



# Building over Drainage Easements Policy



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# BUILDING OVER DRAINAGE EASEMENTS POLICY

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## PURPOSE

- 1 The purpose of this policy is to provide a consistent approach and appropriate guidelines for approval or refusal of the construction of any building or structure over any drainage easement vested in Whitehorse City Council.

## OBJECTIVE

- 2 To ensure that land set aside for stormwater drainage purposes is available for maintenance and construction of drainage assets where required and to provide overland flow paths for floodwaters resulting from major storm events.

## SCOPE

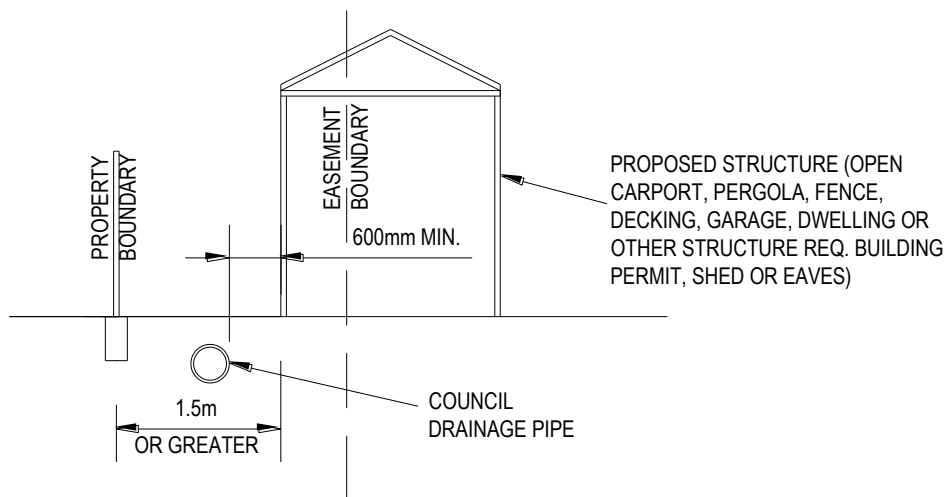
- 3 This policy will apply to all buildings and structures that require the consent and report of Council for the issue of a building permit pursuant to Regulation 310 of the Building Regulations 2006 to construct a building or structure over a drainage easement vested in Council.

## POLICY

### 4 EASEMENTS CONTAINING A COUNCIL DRAIN

Consent will be granted for the construction of a building or structure in the following circumstances subject to the conditions indicated:

- (i) Building or Structure not less than 1.5 metres away from the property boundary as shown on Drawing Number 1:

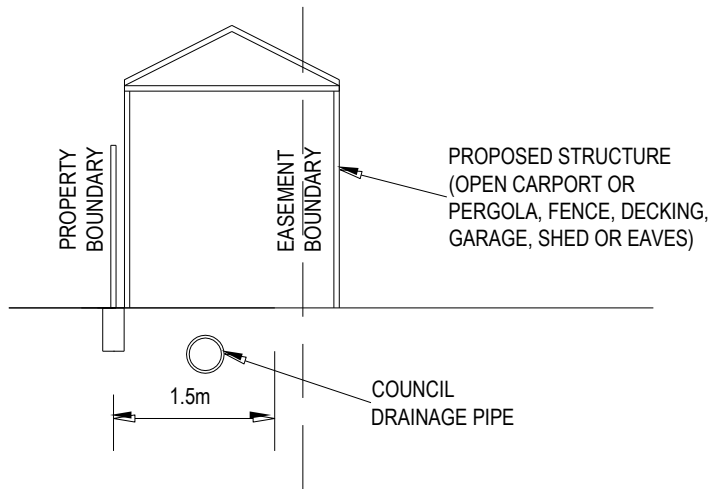


Drawing Number 1

- Open carport or pergola (structure with a maximum of 2 sides enclosed) subject to:
  - Council's standard conditions 1, 2, 3, 4, 5, 6, 7 and 8.
- Fence subject to:
  - Council's standard conditions 1, 2, 3, 4, 5, 7 and 8.
- Decking subject to:
  - Council's standard conditions 1, 2, 3, 4, 5, 7 and 8.
- Garage subject to:
  - Council's standard conditions 1, 2, 3, 4, 5, 7 and 8.
- Dwelling or other Structure requiring a Building Permit subject to:
  - The structure not to be built over the existing drain and the footing for the structure to be a minimum of 0.60 metres from the external surface of the existing drainage pipes.
  - Council's Standard Conditions 1, 2, 3, 4, 7 and 8.
- Shed on concrete slab (6 square meters max) subject to:
  - Overland flows associated with major storm events being insignificant.
  - Council's Standard Conditions 1, 2, 3, 6, 7, 8 and 9.
- Eaves subject to:
  - Minimum Clear height to eaves to be 3.0 metres.
  - Council's Standard Conditions 1, 2, 7, 8.
  - Maximum intrusion to be 600mm

