



Policy Manual

Section 5 - City Development

CD4 Easement Drains

CD4.1 Building Over Easements

UNDER REVIEW

Approval will be given for Buildings and Works to be located over an easement for the purpose of drainage and sewerage set out on plans of subdivision of land registered and approved at the Office of Titles subject to the following conditions:

- 1 a viable alternative location for the proposed building or works is not available on the site;
- 2 the proposed structure or works will not prejudice or unduly obstruct or limit the ongoing maintenance of any existing Council stormwater drain or asset located within the easement.
- 3 overland flow is unlikely to take place along the line of the easement in the event of the capacity of drainage in the easement or adjoining easement being exceeded;
- 4 the proposed structure will not jeopardise the drainage of an abutting allotment or prejudice Council's future drainage network;
- 5 approval to build over the easement has been obtained from all Statutory Authorities and parties that have rights over the easement;
- 6 the proposed structure is in conformity with the Building Code of Australia;
- 7 Permanent Structures:
 - 7.1 Where the easement does not contain stormwater drainage works and conditions 1 to 6 inclusive are satisfied, the owner may be given approval to delete Council drainage rights from the easement subject to approval from the Director City Development.
 - 7.2 Where the easement contains stormwater drainage, conditions 1 to 6 above are satisfied, and the structure does not form any part of a habitable dwelling, permission be granted subject to:
 - a the owner paying a preparation fee in accordance with the Fees & Charges Schedule;
 - b the owner meeting all legal costs associated with effecting and lodging a Section 173 Agreement; and
 - c Council's legal representative lodging the Section 173 Agreement which has been signed by the owner and sealed under Council seal, with the Titles Office.
- 8 Any further conditions that may be required by the Director City Development or his delegate.

Document History

Responsible Officer:	Director City Development		
Last Updated (who & when)			
Authority:	Council	12/03/96	Item 21
	Executive Management Team	24/05/00	Item 3
References	Nil		
Next Review Date			
Included on website?			