1. Purpose

This policy protects Council’s stormwater drainage assets while ensuring property owners avoid the cost and inconvenience of removing structures that impede access to an asset when maintenance is required.

2. Definitions

- **Angle of repose**: means the steepest angle at which loose material such as soil will remain stable. This defines the Zone of Influence around a buried pipe.

- **Council**: means Casey City Council, being a body corporate constituted as a municipal Council under the *Local Government Act* 1989.

- **Councillors**: means the individuals holding the office of a member of Casey City Council.

- **Council officer**: means the Chief Executive Officer and staff of Council appointed by the Chief Executive Officer.

- **Easement**: means an area of land, or part of a lot, reserved by law for a specific purpose, such as the containment of stormwater drainage assets.

- **Footing**: means the below-ground supporting part of a structure.

- **Lightweight material**: includes polycarbonate and steel sheeting.

- **Stormwater drainage asset**: includes stormwater drainage pits and pipes owned by Casey City Council.

- **Zone of influence**: means the region around a buried stormwater drainage asset, defined by the angle of repose, that determines the minimum depth of any footings proposed near the asset.

- **Offset**: The distance by which something is out of line. Generally used to describe the distance of an asset to a specified boundary line.
3. Scope

This policy establishes the requirements that must be considered when planning to construct works over a Council easement or within 1.0 metre lateral offset of a Council stormwater drainage asset.

4. Context

Regulation 310 of the Building Regulations 2006 states that any party intending to build over an easement must apply to Council for consent. Each application for consent is assessed on its merits by the Municipal Building Surveyor.

Section 148 of the Water Act 1989 states that the consent of Council is required to build any structure or conduct any earthworks within 1.0 metre lateral offset of a Council stormwater drainage asset. This also applies to assets not located within an easement. Each application for consent is assessed on its merits by the Council Officer assessing the application.

5. Policy

5.1. Building Over Easements and/or within 1.0 metre of Council Stormwater Drainage Assets

Council generally discourages building any structure or undertaking works over an easement or within 1.0 metre lateral offset of a Council stormwater drainage asset. However, Council may consider providing consent for the structures and works listed in Clause 5.2. The structures and works listed in Clause 5.3 are prohibited.

5.2. Allowable Structures and Works

Council may consider providing consent for the following structures and works over an easement or within 1.0 metre lateral offset of a Council stormwater drainage asset:

a) Carport  
b) Deck  
c) Driveway  
d) Earthworks  
e) Eaves  
f) Fence  
g) Gazebo  
h) Paving  
i) Pool isolation barrier  
j) Retaining wall  
k) Shed greater than 10 m²* and not constructed of masonry  
l) Stairs and/or landing  
m) Unenclosed pergola or veranda  
n) Water tank

*Sheds less than 10 m² and not constructed of masonry do not require consent from Council to construct.
5.3. **Prohibited Structures and Works**

Council will not consent to the following structures and works over an easement or within 1.0 metre lateral offset of a Council stormwater drainage asset:

a) Carport, garage, shed, fence or other structure constructed of masonry  
b) Commercial or industrial building (including footings)  
c) Dependent person’s unit (including footings)  
d) Dwelling or habitable building (including footings)  
e) Enclosed pergola, veranda or sunroom  
f) Sauna  
g) Swimming pool, spa or pond (above-ground or in-ground)

5.4. **Use of Discretion for Unoccupied and Redundant Easements**

Council may, at the discretion of the Municipal Building Surveyor, consider providing consent to the structures and works listed in Clause 5.3 if:

a) There are no Council stormwater drainage assets within the easement, and  
b) Council is satisfied it will not use the easement in future

5.5. **Considerations for Consent**

Before providing consent to any structure or works over an easement or within 1.0 metre lateral offset of a Council stormwater drainage asset, Council must be satisfied that:

a) There is no viable alternative location for the proposal, and  
b) The proposal will not obstruct access to a stormwater drainage asset, and  
c) The proposal will not obstruct the reasonable overland flow of stormwater, and  
d) The proposal satisfies the design requirements in Clause 5.6

5.6. **Design Requirements**

5.6.1 **Structures must be demountable**

Structures must be constructed of lightweight materials and be able to be manually dismantled and removed from their current position by two people within a four hour period.

