SINGLETON COUNCIL

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Building Over or Adjacent to Sewer Infrastructure

Policy | Water and Sewer

A guideline for proposed development where approval is required to build over or adjacent to Council's sewer mains. This policy will ensure Council's sewer assets are protected.

Policy No:	POL/26013.2	**Version:**	1.0
Service Unit:	Water and Sewer		
Responsible Officer:	Manager Water & Sewer		
Responsible Director:	Director Planning & Infrastructure Services Group		
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1 Background

1.1 Title of the Policy and Commencement Date

The Building Over or Adjacent to Sewer Infrastructure Policy takes effect from the date of adoption by the elected Council. Please refer to Policy Register information provided on the cover page.

This policy is based on Council Minute 463/76 of 22 November 1988. Council reaffirmed the policy in its revised format in accordance with the policy register details on the cover page

1.2 Purpose of the Policy

This policy has been prepared as a guideline for proposed development(s) wanting to build over or adjacent to Council's gravity sewer mains and their zones of influence, including any proposed works that may be exempt from development approval. The implementation of this policy is to:

- nominate Council sewer assets and easements over which construction is permitted, conditionally permitted and not permitted and, where construction is permitted, provides guidelines and limitations, and
- reduce conflicts over access and damage to sewer assets, improve customer service and reduce Council's risk.

Applications for construction adjacent to and over Council's assets will only be considered if it can be clearly demonstrated that the applicant has investigated all other options for development. Council will treat each application on its merits but it should not be assumed that consent for construction over or near the sewer will be automatically granted.

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2 Objective

2.1 Objectives and Coverage of the Policy

Improper installations may cause pipes and joints to deform and/or fracture leading to infiltration and exfiltration, tree root intrusion, blockages and other operational problems. Ingress of pipe embedment and the surrounding soil into the sewer may cause subsidence leading to damage to the Owners' structure. The principal objectives of this policy are;

i. To prevent structural damage to the buried asset resulting from the Owner's construction works or imposed loads from the Owner's structure.

ii. To prevent consequential damage to the Owner's structure.

iii. To have free and unrestricted access by the Council to the pipeline or easement at all times to install, operate and maintain the buried asset without potential harm to any Owner's built over or adjacent structure.

iv. To maintain the amenity (functional use) of the property and allow the occupant use of the property without unnecessary constraints.

v. To adopt best practice for both construction and maintenance e.g. application of trenchless technology to construction and repair can significantly reduce access requirements necessary for open trenching construction and repair.

3 Application

3.1 Application of this Policy

Council's first position is that structures not be constructed over sewer mains or within the sewers zone of influence.

The Building Over or Adjacent to Sewer Infrastructure Policy applies to the following three structure types:

- Heavy or Permanent Structures,
- Light Weight or Demountable Structures, and
- Miscellaneous Structures.

The policy addresses low risk commonly encountered situations nominating requirements for the construction of minor structures built over or near an easement or sewer up to and including DN 225 (225mm inside diameter pipes) as well as associated vent(s) or maintenance structure(s) and guidance on larger structures.

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4 Definitions

For the purposes of this policy:

Term	Meaning
Approved	Acceptable to, authorised by or approved by Council.
Building Adjacent to Sewer	Where a structure is proposed to be built in the zone of influence but not over the sewer. The structure is likely to impact on Council sewers and associated structures.
Building Over Sewer	The erection of a structure over and within the zone of influence of the sewer.
CCTV	Closed Circuit Television
Council	Singleton Council
Easement to Drain Sewage	A legal entitlement placed over a parcel of land for the purpose of the provision, operation and maintenance of sewer infrastructure.
Encasement	The protection of a sewer pipe by encasing all around with concrete to Council standards.
Heavy / Permanent Structures	Any approved structure typically constructed from masonry, brick, steel, timber or concrete and it is neither reasonable or practical to remove or dismantle the

