



# BUILDING OVER EASEMENT POLICY

## 1.0 POLICY AIM AND OBJECTIVES

The aim of the policy is:

- 1.1. To establish a basis upon which Council will consider applications for the construction of buildings, works and other structures over easements vested in Council or where Council is the drainage authority.
- 1.2. To ensure that Council staff required in making decisions on applications will do so in a consistent and equitable manner.
- 1.3. To ensure that Council's interests will be protected by way of agreements binding on current and future property owners.
- 1.4. To make provision for an internal review of Council officer's decisions and to allow minor deviations from the policy only where the intentions of the Council, as described in the Policy Statement and Principles, are not compromised.

## 2.0 DEFINITIONS OF TERMS BEING USED

### 2.1. Allowable Works and Structures

- 2.1.1. Are those buildings, structures and works described in the table titled "Allowable Works and Structures" attached to this policy as Attachment

### 2.2. Building Over Easement Application

- 2.2.1. Generally means applications made by an applicant on Council's "Application for Permission to Construct Over/In an Easement" form however it includes a written request for Council's consent in accordance with Regulation 310 of the Building Regulations 2006.

### 2.3. Minor Deviation

- 2.3.1. Means one of the "Specific Requirements" as detailed within subsections 2 and 3 of Section 4 of this policy will not be met.

### 2.4. Minor Works and Structures Means

- 2.4.1. A simple open carport i.e. with a flat steel roof, flat frame and steel or timber posts
- 2.4.2. Simple timber decking structure on timber stumps
- 2.4.3. A steel shed with a floor area of less than 10 square metres
- 2.4.4. House eaves overhang where eaves are a minimum of 2.40 metres above the finished ground level
  - a. Portable or replaceable buildings, provided that the building is temporary
  - b. Service pipes
  - c. Hot water system
  - d. Rain water tank provided that load is not transferred to Council's drain i.e. must be on a structural platform

- e. Rotary clothes hoist or fixed to wall
- f. Residential air conditioning
- g. Service metres
- h. Simple masts, poles, aerials, antennas
- i. Timber fences
- j. Minor retaining walls i.e. not requiring a building permit only where it is unavoidable and the full impact on the affect on the Council drain is determined
- k. Paving for pedestrians and vehicles
- l. Earth filling only where the strength of the Council drain allows
- m. Earth excavation for residential works where a minimum cover of 600mm to the top of the pipe is maintained

## **2.5. Section 173 Agreement**

- 2.5.1.** Means an agreement between Council as the Responsible Authority and an owner of land made pursuant to Section 173 of the Planning and Environment Act 1987 and contains appropriate terms and conditions that ensures the ongoing protection of Council's interests and assets in an easement.

## **2.6. Semi Permanent Garage/Carport**

- 2.6.1.** Means a garage/carport that meets the specifications described in Attachment 2.

## **2.7. Standard Building Over Easement Agreement**

- 2.7.1.** Means a legal agreement between the property owner and Council. An example of such an agreement is attached to this policy as Attachment

## **3.0 POLICY STATEMENT AND PRINCIPLES**

### **3.1. It Is Council's Intention To Enhance Its Ability To: -**

- 3.1.1.** Maintain, upgrade or install stormwater drains;
- 3.1.2.** Reduce the possibility of risk or exposure to risk to abutting structures/land in the proximity of Council maintained drains;
- 3.1.3.** Reduce the possibility of structural failure of any drain due to increased loads on the drain or due to activities in proximity to the drain.

- 3.2.** When an owner (or representative) seeks approval from Council or consent in accordance with Regulation 310 of the Building Regulations 2006, for the construction of buildings, works and other structures over an easement vested in Council or where Council is the drainage authority, Council will consider the application in accordance with this policy and attachments.

## **4.0 SPECIFIC REQUIREMENTS**

- 4.1.** Where Council believes that the easement is required by Council or Melbourne Water for the construction of works to control overland flows; or the easement contains an existing above ground inter-property drainage system: -
- 4.2.** Council will consider the construction of Allowable Works and Structures that will not impede, interfere with or redirect flows.

