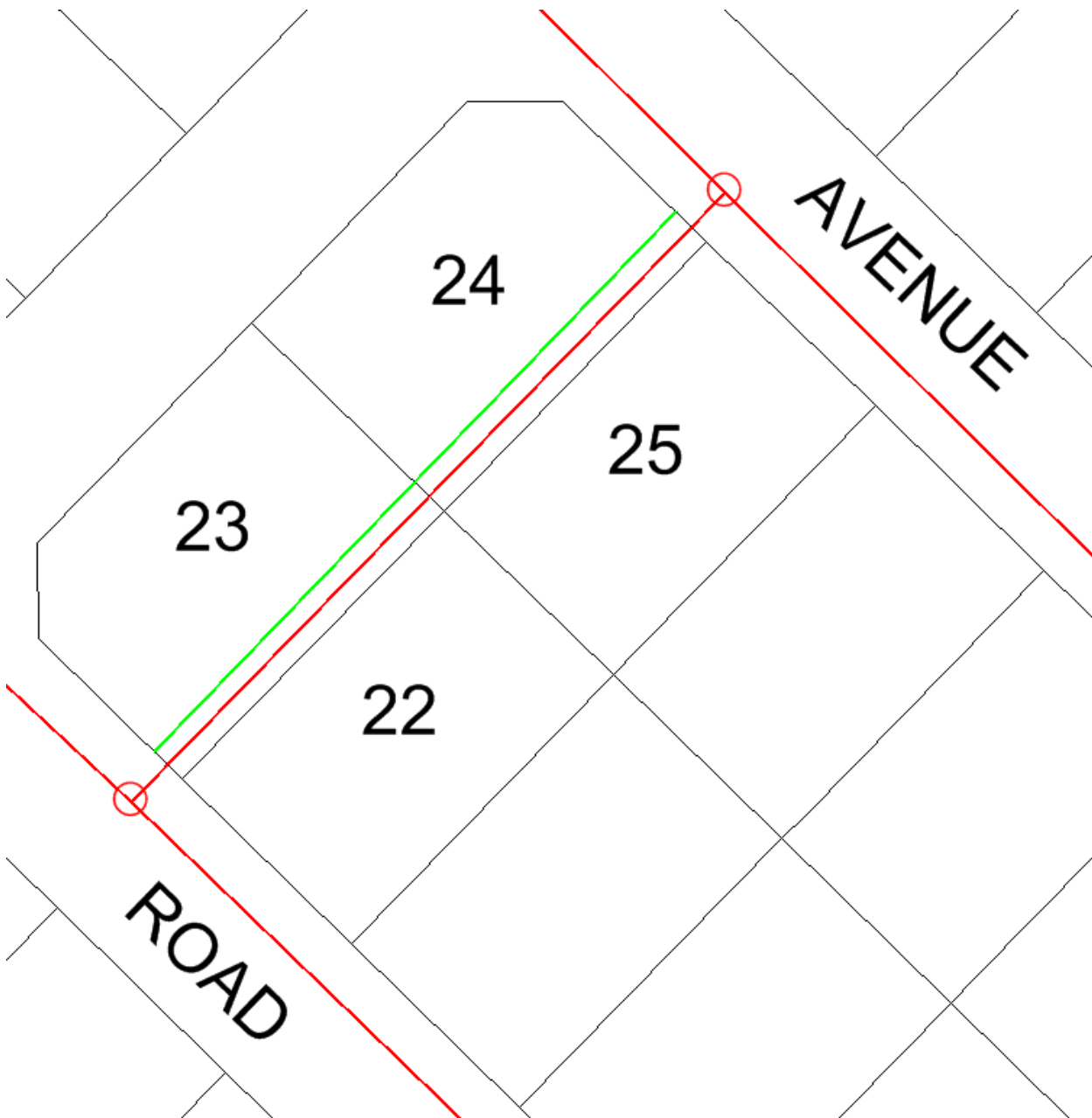




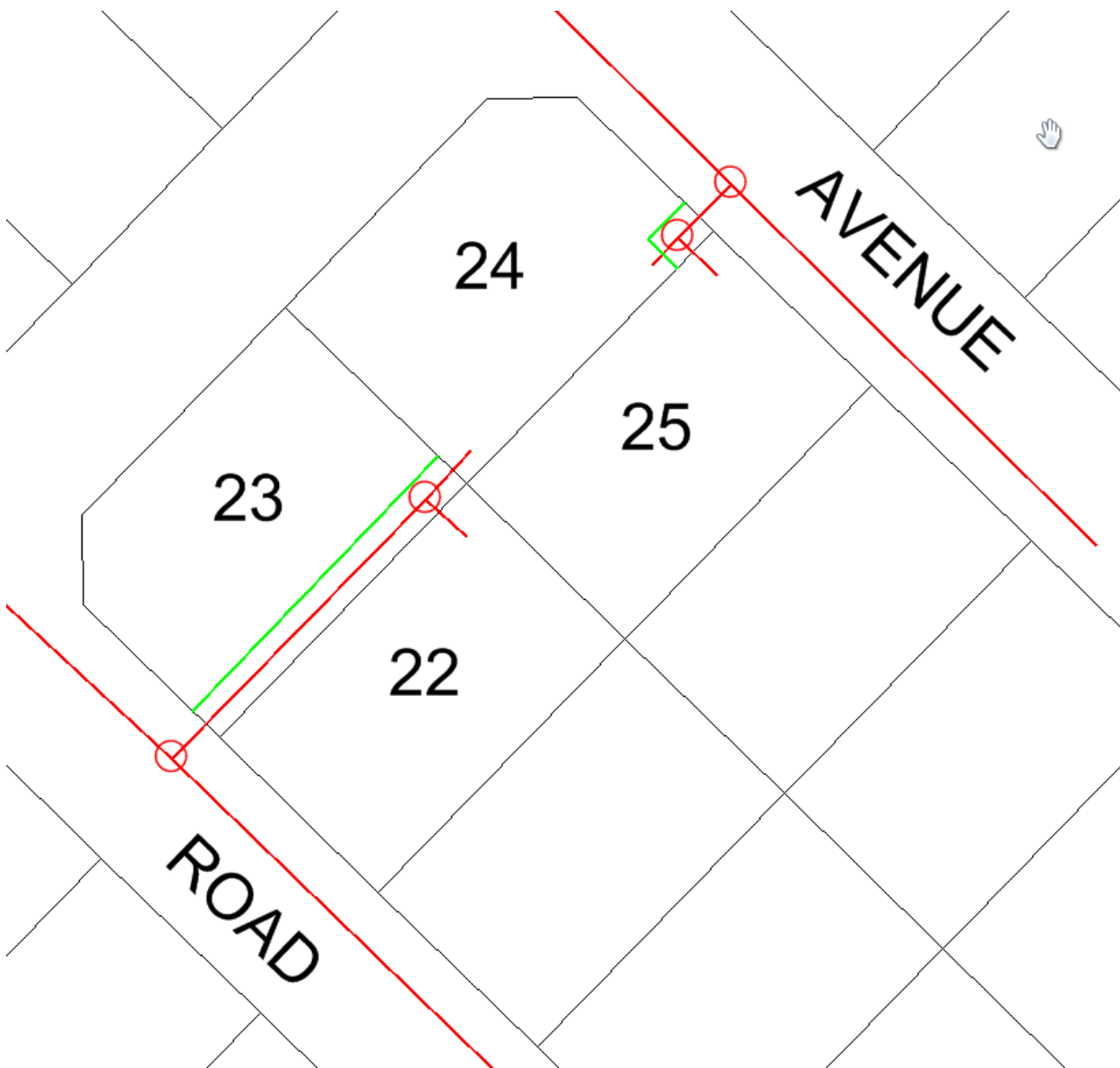
## Drainage Easements

All easements for drainage under the control and benefit of the City that is within private properties are to be prepared under either Section 167 of the Planning and Development Act 2005 or Section 195 of the *Land Administration Act 1997* with a supporting Easement Deed document which is the City's preference. This applies to drainage infrastructure that connects between public roads through private property.





All easements for drainage within private properties, which are not under the control and benefit of the City, are to be prepared under either Section 167 of the Planning and Development Act 2005 or Section 136C of the Transfer and Land Act 1893 with a supporting Easement Deed document which is the City's preference.



- Section 195 and Section 136C easements with supporting Easement Deed documentation are the preferred options as easements created under Section 167 of the *Planning and Development Act 2005* have limitations when the easement needs to be amended or surrendered, requires entry over portions of the land adjacent to the easement, where the easement has been built over and excludes the City from liability for injury, damage or loss suffered by any person or to any property.



- Easement Deeds give Local Government more control to protect the City's Infrastructure which includes the following:
  - The right to enter land to carry out necessary maintenance works remove obstructions and identify liability, costs and obligations of successive registered proprietors.
