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## **APPROVAL OF BUILDING WORK OVER EASEMENTS**

### **Purpose**

This Newsflash is to alert building certifiers to the need to sight the consent of registered interests in any easements, prior to the issue of a development permit for building work in the easement.

There have been a number of instances where buildings and swimming pools have been built over Energex easements without the consent of Energex. Pools in particular pose a possible safety hazard.

### **Building certifier's responsibility**

Building certifiers must assess development for compliance with the Standard Building Regulation (SBR s 11). A development application for building work over land in an easement, must not be approved unless the registered interests in the easement consent to the building work (SBR s 58). The consent must be in writing.

It is the applicant's responsibility to provide information on the presence of any easements, including any required consent of registered interests. However, the Building Services Authority code of conduct requires building certifiers to ascertain all available facts relevant to the performance of their duties. Building certifiers are therefore required to check on the existence of any easements. Acting in a way contrary to a duty under the Building Act, or contravening the code of conduct, is professional misconduct.

Information on easements will not always be available from the local government, in which case it will be necessary for the information to be obtained from other sources. The most reliable source is the Titles Office, as all registered easements will be recorded on the land title.

Also, where there is physical evidence as to the likelihood of the existence of an easement, eg overhead power transmission lines, the authority in question can be contacted directly.

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## **Contacts for information on location of power easements**

Areas served by Energex: -

Property Portfolio Manager (07) 3407 4469

Areas served by Ergon Energy:

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Far North	Mr Ross Hicks	(07) 4050 2793
Mackay	Mr Bob Brown	(07) 4957 1376
North Queensland	Ms Carol Slattery	(07) 4727 6245
South West	Mr Bryan Lambert	(07) 4669 0277
Wide Bay-Burnett	Ms Ann Willett	(07) 4121 9515