- 4.3.** In the case where an above ground inter-property drainage system exists, Council will consider a closed structure if: -
- 4.3.1.** The proposed structure is an Allowable Works and Structures;
  - 4.3.2.** The owner agrees to bear the cost of: -
    - a.** Undergrounding the drainage in accordance with the provisions of this policy and to Council's standards and satisfaction
    - b.** The preparation of engineering drawings to Council's satisfaction
    - c.** Checking and supervision of the works by Council officers
- 4.4.** Where an existing Council underground drain or private drain exists within the easement Council will not permit solid enclosed structures and will only consider the construction of Allowable Works and Structures and where the following conditions are met:-
- 4.4.1.** Any building or structure is a minimum of 2.0 metres clear of Council's drainage pits;
  - 4.4.2.** Any building, structure or works do not interfere with property (house) drain connections;
  - 4.4.3.** That any proposed buildings, works or structures are designed and constructed in a manner which protects the structural integrity of the drain e.g. no loads transferred to the drain.
  - 4.4.4.** Excavations, parts of the building, structure (including footings) or works are kept at least 500 mm clear of the underground drain.
  - 4.4.5.** Any other applicable conditions e.g. the owner bearing the cost of relocating a property (house) drain connection.
- 4.5.** Where the application is for eaves overhang or installation of underground property services in connection with building construction, Council will consider the construction provided that:
- 4.5.1.** They do not limit Council's ability to maintain existing infrastructure or to provide new infrastructure
  - 4.5.2.** Eaves are to be typically a minimum of 2.40 metres above natural ground level where underground drainage currently exists or may be required.
  - 4.5.3.** The effects of the extension of the eaves into the easement is to be assessed by Council
- 4.6.** Where a Council underground drain does not exist at the time of application, Council will assess the future need for Council or another authority or a property owner to use the easement, by considering, but not limited to, the following:
- 4.6.1.** The natural fall of the land generally around the property
  - 4.6.2.** The extent of Council drainage in the area
  - 4.6.3.** The extent of private drainage approved by Council
  - 4.6.4.** The scope for development or further development of the property and adjacent properties.
    - a.** Following assessment by Council should Council believe that an underground drain
    - b.** May become necessary, Council will only consider the construction of Allowable Works and Structures.

- 4.7.** Where Council approves or consents to the construction of buildings, works and other structures over an easement: -
- 4.7.1.** For “minor works and structures” as defined above the owners is required to enter into a standard Building Over easement Agreement with Council (refer to Attachment 3);
- 4.7.2.** Other than for “minor works and structures” the owner is required to enter into a Section 173 agreement with the Council that contains appropriate terms and conditions that ensures the ongoing protection of Council’s interests and assets in an easement.
- 4.8.** Where a Section 173 agreement is required the owner is to bear all costs for drafting the agreement and for registering the agreement on title.
- 4.9.** Where an applicant requests a review of a Council officer’s decision, the applicant is to make a written request to the Manager, Engineering Services for a review of the decision outlining the reasons for the request including the nature of any special circumstances.
- 4.10.** If in order to accede to an applicant’s request there will need to be a minor deviation from this policy the General Manager, Engineering and Operations may approve such deviation.

## Amendment of Policy

Rev	Reviewed Date	Reason for Amendment	Next Review Date
	12/11/2007	Review	
	23/09/2008	Adopted by Council	
A	3/11/2011	Annual Review & New Format	3/11/2012
A	18/01/2012	Annual Review	18/01/2013
<b>A</b>	<b>4/02/2013</b>	<b>Annual Review</b>	<b>4/02/2014</b>

**Adopted by Council : 23/09/2008**

ALLOWABLE WORKS AND STRUCTURES

Council drain - Easement width	SBO or LSIO	Overland flows from Council drains	Property inlet	Council pit		Buildings								
						Habitable Buildings	Shops	Factories	Warehouses	Enclosed Brick Garages	Semi permanent garage/carport (refer description)	Open Carport	Timber Decking	Pergola
					Is a Section 173 agreement or standard BOE agreement required?	N/A	N/A	N/A	N/A	N/A	S173	S173, except a very simple structure with a flat steel roof, flat frame and steel or timber posts where a contractual agreement is required	S173, except for a very simple structure on timber stumps where a contractual agreement is required	S173
Council drain exists or required - Easement <=2.0 metres	Does not exist	Not likely	Does not exist	Does not exist		No	No	No	No	No	Yes	Yes	Yes	Yes
Council drain exists or required - Easement <=2.0 metres	Exists or likely	Not likely	Does not exist	Does not exist		No	No	No	No	No	Yes (refer to comments)	Yes (refer to comments)	Yes (refer to comments)	Yes (refer to comments)
Council drain exists or required - Easement <=2.0 metres	Does not exist	Likely	Does not exist	Does not exist		No	No	No	No	No	No	Yes (must make provision for overland flows from Council drain to be accommodated within the easement)	Yes (must make provision for overland flows from Council drain to be accommodated within the easement)	Yes (must make provision for overland flows from Council drain to be accommodated within the easement)
Council drain exists or required - Easement <=2.0 metres	Exists or likely	Likely	Does not exist	Does not exist		No	No	No	No	No	No	Yes (must make provision for overland flows from Council drain to be accommodated within the easement, also refer to comments)	Yes (must make provision for overland flows from Council drain to be accommodated within the easement, also refer to comments)	Yes (must make provision for overland flows from Council drain to be accommodated within the easement, also refer to comments)
Council drain exists or required - Easement <=2.0 metres	Does not exist	Not likely	Exists or likely	Does not exist		No	No	No	No	No	Yes (must not interfere with property inlet, if necessary relocate property inlet, refer to comments)	Yes (must not interfere with property inlet, if necessary relocate property inlet, refer to comments)	Yes (must not interfere with property inlet, if necessary relocate property inlet)	Yes (must not interfere with property inlet, if necessary relocate property inlet)

