



THE LAW SOCIETY  
OF NEW SOUTH WALES

## FACTSHEET

# ACCESS AND AREA

## Access

An issue to address when acting for either a vendor or a purchaser of rural land is what access is available, and whether it is a legal access or access that can be terminated.

Quite often what vendors assumed to be legal access to a property is in fact access across a stock route, or through a neighbour's land, which is subsequently found not to be legal access at all. The lack of access or legal access can cause a series of problems and it is not unusual for farming lands to be land-locked. It is incumbent upon the practitioner to ascertain whether the access to the property is a legal access that is by way of a formed road.

It is not just access to the subject land itself which is important in rural conveyancing. Many rural properties require access to water to be productive. If bores, pumps, irrigation outlets, and channels are an essential part of the productive use of the property, it is important that they are either located on the property being purchased, or proper easements are registered to ensure the right of access to the water.

This can apply, equally, to stock and domestic (specific purpose) water, as well as irrigation water.

Where works such as pumps and channels are located on crown land, crown land licences must be checked to ensure that the use of the land for that purpose is approved.

In irrigation areas, it is also important to determine whether channels are the assets of an Irrigation Corporation, or private works.

## Area

The actual area of the property being purchased should be clarified, especially if the purchase price is calculated at a dollar per hectare/acre basis. It is also advisable to clarify particulars of easements, rights of way or any covenants that are attached to the land, and full copies of plans and documents should be obtained. It is helpful to colour code the lands being purchased (or sold) on a parish map setting out the different location of each lot.

To assist in plotting, up to date Cadastral maps can be downloaded free of charge from the LPI website (at [www.lpi.nsw.gov.au](http://www.lpi.nsw.gov.au)).

The contract should provide a Schedule of Lands, setting out the Lot numbers/Portions, Deposited Plans and the area in hectares (and acres), and Title Reference(s).

Many farming land lots/portions are recorded in an Auto Consol and practitioners should be aware that when lands are split between two purchasers (thus splitting an Auto Consol), a request can be made to LPI to have separate titles issued. This can be of great assistance at completion date, especially when there are different incoming mortgagees.

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