	structure for the purpose of carrying out sewer repairs or refurbishment. Some examples are dwelling houses, garages, onsite cabins.
Improvements	Are deemed to include but not be limited to pavements, shrubs, gardens, retaining walls, fences and all other structures.
Lamphole	A vertical pipe or shaft between manholes into which a light may be lowered for inspecting sewer.
Lightweight / Demountable Structures	Any approved structure that can, at the owner's risk and expense, be easily and readily dismantled and re-erected at the request of Council, if access to the main (by excavation) was required. Some examples are domestic carports, small tool or garden sheds, pergola.
Maintenance Shaft	Allows a sewer system to be inspected, cleaned and repaired from the surface.
Manhole	A covered hole, through which a person may access an underground or enclosed structure; such as the sewer.
Miscellaneous Structures	Any approved structure where no special protection measures for the sewer main should be required as long as the minimum clearance requirements have been met. Some examples are rainwater tanks, driveways or retaining walls.
Not Fully Enclosed	Means where at least one side of the carport/verandah is completely open or two sides are partly open. Doors of any type are to be considered as closed sides.
Owner	The Agency, Authority, Board, Company, Controlling Authority, Corporation, Council, Department, Individual, Regulator, Utility or other legal entity who is the Owner or lessee of the property and/or who has responsibly for the property.
PSS	Pressure Sewer System
Pressure Sewer System Boundary Unit	A Council installed valve box located on the pressure sewer main at the property boundary.
Pressure Sewer System Discharge Pipe	The pipe running from the pressure sewer unit to the boundary kit.
Sewer	An asset owned by Council used for the conveyancing of sewage, whether raw or treated. A sewer may be live or disused.
Sewer Line / Main / Pipe	An asset owned by Council, controlled and maintained by the Water and Sewer Group, used for the conveying of sewage (raw or treated). A sewer may be operational or disused.

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Vent Shaft	Also known as a ventilation shaft or vent stack is a tall shaft designed for the safe release of gases built up in the sewers.
Works	All those Works being sewers, maintenance structures, vents, pumping stations, pressure mains and accessories and shall include valve chambers and storage facilities as shown on the Design Drawings and includes any part or parts of the Works.
Zone of Influence	The 'zone of influence' of a sewer is that area of soil/strata that is likely to be influenced by building loads. Factors that determine the 'zone of influence' include trench width and depth and soil classification (by qualified structural engineer as per AS 2870) and Groundwater / level of the water table. The boundary of the 'zone of influence' coincides with the angle of repose of the strata encountered (including cut/fill). This boundary shall commence at the bottom corner of the trench nearest the proposed foundation. If the trench is partly in rock or shale the boundary shall commence at the top of the rock or shale strata. In heterogeneous soil the angle of repose may differ. The above criteria do not apply to water charged strata. Foundations in water charged ground are to be designed by a structural engineer and approved by Council.

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5 Principles/Body

5.1 Procedural Statement

Building over or adjacent to sewer by residents, commercial or industrial business' can be problematic for Council and the land owner, especially when sewer maintenance or repairs are required.

5.1.1 Construction Not Permitted

Structures and/or construction will **not** be permitted to be built over and/or in close proximity to the following;

a. An easement containing a pressurized sewer (rising main or pressure sewer or vacuum sewer) or within 1 metre from any point on the outside edge of Council's water main, pressurized sewer or associated vent or maintenance structure.

b. Where sufficient clearances to sewer manholes, inspection shafts, lampholes, maintenance points and junctions cannot be achieved.

c. A sewer access point or property sewer connection point (For exceptions refer the Council's Building Over or Adjacent to Sewer Infrastructure Guideline). This also includes situations where it is considered that a future requirement to gain access to a section of sewer, for example, to construct a sewer connection off this section of sewer to serve a further land division, exists.

d. Concrete pipes, asbestos cement pipes or vitreous clay pipes. They are often cracked and have leaking joints and require rehabilitation or replacement before construction to minimise the likelihood of any problems or structural failure. If local conditions permit, these pipes can be replaced with alternative pipe materials, subject to approval by Council.

e. Any gravity sewer that, in the opinion of Council, is in poor condition. The condition of the sewer must be reviewed by Council, and as necessary, has been CCTV inspected, it's structural condition assessed and as appropriate rehabilitation works undertaken. The costs associated with the CCTV inspection are to be at the applicant/owner's expense.

f. Within 1 metre of a sewer connection servicing an adjoining property.

g. Where the driving of poles of any description in an easement or within 1 metre measured from the outside diameter of the sewer is proposed. Approval may be considered where CCTV inspections are carried out, at the applicant/owner's expense, prior to and following the installation of the piles and the applicant accepts the liability for any damage to the sewer as a result of this work.

