



Greyson Legal Publications

Easements



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An easement is a set of rights given by a land owner (“Grantor”) to another party (“Grantee”) to use a portion of land for a particular purpose.

Easements over land are often granted to government authorities, eg. Council for drainage or sewerage pipes. But they can also be granted to other bodies, such as Unitywater or Telstra to supply water or underground telecommunications cables. These types of easements are called statutory easements.

For example, Unitywater may have a sewer pipe positioned under a landowner’s property. Unitywater need an easement over that section of the property to guarantee them access to the pipe in the event of any maintenance, repair or replacement being required.

Easements may also be used:

- by adjoining property owners, for say driveways, rights of way and access to say a battle-axe block; or
- in a strata-title complex where essential services need to be provided to apartment owners.

An easement or right of way not only grants rights, it also has the effect of partially restricting a landowner’s use of that part of the land affected by the easement or right of way. For example, there may be restrictions on erecting structures on or within a certain distance of an easement.

Most easements are registered on the title of the property and remain with the land even though ownership of the land changes hands through the purchase and sale process. They remain on the title until both the Grantee and Grantor agree for them to be removed.

Organisations such as “Dial Before you Dig” can be used to help identify if there exists any underground services in property.

The above is a brief summary.

For assistance with Easements or property law matters, contact [Greyson Legal](#).

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