

Information Sheet

Options for Obtaining External Easements

Option 1 External Easement Negotiations by the Developer

1. Negotiation

The developer can negotiate the grant of an easement required by SA Water with a land owner by undertaking the following:

- Engaging a licensed Surveyor to provide the required File Plan, in conjunction with a licensed Land Broker/Solicitor to prepare the registration documentation for lodgment with the Lands Title Office (LTO), vesting the easement to SA Water.
- Engaging a Consulting Engineer to provide a site history report. This is generally requested by Council if required. SA Water's Environmental Management Unit may also request a site report.
- Engaging a registered Valuer (if necessary) to negotiate and determine compensation.
- Meeting all compensation costs and reinstatement requirements/costs.
- Meeting SA Water's administration costs.
- Engaging a licensed Land Broker/Conveyancer to arrange the owner's execution of Grant of Easement documentation for forwarding to SA Water for execution 4 to 6 weeks prior to lodgment at the LTO. A copy of the File Plan must accompany the documentation.
- Provide written confirmation to SA Water that the documentation has been lodged with the LTO for registration to facilitate the processing of the development application.

2. Construction

The Water and/or Wastewater extension will not be forwarded for construction until:

- Right of Entry to construct the main is obtained by the developer from the owner of the subject land and a copy supplied to SA Water, and
- It is confirmed that a licensed Surveyor has been engaged to prepare the File Plan, vesting the easement to SA Water free of cost.

3. Development Assessment Commission (DAC) Clearance

Clearance of the development application from DAC will be dependent upon:

- Confirmation of the registration of the easement documentation at the LTO from the developer, or
- Satisfactory arrangements being entered into with SA Water to facilitate clearance.

No further action will be taken with the development application until confirmation from SA Water that the developer has met SA Water's easement requirements and the application can be processed.

Please Note:

- Should the owner of the land subject to the easement refuse to negotiate with the developer and/or his agents at any time, SA Water will not commence negotiations with the owner on the developer's behalf until written confirmation is received that negotiations could not be concluded satisfactorily.
The developer would be required to forward all of the correspondence sent to the owner associated with the easement negotiations, in addition to a written request to SA Water to commence negotiations with the owner of the subject land.
This may involve the compulsory acquisition of the easement and could take a further 12 months to negotiate. The developer would be required to meet the actual cost of acquiring the easement.
- Clearance of development applications where SA Water "takes over" easement negotiations with owners will not be forwarded to DAC until the easement is registered on the relevant Certificate of Title and a copy forwarded to SA Water.

Option 2 External Easement Negotiations by SA Water

1. Negotiation

Upon identification of an external easement requirement, and prior to the commencement of discussions between the developer and the owner of the land over which the external easement is required, the developer can request (in writing) that SA Water negotiate the acquisition of the easement.

This may involve the compulsory acquisition of the easement and take in excess of 12 months.

The developer would be required to meet SA Water's estimated costs*, including but not limited to the following:

- Consultant, surveyor and valuation fees / charges.
- Site history report fees/costs (if required by Council and/or SA Water's Environmental Management Unit).
- Compensation costs and reinstatement requirements / costs.
- All reasonable costs associated with the transfer of the easement including registration and Crown Solicitor's fees and SA Water administration costs.

2. Construction

Construction of the water and/or wastewater infrastructure will not be undertaken until:

- Right of Entry to construct the main is obtained from the owner of the land subject to the easement by SA Water.

3. DAC Clearance

Clearance of the development application with DAC will be dependent upon:

- SA Water's financial and easement requirements pursuant to Section 33 (C) of the Development Act being met, and
- Advice from SA Water confirming that the easement negotiations are satisfactory.

*** An estimated cost to the developer for SA Water to acquire the external easement would be sought from a registered valuer upon receipt of the determination fee from the developer. The developer would then be advised of the cost to acquire the easement at the time they are provided the estimated cost to construct the mains.**

Please Note:

- The developer would be responsible for all costs incurred by SA Water relating to an easement acquisition up to and including the date of notification by DAC if the application is withdrawn, refused or converted to a Community Title.
- The estimated cost for SA Water to negotiate the acquisition of the easement on the developer's behalf will remain current for 60 days from the date of the extension cost advice letter. Should the timeframe be exceeded, payment of a re-determination fee would be required to re-estimate the cost of the extension of main, at which time a revised cost to acquire the easement would also be obtained. (The developer would be responsible for any additional costs incurred).
- SA Water will only undertake negotiations with the owner of an allotment subject to an external easement upon confirmation that the developer of the proposed land division has met SA Water's financial requirements, including the estimated easement acquisition costs.
- To acquire the easement and obtain Right of Entry to construct pursuant to the Lands Acquisition Act may take 12 months from the date of the owner of the land being served the Notice of Intention to Acquire.

When forwarding the Determination Fee, the developer must confirm in writing their preferred option for external easement negotiations.

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