5.1.2 Permitted Structures

Permit the following structures to be built over easements/Council sewers up to and including DN225 provided the specified provisions are met (Refer also to the Council's Building Over or Adjacent to Sewer Infrastructure Guideline):

- Landscaped or terraced gardens;
- Concrete or decorative paving;
- Class 10 non-habitable buildings or structures as classified in the Building Code of Australia (BCA). Class 10a includes a non-habitable building being a private garage, carport, shed or the like. Class 10b includes a structure being a fence, mast, antenna, retaining or free-standing wall, swimming pool or the like.
- Demountable structures such as garages, carports, verandas, pergolas, above-ground swimming pools and spas and prefabricated garden sheds, tool sheds, shade houses, aviaries and the like.

Each case will be assessed on its merits after lodgement of a development or other application with consideration being given, but not limited to the loads imposed on the sewer, accessibility to sewer mains, the criticality and type of the sewer. On application Council will consider;

- Relocation of the proposed building/structure or
- Relocation of services or
- Building over or adjacent to the sewer.

If the option to building over or adjacent to the sewer is determined, a CCTV inspection prior to and following the construction will be required to ensure no damage to the sewer infrastructure is sustained. The costs associated with the CCTV inspections and rectification works as a result of the building over or adjacent to sewer will be at the expense of the applicant/owner.

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An encumbrance will be registered by Council over the property to enable any future purchaser to be aware of the conditions under which approval for the construction of the structure over the sewer was given including any specific conditions.

5.1.2.1 In-ground and Non-Demountable Swimming Pools and Spas

Construction of in-ground and non-demountable swimming pools and spas adjacent to the line of the sewer provided a minimum of 1 metre horizontal clearance is maintained between the outside edge of the pool/spa and the outside edge of the sewer and no additional load is placed on the sewer.

Construction of in-ground and non-demountable swimming pools and spas over access points such as maintenance structures, inspection and vent shafts are not permitted.

5.1.2.2 Above-ground Demountable Swimming Pools and Spas

Construction of above-ground demountable swimming pools within the easement area and above the sewer provided 600mm vertical clearance is maintained from the top edge of the sewer to the underside of the pool and subject to the following;

a. There is no other location in which the pool can reasonably be sited having regard to safety (viewing and fencing), aesthetics and costs associated with alternative locations.

b. Any special precautionary measures required by Council regarding the load transmitted to the sewers are met.

c. Council is absolved from responsibility for any damage to the pool in the event of soil movement, or as a result of Council or its contractor's activities within the easement.

d. Council or its contractor shall have the right to empty the pool in conjunction with its activities in the easement, and there shall be no compensation payable for the water so removed or the water used by the Owner or occupier in refilling the pool.

Construction of above-ground demountable swimming pools and spas over sewer access points such as maintenance structures, vent shafts, inspection opening sand inspection points are not permitted.

5.1.2.3 Demountable Structures

Demountable structures such as garages, carports, verandahs, pergolas, and prefabricated garden sheds, toolsheds, shade houses, aviaries and the like, may be constructed over an easement provided such structures are not located over any access points except as permitted in below.

Council cannot be held responsible for any damage to the structure and its contents as a result of Council activities within the easement. The costs associated with Council repairing damage to a sewer caused demountable structures over an easement will be at the expense of the owner.

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5.1.2.4 Carports and Verandahs

Carports or verandahs which are not fully enclosed may be constructed over an access point provided that;

a. The riser is inspected by Council and the surface fitting or marker is adjusted to the correct level where necessary prior to the commencement of any building work and prior to the laying of any paving;

b. The Owner is advised that the carport, pergola or verandah shall not be enclosed now or in the future unless the appropriate requirements are met; and

c. An encumbrance certificate is issued over the property which includes a condition that the structure shall not be fully enclosed.

