

Fact Sheet

Council Easements



MOUNT BARKER
DISTRICT COUNCIL

Council may require an easement for stormwater, drainage, sewer or effluent infrastructure. The following are common questions asked regarding Council Easements.

Q How do I know if my Property has an Easement?

A Check the Certificate of Title or Deposited Plan.

Q What is an Easement?

A An easement is generally a strip of land marked on the Certificate of Title by means of a dashed line. This strip of land indicates where a council easement is located through the property. This strip of land is still owned by the property owner, it allows council access to it, in order that maintenance may be carried out on the infrastructure within the easement.

Q Why are easements necessary?

A An easement is necessary to give an indication to the property owner where exactly the infrastructure is on that property. It is not always possible to locate infrastructure within road reserves or Council property.

Q Can I build over an easement?

A Generally any structure that is easily dismantled or moved such as a small aviary or small potters shed may be erected over an easement. Houses, sheds, extensions and other immovable structures are not permitted to be erected over an easement.

Q Can I plant on an easement?

A Generally you can plant anything that will not grow over 3m tall. Please note though that anything planted may have to be removed if the infrastructure needs maintenance or replacement. Reinstatement of any plantings removed will be carried out by Council at its own discretion.

Q Can I lay a footpath or driveway over an easement?

A Yes, however any lids or covers associated with the infrastructure must be left flush with the final footpath or driveway levels. Driveways and footpaths are to be constructed with block pavers or similar.

Q What if Council requires access to the easement?

A Council has statutory powers under the Water Industry Act 2012 to enter private property to carry out maintenance on its infrastructure located within the easement. If the matter is not urgent Council will notify the property owner of their intent to access the easement ahead of time. Urgent access usually only occurs in emergency situations. Any excavations and reinstatement of the easement will be carried out by Council. Any removal and reinstatement of structures or vegetation on the easement will be the owner's responsibility.

If you have any further questions or require further details regarding Council Easements, please contact Council on 8391 7200.

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Local Government Centre
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6 Dutton Road, Mount Barker SA 5251

9am - 5pm Monday to Friday
Telephone 8391 7200
www.dcmtbarker.sa.gov.au