

Policy

An appropriate easement shall be created over all future Council owned water supply, sewerage and storm water pipelines that are located within private property.

The easement instrument shall be a burden on the land title and reserves the right for Council authorized persons to enter the easement if necessary for the purpose of constructing, extending, maintaining, controlling, inspecting, replacing and managing the work on the Council owned infrastructure.

Related Legislation

Section 191A of Local Government Act 1993

Section 88B of the Conveyancing Act 1919

Section 88G of the Conveyancing Act 1919

Definitions

Easement

An easement is a right to use someone else's land for a specific purpose. A sewerage, water or storm water pipeline easement is a burden on a property to allow full and free right for authorised persons from the party having benefit of the easement to access the easement for the purposes of inspecting, operating, maintaining, repairing or replacing the pipes located within the easement.

The easement is a portion of land with specified dimensions that is usually defined on the land title plan.

Objective

The objective of this policy is to ensure access to Council's underground pipeline assets are protected.

To provide Council with legal access to operate, maintain and replace Council owned service infrastructure that is located within private property.

To provide a clear indication to property owners that Council owned infrastructure is located on their property and may impose a constraint to potential development of that property.

Procedures/Practice

Subdivision Approvals

As part of any subdivision approval the developer shall be required to provide an easement over any existing or proposed Council owned sewer, water and storm water pipes located within private property.

The easement shall be created so that the pipes are located centrally within the width of the easement.

The subdivision plan shall be provided to Council for approval clearly showing all easements required. Pursuant to Section 88B of the Conveyancing Act 1919 an instrument shall be created on all land titles where an easement is required. The wording of the instrument shall be in accordance with the relevant clause of Section 88A (2A) of the Act.

Minimum Easement Width

The minimum width of an easement for both sewerage and storm water pipelines shall be 3m. The minimum width of an easement for a water supply pipeline shall be 3m. The minimum width of an easement with more than 1 pipeline shall be 5m and the pipes shall have a minimum separation between the outside walls of the pipes of 1m.

Deep Sewers and Large Pipes

Where deep sewers or large pipes are proposed the required easement width may be greater than

3m. The easement width shall be determined by Councils Manager Water & Waste, Manager Works Delivery or Manager Strategic Assets following an assessment of the maintenance access requirements.

Restriction on Use

Property owners should note that the creation of an easement is a restriction on use and may be a potential constraint to the maximum development density that may otherwise be permissible on the site. No permanent buildings are allowed within the easements.

Lot sizes for new development shall make allowance for the constraints imposed by the easement so as to allow for building areas that are similar to those available on the neighboring lots. Where pipelines and accompanying easements are located along a side boundary of a lot consideration should be given to increasing the width of the lot frontage.

References

- Local Government Act 1919.
- Local Government Act 1993
- Conveyancing Act 1919

Review Date

May 2018 by Manager Water & Waste

Authorised by: 
Waio Crockett, General Manager

15/6/15
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Date