5.1.2.5 Underground Cables and Pipes

Construction of sanitary drains (private property sewers), storm water drains ≤ 300mm, gas and water mains, electricity and telephone cables within easements under the following conditions, where;

a. Pipes, conduits and telecommunication cables are required to cross a sewer, lay at 90 ± 15º to the sewer and maintain a minimum vertical clearance of 150mm from the outside edge of the sewer.

b. Pipes, conduits and telecommunication cables are laid within an easement and parallel to the sewer, maintain a minimum horizontal clearance of 300mm from the outside edge of the sewer.

c. Electricity conduits and telecommunication cables are required to cross a sewer, lay at 90 ± 15º to the sewer and maintain a minimum vertical clearance of 225mm from the outside edge of the sewer.

d. Electricity conduits and telecommunication cables are laid within an easement parallel to the sewer, maintain a minimum horizontal clearance of 500mm from the outside edge of the sewer.

e. Pipes, conduits and telecommunication cables where they cross the sewer (e.g. by concrete or recycled plastic slabs) are protected, so that during any work on the sewer the likelihood of damage to the pipes conduits or cables and injury to Council or contractor personnel is reduced.

f. The location of pipes, conduits and cables above-ground are marked with permanent visible markers.

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5.1.2.6 Tennis Courts

Tennis courts, paved or otherwise improved areas and the like, may be constructed over a sewer and access points provided the Owner accepts that Council is not responsible for any damage caused to the court or surrounds in the event that access to the sewer is required.

The costs associated with Council repairing damage to a sewer caused by the construction of a tennis court will be at the expense of the owner.

5.1.2.7 Paved and Other Improved Surfaces

For paved surfaces and other improved surfaces such as tennis courts constructed over maintenance structures, surface fittings must be flush with the finished surface level.

In cases where the Owner does not want a surface fitting located in the paved area or other improved surfaces, subject to investigation to determine suitability, it may be possible to construct a new maintenance structure nearby at the Owner's cost.

5.1.2.8 Filling Over Sewer Mains - Alteration of Surface Levels over Assets

The allowable depth of fill that can be placed over a sewer main depends on the material type and stiffness class, as well as the native soil and standard of backfilling.

Applications for significant filling to alter the original surface level over easements and above Council sewers must include certification form a suitably experienced qualified civil, structural or geotechnical engineer that the:

- Loading imposed will not adversely affect the underlying sewer, or
- Remediation work proposed will prevent any adverse loading on the underlying sewer.

Fill increasing the depth of fill to greater than 2.5 metres (2,500mm) above the top edge of the sewer is considered significant.

The placing of fill in excessive depths over a sewer main is not permitted, even if there are no structural issues. A maximum depth being 5 metres is required for practical access. No fill is to be placed over maintenance structures, inspection openings and inspection points. These assets may need to be raised in conjunction with any site filling, any costs associated with this works will be at the applicant/owner's expense.

The costs associated with Council repairing damage to a sewer caused by alterations of surface levels by the owner will be at the expense of the owner.

5.1.2.9 Planting of Trees and Shrubs

Tree roots can penetrate into sewer pipes through joints or damaged sections of pipes, causing blockages and subsequent overflows. A list of high hazard species is provided in the Council's Building Over or Adjacent to Sewer Infrastructure Guideline).

The costs associated with Council repairing damage to a sewer caused by trees, shrubs and plants, planted or maintained by the owner will be at the expense of the owner.

5.1.2.10 Costs

The developer, applicant or owner must pay for all works associated with the relocation of proposed buildings, existing assets and costs associated with any strengthening works or foundation enhancements required.

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All costs associated with rectification works of damaged sewer infrastructure caused by building over or adjacent to sewers, or illegal building works over or adjacent to sewers will be at the expense of the developer, applicant or owner.