ALLOWABLE WORKS AND STRUCTURES

Council drain - Easement width	SBO or LSIO	Overland flows from Council drains	Property inlet	Council pit	Buildings									
					Habitable Buildings	Shops	Factories	Warehouses	Enclosed Brick Garages	Semi permanent garage/carport (refer description)	Open Carport	Timber Decking	Pergola	
Council drain exists or required - Easement <=2.0 metres	Exists or likely	Not likely	Exists or likely	Does not exist		No	No	No			Yes (must not interfere with property inlet, if necessary relocate property inlet, refer to comments)	Yes (must not interfere with property inlet, if necessary relocate property inlet, refer to comments)	Yes (must not interfere with property inlet, if necessary relocate property inlet, refer to comments)	Yes (must not interfere with property inlet, if necessary relocate property inlet, refer to comments)
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ALLOWABLE WORKS AND STRUCTURES

Council drain - Easement width	SBO or LSIO	Overland flows from Council drains	Property inlet	Council pit	Buildings									
					Habitable Buildings	Shops	Factories	Warehouses	Enclosed Brick Garages	Semi permanent garage/carport (refer description)	Open Carport	Timber Decking	Pergola	
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No Council drain required - Easement <=2.0 metres	Does not exist	Not likely	Does not exist	Does not exist		No	No	No	No	No	Yes	Yes	Yes	Yes	Yes
No Council drain required - Easement <=2.0 metres	Exists or likely	Not likely	Does not exist	Does not exist		No	No	No	No	No	Yes	Yes	Yes	Yes	Yes
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Council drain exists or required - Easement >2.0 metres	Exists or likely	Not likely	Does not exist	Does not exist		No	No	No	No	No	Yes (refer to comments)	Yes	Yes	Yes (refer to comments)	Yes (refer to comments)
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Council drain - Easement width	SBO or LSIO	Overland flows from Council drains	Property inlet	Council pit	Buildings									
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Council drain exists or required - Easement >2.0 metres	Exists or likely	Not likely	Does not exist	Exists or likely		No	No	No	No	No	No	No	No	No

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Council drain exists or required - Easement >2.0 metres	Does not exist	Not likely	Exists or likely	Exists or likely		No	No	No	No	No	No	No	No	No
Council drain exists or required - Easement >2.0 metres	Exists or likely	Not likely	Exists or likely	Exists or likely		No	No	No	No	No	No	No	No	No

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No Council drain required - Easement >2.0 metres	Does not exist	Not likely	Does not exist	Does not exist		No	No	No	No	No	Yes	Yes	Yes	Yes	No
No Council drain required - Easement >2.0 metres	Exists or likely	Not likely	Does not exist	Does not exist		No	No	No	No	No	Yes	Yes	Yes	Yes	No
No Council drain required - Easement >2.0 metres	Does not exist	Likely	Does not exist	Does not exist		No	No	No	No	No	No	Yes (must make provision for overland flows from Council drain to be accommodated within the easement)	Yes (must make provision for overland flows from Council drain to be accommodated within the easement)	Yes (must make provision for overland flows from Council drain to be accommodated within the easement)	Yes (must make provision for overland flows from Council drain to be accommodated within the easement)
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ALLOWABLE WORKS AND STRUCTURES