In circumstances where the above conditions cannot be met, consent to construct over the easement will be refused.

- (ii) Building or structure within the 1.5 metre wide section of easement as shown on Drawing Number 2:



Drawing Number 2

- Open carport or pergola (structure with a maximum of 2 sides enclosed) subject to:
  - Council's Standard Conditions 1, 2, 3, 4, 6, 7 and 8.
  - Support footings associated with the structure are to be minimum distance of 0.6 metres from the external surface of the existing drainage pipes.
  - The property owner will be liable for removal of the pavement in the event of the easement being required for the maintenance of the Council drain.
  - The minimum distance between support footings to be 2.00 metres.
  - Enclosed sides other than a vehicular doorway to be parallel to the easement.
  - Support footings on one side positioned hard against the easement boundary.
  
- Fence subject to:
  - Council's Standard Conditions 1, 2, 3, 4, 5, 7, 8 and 9.
  
- Decking subject to:
  - Council's Standard Conditions 1, 2, 3, 4, 5, 7, 8 and 9.
  
- Garage subject to:
  - Replacement of the existing underground drain at the applicant's cost with a new underground drain extending from a satisfactory point of discharge (nominated by Council) to the upstream side of the garage. Plans to be

approved by the Manager Engineering and Environmental Services prior to commencing any works.

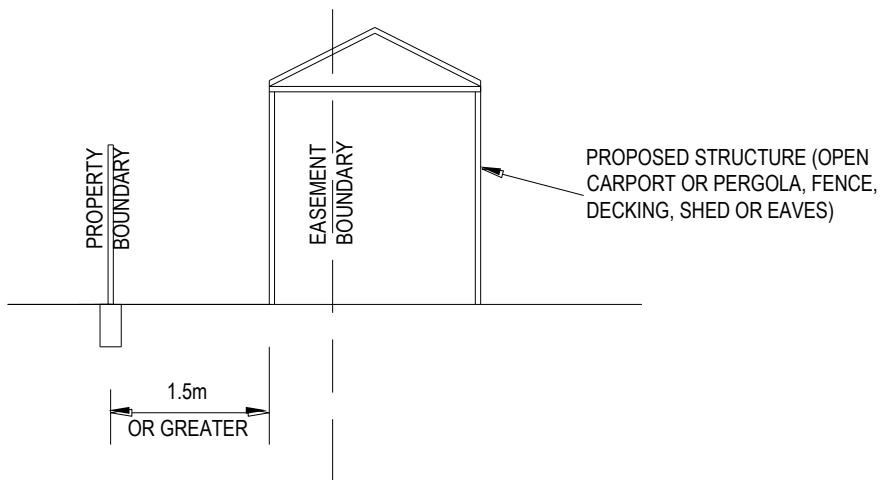
- The new drain must cater for flows associated with the 100 year Average Recurrence Interval (ARI) storm event for the relevant catchment area and provide a suitable grate pit for the collection of the estimated 100 year ARI overland flow on the upstream side of the garage.
  - Council's Standard Conditions 1, 2, 3, 4, 5, 7 and 8.
- Shed on concrete slab subject to:
- Council's Standard Conditions 1, 2, 3, 6, 7, 8 and 9.
  - Overland flows associated with major storm events being insignificant.
- Eaves subject to:
- Minimum Clear height to eaves to be 3.0 metres.
  - Council's Standard Conditions 1, 2, 7, 8.
  - Maximum intrusion to be 600mm.

In circumstances where the above conditions cannot be met, consent to construct over the easement will be refused.