5.1.3 Exceptions

Some lightweight structures may be exempt from certain conditions set down in this policy, as noted below;

a. If the proposed structure approved by Council is readily demountable structures and can be easily dismantled by the owner at their own risk and expense, at any time, as requested by Council. The applicant may need to provide information confirming the above.

b. If the proposed structure does not place a superimposed load on the sewer main and do not prevent reasonable access to the sewer main either at the stage of construction or in the foreseeable future (owing to alteration of the structure).

In general, each case will be assessed on its merits after lodgement of a development or other application with consideration being given (but not limited to) the loads imposed on the sewer, accessibility to sewer mains, the criticality and type of sewer.

5.1.4 Clearances

To ensure all sewer infrastructure is protected from damage and to enable maintenance, minimum clearances are required to be maintained from proposed structures. **Any arrangements involving access to a sewer through the floor of any building is NOT permitted.**

5.1.4.1 Sewer Mains and Pipes

a. Where a proposed building is permitted to be constructed over a sewer there shall be a minimum 250mm vertical clearance between underside of the foundations/beam and the top edge of the pipe concrete encasement. Where 250mm clearance cannot be achieved or in special circumstances alternative construction methods may be considered, upon application. Vertical clearances of less than 100mm will **not** be permitted.

b. Where the zone of influence is 1H:1V and sewer trenches are less than 2.5 metres deep, the face of any foundations should be a minimum 1,200mm clear of the outside edge of the sewers. In special circumstances these clearances may be reduced to 600mm but only if the trench depth is less than 1.5 metres and in rock or clay and the piers are constructed by open excavation. For deeper sewers greater than 2.5 metres deep; the horizontal clearance shall be a minimum of 2.0 metres.

c. Where the zone of influence is greater (flatter) than 1H:1V horizontal clearances from the face of piers to the outside edge of sewer of less than 1,200mm will not be permitted.

d. Where the zone of influence is 1H:1V and for sewer depths of between 2.5 metres and 3.0 metres minimum clearance from the outside edge of the sewer and shall vary on a pro-rata basis from 1200mm (2.5 metres deep) to 2,000mm (3.0 metres deep).

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e. Where the zone of influence is other than 1H:1V, for sewers at depths greater than 2.5 metres the minimum clearance from the outside edge of the sewer shall be 2.0 metres.

f. See below table for minimum cover over sewer pipes:

Minimum Cover Requirements for Sewer	
Location of Pipe	**Gravity Sewers – All Pipes**
Areas not subject to vehicular loading	450mm
Areas Subject to vehicular loading;	
a. Not in a roadway	600mm
b. In a sealed roadway	750mm
c. In an unsealed roadway	750mm

5.1.4.2 Manholes, Lampholes, and Maintenance Shafts

Unrestricted access to all manholes, junctions, lampholes and/or maintenance shaft to be provided and maintained at all times. The following minimum clearances from these access points are required.

a. No building, wall or other improvement will be permitted within 1,200mm horizontal radius from the centre of a manhole or maintenance shaft and within 750mm horizontal radius of a junction, lamphole or terminal maintenance shaft. It should be noted that these distances may be increased in certain circumstances.

b. A minimum vertical clearance of 2,400mm is to be maintained for all structures.

c. Where a building is proposed to extend across the whole frontage of the building block, provision will be made to ensure that access for machinery to the manholes, lampholes, maintenance shafts and terminal maintenance shafts at the rear of the building is available at all times. Access from adjoining properties, unless they are public reserves, can only be relied on if an easement leads to the subject property to provide permanent access.

5.1.5 Foundation Requirements

Design of a structures foundations can be enhanced to transfer loads outside the sewer assets zone of influence. This approach can reduce the need to structurally strengthen the sewer main through measures such as encasement, and ensures the structure is self-supporting in the event of a collapse of the sewer main, or excavation of the sewer main.

a. The foundations of any structure at/and within 1,200mm horizontal clearance from a sewer shall extend a minimum 150mm below the zone of influence of the sewer or on sound rock. Concrete encasement of the sewer is required in accordance with section 5.1.6 below.

b. The foundations of any structure greater than 1,200mm horizontal clearance and within the zone of influence of the sewer shall be a minimum 150mm below the zone of influence relative to the trench.

