

## POLICY

### DEVELOPMENT & BUILDING CONTROLS – Easements for Sewerage, Water and Stormwater Assets

Date adopted by Council	28 October 2024
Minute & Item number	24/112 H.10.1.1.e
Endorsed by	Senior Management Group on 16 October 2024
CM Ref	CD-75/24
Due for review	4 years from adoption date
Related documents	<ul style="list-style-type: none"> <li>DEVELOPMENT &amp; BUILDING CONTROLS – POLICY – Building near water, sewer and stormwater assets</li> <li>UHSC Engineering Guidelines for Subdivisions and Developments</li> </ul>
Responsible officer	Manager Water and Sewer
Department/Section	Infrastructure Services / Water and Sewer
Category	Water Supply
Community Strategic Plan goal	<p><b>Goal 6</b> Increase, enhance and maintain civil infrastructure, Community assets and open spaces to meet the needs of current and future generations.</p> <p><b>CS26</b> Provide safe and reliable water and sewerage services to meet the demands of current and future generations.</p>



## Policy Statement

That Council determines the appropriate easement to be created over all Council owned water supply, sewerage and stormwater pipelines that are located within private property.

## Objective

The purpose 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.

## Scope

This policy applies to technical/professional staff involved in planning, development, property and land matters where water, sewer and stormwater infrastructure is present and/or overseeing activities of maintenance and operation of those infrastructure.

## Definitions

<b>Easement</b>	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.
-----------------	--

## Policy Details

### 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 stormwater pipes located within private property.

The easement shall be created so that the pipes are located centrally within the width of the easement (so far as practicable). 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 sewerage, water and stormwater pipelines shall be 3 metres. The minimum width of an easement with more than one pipeline shall be 5 metres and the pipes shall have a minimum separation between the outside walls of the pipes of 1 metre.

## **Deep Sewers and Large Pipes**

Where sewers are greater than 2.4m deep, stormwater pipes are greater than 600mm or sewer pipes are greater than 300mm the required easement width may be required to be greater than 3 metres. The easement width shall be determined by Council's Infrastructure department 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 neighbouring 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.

## **Responsibilities**

### **Senior Management Group**

The Senior Management Group will support this policy and ensure their relevant areas are implementing it consistently.

### **Particular/relevant Director**

The Director Infrastructure Services will ensure the policy is updated and implemented consistently.

### **All Managers**

All Managers will support this policy and ensure it is implemented when applicable to their area and works undertaken.

### **Particular/relevant Manager**

The Manager Water and Sewer will review, update and implement the policy. The Manager will also develop and maintain any procedures or processes required to manage the policy.

### **Particular/relevant staff**

The relevant staff who are involve in development approvals will have primary responsibility to ensure the policy is implemented and guidelines are adhered to.



## References and Related Legislation

- Local Government Act 1993
- Conveyancing Act 1919

## Version History

Version No.	Date	CM Ref	Reason for Review
1	28/6/2021		Timed review. Replaces the policy of the same name dated 30 July 2018
2	28/10/2024	CD-75/24	Timed review