5 DRAINAGE EASEMENTS POSSIBLY REQUIRED FOR DRAINAGE PURPOSES  
(Engineering assessment required)

Consent will be granted for the construction of a building or structure in the following circumstances subject to the conditions indicated:

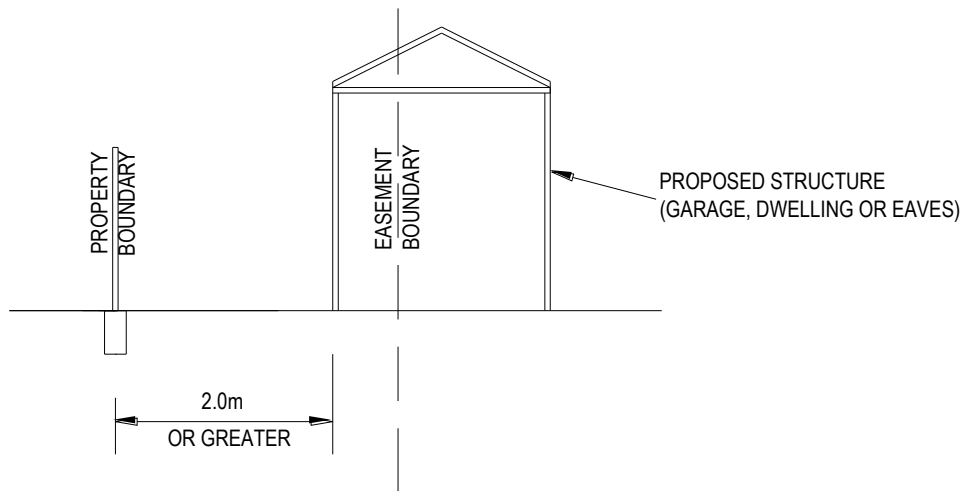
- (i) Building or Structure between 1.5 metres and 2.0 metres away from the property boundary as shown on Drawing Number 3:



Drawing Number 3

- Open carport or pergola (structure with a maximum of 2 sides enclosed) subject to:
  - Council's Standard Conditions 1, 2, 3 and 8.
- Fence subject to:
  - Council's Standard Conditions 1, 2, 3 and 8.
- Decking subject to:
  - Council's Standard Conditions 1, 2, 3, 8 and 9.
- Shed on concrete slab subject to:
  - Council's Standard Conditions 1, 2, 3, 6, 8 and 9.
- Eaves subject to:
  - Minimum Clear height to eaves to be 3.0 metres.
  - Council's Standard Conditions 1, 2, 7, 8.
  - Maximum intrusion to be 600mm.

(ii) Building or structure not less than 2.0 metres away from the property boundary as shown on Drawing Number 4:

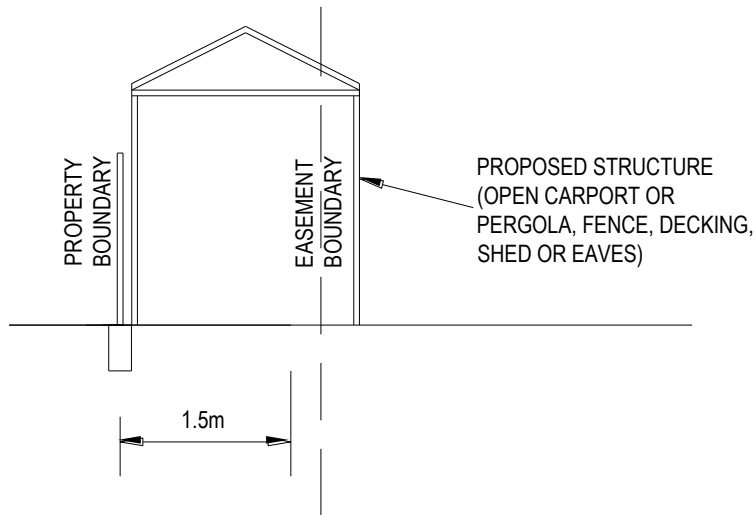


Drawing Number 4

- Garage subject to:
  - Council's Standard Conditions 1, 2, 3 and 8.
- Dwelling subject to:
  - Council's Standard Conditions 1, 2, 3 and 8.

- Eaves subject to:
  - Minimum Clear height to eaves to be 3.0 metres.
  - Council's Standard Conditions 1, 2, 7, 8.
  - Maximum intrusion to be 600mm.