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c. The building and its foundations are to be designed in such a way that no building loads are transmitted to Council's sewer and where possible, the pipe can be repaired or replaced at any time without affecting the stability of the building.

d. Displacement piles or shoring will not be permitted within 5.0 metres of a sewer.

e. Screw piles will be permitted no closer than 2.0 metres to a sewer. Screw piles permitted to be located between 2.0 metre and 5.0 metre offset from the sewer are to be cored (min. ¾ diameter of helix) to a level 300mm below the invert of the sewer.

f. Certified Engineers design/construction details are required to show the design of footings, piers and beams with specified clearances, ground levels, together with soil classification.

5.1.6 Concrete Encasement

Concrete encasement of the sewer main is required for the protection of the affected pipe and any associated infrastructure due to the vertical loads imposed by the works and as a result of loss of access. Concrete encasement is also required where the cover of the strata over the pipes does not meet the minimum cover requirements. (See table, refer 5.1.4.1 – Clearances – Sewer Mains and Pipes)

Concrete encasement is to comply with the following specification:

a. Only rubber ring jointed vitrified clay and PVC pipes may be encased in concrete. Permission may also be given to replace other types of pipes with PVC pipes prior to encasement depending upon the location and criticality of the lines.

b. In trenches of material other than rock, encasing is to extend 150mm under, on both sides and on top of the pipe barrel. The maximum width of the encasement is not to exceed 600mm. For trenches in rock, encasing is to extend 100mm under the pipe barrel, 150mm on top of the pipe barrel and for the full width of the excavated trench.

c. Unless otherwise specified, all flexible pipe joints are to be maintained. The minimum length of the encasement will be the total length of the sewer that is affected plus a minimum of 1000mm on each side plus any additional length to ensure encasement starts and finishes at a flexible joint. (Subject to soil conditions and depth of sewer this length may increase)

d. If a manhole is less than 2 metres from the end of encasement, as required above, the encasement is to be extended up to the second flexible joint from that manhole.

e. The applicant/developer will be required to locate the main, excavate the trench in accordance with Work Cover guidelines, identify the type of pipe to ensure encasement is possible, supply and construct any formwork required and supply and place the concrete (minimum 28-day strength of 20 MPa) in accordance with relevant standards and provide evidence of meeting this requirement. If the pipe has to be replaced in order to encase, the cost associated with these works are to be at the applicants' expense. Prior to any works commencing, Council's Water and Sewer Group need to be notified and allowed to inspect as required.

f. If asbestos pipes are to be replaced, removal and disposal of the pipes and any other asbestos cement material is to be undertaken in accordance with WHS guidelines at the applicants' expense.

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g. Backfilling of the trench with suitable material as per specification must not commence until at least 48 hours after placing the concrete.

h. Concrete encasement shall not be poured integral with any other foundation or structure.

i. Sewer junctions that are permitted to be incorporated in proposed concrete encasement are to be upgraded to a rubber ring jointed junction in order to maintain flexibility at the junction branch.

j. Where the encasing of sewers in adjoining properties is required, written approval from the adjoining owner to enter the property to carry out the works will be required prior to approval being granted for works to commence.

5.1.7 Rainwater Tanks

Rainwater tanks that are to be constructed on concrete slabs, frames or other permanent bases, will for the purposes of this policy, be classified as permanent load bearing structures and will be subject to the provisions of this policy in regard to access and load bearing upon Council's sewers.

Rainwater tanks of a size 10,000 litres or less, constructed from plastic or other flexible material and to be situated upon natural ground or a base of sand, road base or similar material, and where it can be demonstrated that the tank can be readily emptied and moved (without damage to the tank) will be classified as demountable structures and not be subject to the provisions of this policy.

