

Town of Gawler Building on an Easement



What is an Easement?

An easement is a section of land that grants the owner of the easement a right of access to the land for the purposes of constructing, maintaining, upgrading or replacing infrastructure located within an easement. In some situations, easements may also be used to provide overland flow paths for stormwater runoff. Depending on their purpose, easements may be owned by the Council, Telstra, or a State Government authority such as SA Power Networks (ETSA) or SA Water. If any easements are located on a property they are recorded on the property's Certificate of Title. If you own land on which there is an easement, you must not cause, suffer or permit any works or activities which may inhibit the authority (such as Council) from performing any required work.

Building on an easement

If you wish to build or do any sort of works over an easement, you must obtain written authorisation from the authority in control of the easement before doing so. This applies regardless of whether or not the works would ordinarily require development approval from Council. In most cases, the relevant authority will only consider the erection of structures that are de-mountable and/or otherwise easily removed to be constructed on any easement. Such structures would be entirely at the risk of the property owner, and the structure may be removed at cost to the property owner should the authority require access to the easement at any time. Compensation will not be paid for any loss of amenity resulting from removal of the structure. If the building work requires development approval and would be built over an easement, Council will not grant approval unless written authorisation granting construction over the easement has been provided by the relevant authority. If Council is in control of the easement, this will be done internally.

If authorisation is not granted, you may be required to redesign or relocate the structure so that no part of the structure encroaches over the easement. If you build or do any sort of works over an easement without obtaining authorisation to do so, you may be required to remove any completed or partially completed structures from the location of the easement and restore the land to its original condition entirely at your cost. For more information regarding easements, please contact the authority in control of the easement, or the Council on (08) 8522 9211.