5.6.2 **Structures must be independently supported**

Structures must be independently supported from any adjacent dwelling or other permanent structure. Structures must not share a roof, truss or foundation with an adjacent dwelling or other permanent structure.

5.6.3 **Clearance around stormwater access pits**

Structures must not be placed within 600mm of the outside edge of a stormwater access pit.
5.6.4 Do not cover stormwater access pits

Works must not cover a stormwater access pit.

Stormwater access pits must be adjusted to match any change to the adjacent ground surface level. Council must supervise any adjustments to a stormwater access pit.

5.6.5 No additional load on stormwater assets

Footings must not place additional load on a Council stormwater drainage asset.

5.6.6 Minimum lateral offset

Footings must be placed with a minimum 600mm lateral offset from the outside edge of a Council stormwater drainage asset.

5.6.7 Minimum footing depth

Footings must extend to a depth below the zone of influence of a Council stormwater drainage asset.

The zone of influence starts at the point of confluence between the lines projected:

- Horizontally from 300mm offset below the base of the stormwater drainage asset, and
- Vertically from 300mm offset beyond the outer edge of the stormwater drainage asset

The zone of influence extends to the ground surface at an incline equal to the angle of repose.

Figure 1 – Zone of Influence and Minimum Footing Depth and Offset Detail
5.6.8 Services crossing stormwater pipes

Services must cross a Council stormwater drainage pipe at a 90 degree angle.

The lateral offset must be the greater of 300mm or the minimum offset required by the relevant service authority.

The vertical offset must be the greater of 150mm or the minimum offset required by the relevant service authority.

5.6.9 Earthworks – minimum vertical cover

A minimum 600mm vertical cover must be maintained over all Council stormwater drainage pipes unless otherwise directed by Council.

5.6.10 Earthworks – maximum depth of additional fill

The maximum depth of additional fill over a Council stormwater drainage pipe must not exceed 1,000mm unless otherwise directed by Council.

5.6.11 Earthworks – do not undermine assets

Earthworks must not undermine an asset by excavating below the supporting angle of repose cast by the asset.

![Diagram of Supporting Angle of Repose of Asset]

Figure 2 – Supporting Angle of Repose of Asset

5.7. Conditions of Build Over Easement Consent

Consent to build over an easement is conditional on the property owner providing written acceptance that they will comply with all standard and special conditions outlined in Council’s letter of consent.

Council’s standard conditions establish that the owner will:

- Allow Council to access any part of the building, structure and/or easement for the purpose of inspecting, maintaining, repairing or constructing any current or future Council asset.
- Allow Council to excavate through the floor of the building or structure if required for the purpose of inspecting, maintaining, repairing or constructing...
any current or future Council asset.

- Allow Council to dismantle part or all of the building or structured if required for the purpose of inspecting, maintaining, repairing or constructing any current or future Council asset.
- Be solely responsible for all injury, loss or damage to the building or structure by reason of or incidental to Council inspecting, maintaining, repairing or constructing any current or future Council asset or by reason of or incidental to the presence of the Council asset.
- Indemnify Council against all actions, claims, suits and demands arising out of or incidental to the erection and/or retention of the building or structure over the Council asset and/or the easement.
- Indemnify Council against all or any claims, demands, causes of action of whatever nature, costs, charges and expenses arising from flooding and/or water damage caused by the overland flow of stormwater through the building or structure located over the Council asset and/or the easement.
- Pay to Council any additional costs incurred by Council in inspecting, maintaining, repairing or constructing a Council asset by reason of the building or structure having been erected over a Council asset and/or the easement.
- Complete the proposed building/works within two (2) years from the date of the build over easement consent, or any extension thereof provided in writing.
- Not sell or mortgage land to which the build over easement consent refers without first disclosing the contents of this consent (including these conditions) to the purchaser or mortgagee.
- Allow Council to perform a CCTV condition report prior to works being undertaken, to allow Council to repair or maintain the asset to ensure the asset remains serviceable.
- Undertake a CCTV condition report from the closest pit upstream to the closest pit downstream within thirty (30) days of works being completed as directed by Council. This is to verify that no damage has occurred to the Council asset due to the consented works being undertaken. The condition report will be organised by Council but paid by the applicant.

6. Administrative Updates

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this document, such a change may be made administratively. Examples include a change to the name of a Council department, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be by resolution of Council.

7. Review

The next review of this document is scheduled for completion by 31 December 2022.

8. Breaches

Nil