Council drain - Easement width	SBO or LSIO	Overland flows from Council drains	Property inlet	Council pit	Buildings									
					Verandah	Porch	Steel shed or garage	Eaves	Cantilevered structures including second storey and balcony	Portable or relocatable buildings	Other Buildings	Steps and ramps	Chimneys	Service pipes
					S173	N/A	S173, except for a steel shed <10 sq.m where a contractual agreement is required	Contractual agreement	N/A	Contractira; agreement, provided that the building is temporary	Contractira; agreement, provided that the building is temporary	N/A	N/A	Contractual Agreement
Council drain exists or required - Easement <=2.0 metres	Does not exist	Not likely	Does not exist	Does not exist	Yes (must be an unenclosed lightweight structure)	No	Yes	Yes	No	Yes (provided that it is temporary)	Yes (provided that it is a lightweight or temporary structure)	No	No	Yes
Council drain exists or required - Easement <=2.0 metres	Exists or likely	Not likely	Does not exist	Does not exist	Yes (must be an unenclosed lightweight structure, also refer to comments)	No	Yes (refer to comments)	Yes (refer to comments)	No	Yes (provided that it is temporary, also refer to comments)	Yes (provided that it is a lightweight or temporary structure, also refer to comments)	No	No	Yes (refer to comments)
Council drain exists or required - Easement <=2.0 metres	Does not exist	Likely	Does not exist	Does not exist	Yes (must be an unenclosed lightweight structure,must make provision for overland flows from Council drain to be accommodated within the easement)	No	No	Yes	No	No	No	No	No	Yes (refer to comments)
Council drain exists or required - Easement <=2.0 metres	Exists or likely	Likely	Does not exist	Does not exist	Yes (must be an unenclosed lightweight structure,must make provision for overland flows from Council drain to be accommodated within the easement, also refer to comments)	No	No	Yes	No	No	No	No	No	Yes (refer to comments)
Council drain exists or required - Easement <=2.0 metres	Does not exist	Not likely	Exists or likely	Does not exist	Yes (must be be an unenclosed lightweighr structure, must not interfere with property inlet, if necessary relocate property inlet	No	Yes	Yes	No	Yes (provided that it is temporary)	Yes (provided that it is a lightweight or temporary structure)	No	No	Yes (must not interfere with property inlet, if necessary relocate property inlet, refer to comments)

ALLOWABLE WORKS AND STRUCTURES

Council drain - Easement width	SBO or LSIO	Overland flows from Council drains	Property inlet	Council pit	Buildings									Service pipes
					Verandah	Porch	Steel shed or garage	Eaves	Cantilevered structures including second storey and balcony	Portable or relocatable buildings	Other Buildings	Steps and ramps	Chimneys	
Council drain exists or required - Easement <=2.0 metres	Exists or likely	Not likely	Exists or likely	Does not exist	Yes (must be be an unenclosed lightweight structure, must not interfere with property inlet, if necessary relocate property inlet, also refer to	No	No	Yes	No	Yes (provided that it is temporary)	Yes (provided that it is a lightweight or temporary structure)	No	No	Yes (must not interfere with property inlet, if necessary relocate property inlet, refer to comments)
Council drain exists or required - Easement <=2.0 metres	Does not exist	Likely	Exists or likely	Does not exist	Yes (must make provision for overland flows from Council drain to be accommodated within the easement, footings must not interfere with the property inlet, if necessary relocate property inlet	No	No	Yes	No	No	No	No	No	Yes (must not interfere with property inlet, if necessary relocate property inlet, refer to comments)
Council drain exists or required - Easement <=2.0 metres	Exists or likely	Likely	Exists or likely	Does not exist	Yes (must make provision for overland flows from Council drain to be accommodated within the easement, footings must not interfere with the property inlet, if necessary relocate property inlet, also refer to comments)	No	No	Yes	No	No	No	No	No	Yes (must not interfere with property inlet, if necessary relocate property inlet, refer to comments)
Council drain exists or required - Easement <=2.0 metres	Does not exist	Not likely	Does not exist	Exists or likely	No	No	No	Yes	No	No	No	No	No	No

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Council drain exists or required - Easement <=2.0 metres	Exists or likely	Not likely	Does not exist	Exists or likely	No	No	No	Yes	No	No	No	No	No	No
Council drain exists or required - Easement <=2.0 metres	Does not exist	Likely	Does not exist	Exists or likely	No	No	No	Yes	No	No	No	No	No	No
Council drain exists or required - Easement <=2.0 metres	Exists or likely	Likely	Does not exist	Exists or likely	No	No	No	Yes	No	No	No	No	No	No
Council drain exists or required - Easement <=2.0 metres	Does not exist	Not likely	Exists or likely	Exists or likely	No	No	No	Yes	No	No	No	No	No	No
Council drain exists or required - Easement <=2.0 metres	Exists or likely	Not likely	Exists or likely	Exists or likely	No	No	No	Yes	No	No	No	No	No	No

