What's a Rock Anchor Between Neighbours Worth?

A rock anchor is a stabilising device inserted below ground to support excavation work, which can be safely de-stressed or removed upon completion of the works.

Question: What is the definition of a rock anchor?

Answer: An anchor inserted below the ground and used to stabilise earth, sand or rock adjacent to excavation work, and which may be safely de-stressed or removed upon completion of the works.

Question: What are the differences between permanent anchors, temporary anchors and temporary removable strand anchors?

Answer: Strands in the permanent anchors remain tensioned permanently and the strands in the temporary anchors are de-tensioned (i.e the tensioning plate is unscrewed and the anchor tendon is left in place to rust out). Temporary removable strand anchors are the same as standard temporary anchors except the anchors cable is also removed by unscrewing it from the cemented-in end, leaving just a lump of concrete to be excavated if you ever excavate down to that level.

Question: How is a rock anchor installed?

Answer: Please click on the following YouTube video for a visual representation:
https://www.youtube.com/watch?v=QWXgnpH9V98

Question: How is a rock anchor tensioned?

Answer: Please click on the following YouTube video for a visual representation:
https://www.youtube.com/watch?v=iLX0K6FQ-Q8

Please note: The structural integrity of your building should not be affected as the anchor strands are inserted into the rock under the building and then tensioned. As shown in the video a diagonal hole is drilled and the anchor stands inserted, the ends cemented into place and then the anchor cables tensioned up and locked off.

Question: What actions can developers take if you refuse the access for the rock anchors and the crane swing?

Answer: The developer could either:
1. Change the construction method to use internal buttressing of the excavation and possibly reposition the crane so that it doesn't swing over your property, this may or may not be possible; or

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2. Seek a court order for access under either S88K of the *Conveyancing Act 1919* (NSW) or under the *Access to Neighbouring Lands Act 2000* (NSW) - under these two pieces of legislation a Court can grant access over someone's property if it is held to be "reasonably Necessary" and reasonable attempts to obtain the access and reasonable compensation has been offered. See relevant sections of the Act below.

Question: Who may apply for a neighbouring land access order?

Answer: Under the Access to Neighbouring Land Act 2000 (NSW) s 7:
1. A person who, for the purpose of carrying out work on land owned by the person, requires access to adjoining or adjacent land may apply to the Local Court for a neighbouring land access order.
2. A person who, for the purpose of carrying out work on land owned by another person, requires access to adjoining or adjacent land may apply to the Local Court for a neighbouring land access order with the consent of the person on whose behalf the work is to be carried out.
3. The Local Court may waive the requirement for consent under subsection (2) if it thinks it appropriate to do so in the circumstances.
4. A person may apply for a neighbouring land access order even if access to the land concerned, for the purposes for which access is required, may be obtained by way of an easement imposed by an order under section 88K of the *Conveyancing Act 1919* (NSW). However, a person may not apply for a neighbouring land access order if access to the land concerned, for the purposes for which access is required, may be obtained or granted under any other provision of an Act.

Question: What powers do the Court have to create easements (a right to cross or otherwise use someone else's land for a specific purpose?

Answer: Under the Conveyancing Act 1919 (NSW) s 88K:
1. The Court may make an order imposing an easement over land if the easement is reasonably necessary for the effective use or development of other land that will have the benefit of the easement.
2. Such an order may be made only if the Court is satisfied that: a. use of the land having the benefit of the easement will not be inconsistent with the public interest, and
b. the owner of the land to be burdened by the easement and each other person having an estate or interest in that land that is evidenced by an instrument registered in the General Register of Deeds or the Register kept under the Real Property Act 1900 can be adequately compensated for any loss or other disadvantage that will arise from imposition of the easement, and
c. all reasonable attempts have been made by the applicant for the order to obtain the easement or an easement having the same effect but have been unsuccessful.

Question: What are the Council fees for rock anchoring into a property?

Answer: These are the applicable fees for several councils as listed:
Randwick Council - $800 per anchor
Woollahra Council - $3,080 per anchor
Parramatta Council - $689 per anchor
Canada Bay Council - $5,000 application fee plus $200 per anchor

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Key takeaways

- A rock anchor is used to stabilise earth, sand, or rock adjacent to excavation work.
- There are different types of anchors: permanent, temporary, and temporary removable strand anchors.
- Developers may seek court orders for access if permission is refused under specific NSW legislation.
- The Local Court can grant access orders under the Access to Neighbouring Lands Act 2000 (NSW).
- Easements can be created by the Court if deemed necessary for the effective use of land.

****The information contained in this article is general information only and not legal advice. The currency, accuracy and completeness of this article (and its contents) should be checked by obtaining independent legal advice before you take any action or otherwise rely upon its contents in any way.*

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