.

Examples include:

- electricity transmission lines;
- underground power cables;
- pipelines;
- drainage infrastructure; or
- access tracks.

An easement does **not** usually transfer ownership of your land, but it may allow another party to use part of it under agreed conditions.

Every easement is different.

What are Access Rights?

During the planning, construction or operation of a project, a developer may seek permission to enter private property.

This may involve activities such as:

- environmental studies;
- surveying;
- geotechnical investigations;
- construction access;
- maintenance of approved infrastructure.

Before agreeing to any access arrangement, make sure you understand:

- why access is required;
- when access will occur;
- which areas of your property may be affected;
- how long access will continue; and
- what notice will be provided before entry.

Think About Your Farming Operation

Every rural property is different.

Before agreeing to any access arrangements, consider how they may affect:

- livestock management;
- cropping or pasture improvements;
- fencing and gates;
- machinery movements;
- biosecurity;
- water infrastructure; and
- day-to-day farm operations.

If something is important to your business, ask whether it can be addressed in the agreement.

Property Damage and Rehabilitation

Ask questions about:

- Who is responsible for repairing damage?

- How will fences, roads and gates be restored?
- What happens if stock escape?
- Who is responsible for weed control?
- How will biosecurity be managed?
- What happens if drainage is affected?

It is much easier to clarify these matters before an agreement is signed than after work has commenced.

Keep Good Records

If anyone enters your property under an agreement, it is good practice to:

✓ Keep copies of all correspondence.

✓ Record dates of entry.

✓ Take photographs before and after work is carried out.

✓ Keep notes of discussions and meetings.

Good records can help avoid misunderstandings later.

Questions to Ask

Before agreeing to any easement or access arrangement, consider asking:

- Why is this access required?
- Are there alternatives?
- Exactly where will access occur?
- How long will access continue?
- Will gates always be left as they were found?
- Who is responsible for repairing any damage?
- What happens if circumstances change in the future?
- Have I obtained independent legal advice?

Key Points to Remember

✓ Understand exactly what rights are being requested.

✓ Ask questions if anything is unclear.

✓ Consider how your farming business may be affected.

✓ Keep written records.

✓ Obtain independent legal advice before signing any legal agreement.

Coming Next

Landholder Guide No. 4

Before You Sign Any Agreement

Our next guide provides a practical checklist to help landholders prepare before signing any legal agreement relating to a proposed wind energy project.

Disclaimer

This guide has been prepared by the Reddestone Wind Farm Action Group as a general educational resource.

It is not legal, financial or professional advice. Every property and every agreement is different. Landholders should obtain independent professional advice before entering into any legal agreement.