5.1.8 General

a. It is the applicant's/developers responsibility to locate all services within the vicinity of any sewer infrastructure prior to excavation.

b. Rebuilding of any premises is subject to the same conditions as would be imposed in respect of an entirely new building/structure or part thereof.

c. Where satisfactory arrangements for building over a sewer cannot be provided, deviation of the sewer at the owner's expense where practicable, may be considered. Generally each case must be treated on its merits having regard to the type and importance of the sewer, the nature of the strata, feasibility of re-designing or relocating the existing sewer and/or the proposed building etc.

d. Where excavation works for sewer encasement are likely to affect adjacent structures either on the subject property or on adjoining lands, underpinning or other approved methods of support of these structures will be required.

e. Pressure sewer systems are to be treated in a similar fashion to normal gravity sewer in regard to building over sewer conditions. The zone of influence is to commence from a point 150mm below and 150mm horizontally away from the base of the pressure unit. No building, wall, foundations or other improvement will be permitted any closer horizontally than 1200mm to the unit. Foundations at 1,200mm offset are to be founded a minimum 150mm below the base of the unit. A minimum vertical clearance over the unit of 2400mm is to be maintained. Access to the unit for maintenance and repairs is to be maintained at all times. No structures are to be constructed over the sewer pressure mains running from the unit to the boundary kit. If required, and subject to application, relocation of the pressure main from the unit to the boundary kit may be approved.

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5.1.9 Audit inspections

Audit inspections of all works to verify compliance with the conditions of approval will be mandatory. In the event of non-compliance Council will take appropriate action to minimise the impact on the asset, at the expense of the owner.

5.1.10 Reinstatement

Even though approval to encroach into an easement may state that Council cannot be held responsible for any damage caused to the encroachment, paths, etc. it is often in the best interests of Council and the Owner to minimise amount of damage that is likely to occur as a result of operation and maintenance within an easement.

Given that reasonable reinstatement works are sometimes carried out by Council or its contractor to concrete floors, paving, etc. that may be damaged as a result of its operations and maintenance, exercise caution when expensive or unusual surface improvements, for example, concrete with special finishes, will require reinstatement because matching colour and/or texture between repaired and original finishes can be very difficult.

5.1.11 Unapproved Encroachments

Unauthorised encroachments on easements where no approval has been granted by Council, will be investigated. The severity of the encroachment will determine the action to be taken.

Where approval would have been given had it been sought, approval is granted in retrospect subject to the normal conditions that would have applied if the correct procedure had been followed, including any additional requirements, and payment of associated costs and charges.

5.1.11.1 Over a Maintenance Structure

If the encroachment is over a maintenance structure, the Owner must remove the encroachment at the Owner's expense within a specified time. Following a Council engineering assessment, if any appropriate courses of action are available, these may be considered at Council's discretion.

5.1.11.2 Over an Inspection Opening

If the encroachment is over an inspection opening (used for inspection only), which is still partly accessible, approval can be granted in retrospect subject to the normal conditions that would have applied if the correct procedure had been followed, including any additional requirements, and payment of associated costs and charges. If the encroachment is to remain in place, the owner is to agree to accept all risks associated with operations and maintenance at the inspection opening.

5.1.11.3 Outside Council's Requirements

If the positioning of the encroachment is not fully in accordance with Council requirements, for example, the side of the shed is too close to the centre line of the sewer, the encroachment is permitted to remain provided the Owner accepts the

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consequences and is prepared to accept all risk associated with operations and maintenance at encroachment. This acceptance must be in writing.

5.1.11.4 Permanent Structures

Where a house, shop, unit, office, factory or other structure has been constructed over a sewer and/or access points within an easement, a risk assessment is to be conducted to determine the most appropriate remedy. Any costs incurred in this process are at the owners cost.

Remedies at the Owner's expense may include:

a. Rehabilitating of the sewer,

b. Construction of a new manhole, main shaft or other access point clear of the offending structure,

c. Relaying the sewer clear of the offending structure,

d. Enlarging the easement to allow for future maintenance or construction.

5.1.12 Unused Easements

Instances sometimes arise where approval is sought to encroach into a Council easement wherein no Council asset presently exits.

Where an easement has been verified by Council as no longer being required, Council may agree to the easement being extinguished, the Owner is responsible to pay all legal fees, Land Titles Office registration fees and if required, survey costs.

