



Building Newsflash

Local Governments

Building Certifiers

Building Designers

Architects

BUILDING WORK OVER EASEMENTS

Purpose

To provide advice regarding the source of information about registered easements which may affect the use of land that is the subject of an application for building work approval.

Background

Newsflash Edition 64, issued 25 July 2000, alerted building certifiers to their obligation to ensure the consent of any registered interests in any easement is given before issuing building approval.

The Department has been advised that some building certifiers may have relied upon the registered plan to ascertain whether there are any easements over the land. However, easement details will not always be shown on the registered plan, which may for example, have been registered before the easement was created.

Legislative requirements

Section 58 of the *Standard Building Regulation 1993* states “A development application for building work over land in an easement must not be approved unless the holders of registered interests in the easement consent to the building work.”

Standard No. 15 of the Queensland Building Services Authority Code of Conduct for Building Certifiers, requires that building certifiers “demonstrate that all reasonable steps have been taken to ascertain and document all available facts relevant to the performance of their duties”.

Source of easement information

The only certain source of information on easements and other encumbrances is the current land title, which record all such interests. It is possible to search land titles through most offices of the Department of Natural Resources and Mines (DNRM). There are also a number of private companies (public access providers) that can provide land title searches. These enable a search and payment of the search fee, to be made via the Internet.

Contact details for DNRM offices, and the public access providers, are available on the following web page:

www.nrm.qld.gov.au/resourcenet/products/fees

Alternatively, the Brisbane office of DNRM can be contacted on telephone (07) 3227 6626.

The current fee for a computer printout of a 'current land title' (indefeasible title) obtained from an office of DNRM is \$10.30.

Related Newsflashes

- Approval of building work over easements (Issued 4/10/99)
- Approval of building work over easements (Issued 25/7/00)

Please contact Mr John Lamb on (07) 323 71712 should you require further information regarding these matters.