(iii) Building or structure within the 1.5 metre wide section of easement as shown on Drawing Number 5:



Drawing Number 5

- Open carport or pergola (structure with a maximum of 2 sides enclosed) subject to:
  - Council's Standard Conditions 1, 2, 3, 6, 7 and 8.
  - The property owner will be liable for removal of the pavement in the event of the easement being required for the placement of new drainage facility.
  - Support footings positioned hard against the easement boundary.
  - The minimum distance between support footings to be 2.00 metres.
  - Enclosed sides other than a vehicular doorway to be parallel to the easement.
  
- Fence subject to:
  - Council's Standard Conditions 1, 2, 3, 7, 8 and 9.
  - Support footings positioned hard against the easement boundary.

- The minimum distance between support footings to be 2.00 metres.
- Decking subject to:
    - Council's Standard Conditions 1, 2, 3, 7, 8 and 9.
    - Support footings positioned hard against the easement boundary.
    - The minimum distance between support footings to be 2.00 metres
  - Shed on concrete slab subject to:
    - Council's Standard Conditions 1, 2, 3, 6, 7, 8 and 9.
    - Overland flows associated with major storm events being insignificant.
  - Eaves subject to:
    - Minimum Clear height to eaves to be 3.0 metres.
    - Council's Standard Conditions 1, 2, 7, 8.
    - Maximum intrusion to be 600mm.

In circumstances where the above conditions cannot be met, consent to construct over the easement will be refused.

#### 6 DRAINAGE EASEMENTS NOT REQUIRED FOR DRAINAGE PURPOSES (Engineering assessment required)

Consent will be granted for the construction of a building or structure in the following circumstances subject to the conditions indicated:

**(i) Building or structure over the easement:**

- All structures requiring a Building Permit subject to:
  - Council's Standard Conditions 1, 2, 3 and 8.

#### 7 DRAINAGE EASEMENTS REQUIRED FOR FLOW PATHS FOR FLOODWATERS RESULTING FROM MAJOR STORM EVENTS (Engineering assessment required)

Consent will not be granted for the construction of a building or structure

#### 8 SOIL EXCAVATION / RETAINING WALLS

Consent will be granted for the construction of a building or structure subject to the conditions as follows:

**(i) Easement containing Council drain**



- Soil excavation / Support footings associated with the structure are to be minimum distance of 0.6 metres from the external surface of the existing drainage pipes at the far side of the property boundary.
- Backfill for the existing drain to be maintained at not less than 0.5 metres deep at all times.
- Council's Standard Conditions 1, 2, 7 and 8.

(ii) Drainage easement possibly required for drainage purposes

- Soil excavation / Support footings associated with the structure are to be minimum distance of 1.5 meters from property boundary.
- Council's Standard Conditions 1, 2, 7 and 8.

**Note** - Complete expungement of the easement is an option that should be explored to eliminate the encumbrance on the land thereby avoiding the placement of a structure over an easement.

## 9 SITUATIONS OTHER THAN THOSE LISTED ABOVE

Consent may be granted based on the individual circumstances of the application and based on merit and the purpose and objectives of this Policy.

## **STANDARD CONDITIONS RELATING TO BUILDING OVER DRAINAGE EASEMENTS**

1. Written consent from Yarra Valley Water to be obtained.
2. Any Building Permit required for the proposed structure as indicated on the approved stamped plan to be obtained prior to the commencement of any works on the site.
3. The exact location of any existing drain within the easement to be confirmed on site by hand excavation methods. If on-site proving conflicts with the information provided by Council, Council is to be notified immediately so that the positioning of the proposed building or structure can be reassessed.
4. Support footings associated with the structure are to be excavated to a depth that will ensure that the angle of repose is clear of the trench associated with any existing drainage pipes.
5. Support footings associated with the structure are to be a minimum distance of 600 mm from existing drainage pipes.
6. Where concrete paving is to be placed over the easement the maximum joint spacing is to be 600mm.
7. Whitehorse City Council will not be liable for compensation in respect of damage to the structure positioned over the easement resulting from malfunction or movement of existing or future Council assets within the easement.
8. Works shall commence within twelve months from the date hereon otherwise this consent will be deemed to have lapsed.
9. The property owner will be liable for removal of the building or structure in the event of the easement being required for the placement of new drainage facility or maintenance of the existing drain.

### **NOTES –**

The raising of no objection by Council in no way affects the rights of others who may have an interest in the easement.

Consent to build over the easement is not to be taken as authority to commence the building construction.