  - Restrict what can be built over an easement i.e. no buildings, structures or obstructions (improvements) can be built with in the first 4.50m vertically above natural ground with the exception of the following:
    1. Paving, grassing and planting of small plants
    2. The construction of a driveway provided that the manhole lid is not covered or buried.
    3. The construction of boundary fencing and/or a letterbox
- Easement Deeds register an interest in favour of Local Government, so the easement cannot be modified or surrendered without its prior approval and identifies liability, costs and obligations of the land owner to maintain the drainage so as to mitigate flooding to others.
- The minimum width of an easement is 3.00m unless consented prior by the City which is to allow maintenance and replacement of the infrastructure in the future.
- The Easement Deed may be prepared by the applicants' Solicitor or the Local Government Solicitor but the content of the Easement Deed must be verified by the Local Government Solicitor before registration.
- The applicant shall pay the costs of, and incidental to the registration of the Easement Deed and all stamp duty, registration fees and surveyors costs incurred.
- Note on the deposited plan under Interests and Notifications, Origin and Benefit to, Section 136C easements require the Origin to be shown as "This Plan and Doc" and "Lot (number) & City of Gosnells".

For further information regarding easements please contact McLeods Solicitors, who are the City's nominated Local Government Solicitor ph (08) 9383 - 3133.