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6 Relevant Legislation

This policy is to be made available for public viewing as required under the *Government Information (Public Access) 2009, NSW*.

7 Document Information

Related documents and reference information in this section provides a single reference point to develop and maintain site compliance information.

7.1 Related Documents

Related documents, listed below, are external documents directly related to or referenced from this document.

- WSA 02-2002 Sewerage Code of Australia
- Plumbing Code of Australia 2016
- Australian Standard AS/NZS 3500 – Plumbing and Drainage Set
- NSW Guidelines for Best Practice Management of Water Supply and Sewerage 2014

Related documents, listed in ***Table 7-1*** below, are internal documents directly related to or referenced from this document.

Number	Title
17/79057	Policy – Sewer Supply Services Policy
16/68372	Design and Construction Specifications - Water Reticulation
16/68371	Design and Construction Specifications – Sewer Systems
17/16347	Standard Engineering Requirements for Development – Water and Sewer
13/50853	Guideline - Building Over or Adjacent to Sewer Infrastructure

Table 7-1 – Related documents

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8 Responsible Officer / Policy Owner

The implementation and ownership of this policy rests with the Manager Water and Sewer, unless appropriately delegated to another officer.

The Utilities Engineer - Projects and Development is responsible for the adherence to this Policy. The following officer may provide support and advice on this policy;

- Manager - Water and Sewer;
- Utilities Engineer - Network Operations;
- Utilities Engineer - Planning and Process; and
- Utilities Engineer – Projects and Development.

9 Responsibilities

Parties or Persons	Responsibilities
Manager Water and Sewer	• Ensure compliance of policy and all relevant procedures and supporting documents are current and communicated to all relevant stakeholders. • Review policy regularly to ensure currency of principles.
Manager Development and Environment	• Ensure all Development and Environment staff understands the principles of the policy and all relevant procedures and supporting documents applicable to the development process.
Development Assessment Planners and Health and Building Surveyors	• Consider principles of the policy when assessing development applications and providing advice to customers. • Refer all relevant applications or enquiries to Utilities Engineer - Projects and Development when need identified.

Water and Sewer People Leaders	• Provide direction to staff and ensure compliance with the policy. • Provide expert knowledge of the policy and its principles to Council staff, its customers and other stakeholders.
Water and Sewer Staff	• Ensure understanding of principles of the policy and all relevant procedures and supporting documents. • Undertake all duties in accordance with the policy and supporting procedures in a safe manner.
GIS Business unit	• Ensure accurate mapping available, showing all relevant sewer infrastructure.
Frontline Staff	• Awareness and understanding of principles of the policy. • Consider implications when discussing or dealing with customers or Council matters relating to building, renovating or developing land and sewer services.

It is the responsibility of all Council employees and any person contracted to or acting on behalf of Council to have knowledge of, and to ensure compliance with this policy.

Rescinded

10 Approval

As per cover sheet.

11 Monitoring

This policy will be monitored by the Manager – Water and Sewer and the Water and Sewer Groups' Utilities Engineer – Project and Development to ensure compliance.

12 Review Date

This policy, once adopted, is to remain in force until it is reviewed by Council. This policy is to be reviewed approximately every two (2) years to ensure that it meets legislative requirements.

In accordance with section 165 (4) of the *Local Government Act 1993*, this policy will be reviewed within one year of the election of every new Council.

13 Last Review Date

Council on 22 November 1988, minute 463/76, adopted the original Building Over or Adjacent to Sewers Policy, POL/26013.1.

14 Record Keeping, Confidentiality and Privacy

All records received, created or supporting this policy will be kept on Council's Corporate Computer Systems in accordance with *State Records Act 1998, NSW* and will retain confidentiality and privacy in accordance with *Privacy and Personal*

Information Protection Act 1998, NSW and Council Policy. Council is required to release certain information in accordance with *Government Information (Public Access) 2009, NSW*.

This policy is to be made available for public viewing as required under the *Government Information (Public Access) 2009, NSW*.

15 Breaches and Sanctions

Any breaches of this Policy will be referred to the General Manager for appropriate action.

Rescinded