ALLOWABLE WORKS AND STRUCTURES

Council drain - Easement width	SBO or LSIO	Overland flows from Council drains	Property inlet	Council pit	Buildings									Service pipes
					Verandah	Porch	Steel shed or garage	Eaves	Cantilevered structures including second storey and balcony	Portable or relocatable buildings	Other Buildings	Steps and ramps	Chimneys	
Council drain exists or required - Easement <=2.0 metres	Does not exist	Likely	Exists or likely	Exists or likely	No	No	No	Yes	No	No	No	No	No	No
Council drain exists or required - Easement <=2.0 metres	Exists or likely	Likely	Exists or likely	Exists or likely	No	No	No	Yes	No	No	No	No	No	No
No Council drain required - Easement <=2.0 metres	Does not exist	Not likely	Does not exist	Does not exist	Yes	No	Yes	Yes	No	Yes (provided that it is temporary)	Yes (provided that it is a lightweight or temporary structure)	No	No	Yes
No Council drain required - Easement <=2.0 metres	Exists or likely	Not likely	Does not exist	Does not exist	Yes (refer to comments)	No	Yes	Yes	No	Yes (provided that it is temporary)	Yes (provided that it is a lightweight or temporary structure)	No	No	Yes
No Council drain required - Easement <=2.0 metres	Does not exist	Likely	Does not exist	Does not exist	Yes (must make provision for overland flows from Council drain to be accommodated within the easement)	No	No	Yes	No	No	No	No	No	Yes (refer to comments)
No Council drain required - Easement <=2.0 metres	Exists or likely	Likely	Does not exist	Does not exist	Yes (must make provision for overland flows from Council drain to be accommodated within the easement, also refer to comments)	No	No	Yes	No	No	No	No	No	Yes (refer to comments)



ALLOWABLE WORKS AND STRUCTURES

Council drain - Easement width	SBO or LSIO	Overland flows from Council drains	Property inlet	Council pit	Buildings									
					Verandah	Porch	Steel shed or garage	Eaves	Cantilevered structures including second storey and balcony	Portable or relocatable buildings	Other Buildings	Steps and ramps	Chimneys	Service pipes
Council drain exists or required - Easement >2.0 metres	Does not exist	Not likely	Does not exist	Does not exist	Yes (must be an unenclosed lightweight structure)	No	Yes	Yes	No	Yes (provided that it is temporary)	Yes (provided that it is a lightweight or temporary structure)	No	No	Yes
Council drain exists or required - Easement >2.0 metres	Exists or likely	Not likely	Does not exist	Does not exist	Yes (must be an unenclosed lightweight structure, also refer to comments)	No	Yes	Yes	No	Yes (provided that it is temporary)	Yes (provided that it is a lightweight or temporary structure)	No	No	Yes
Council drain exists or required - Easement >2.0 metres	Does not exist	Likely	Does not exist	Does not exist	Yes (must be an unenclosed lightweight structure, must make provision for overland flows from Council drain to be accommodated within the easement)	No	No	Yes	No	No	No	No	No	Yes (refer to comments)
Council drain exists or required - Easement >2.0 metres	Exists or likely	Likely	Does not exist	Does not exist	Yes (must be an unenclosed lightweight structure, must make provision for overland flows from Council drain to be accommodated within the easement, also refer to comments)	No	No	Yes	No	No	No	No	No	Yes (refer to comments)
Council drain exists or required - Easement >2.0 metres	Does not exist	Not likely	Exists or likely	Does not exist	Yes (must be an unenclosed lightweight structure, must not interfere with property inlet, if necessary relocate property inlet)	No	Yes	Yes	No	Yes (provided that it is temporary)	Yes (provided that it is a lightweight or temporary structure)	No	No	Yes (must not interfere with property inlet, if necessary relocate property inlet, refer to comments)
Council drain exists or required - Easement >2.0 metres	Exists or likely	Not likely	Exists or likely	Does not exist	Yes (must be an unenclosed lightweight structure, must not interfere with property inlet, if necessary relocate property inlet, also refer to comments)	No	Yes	Yes	No	Yes (provided that it is temporary)	Yes (provided that it is a lightweight or temporary structure)	No	No	Yes (must not interfere with property inlet, if necessary relocate property inlet, refer to comments)

ALLOWABLE WORKS AND STRUCTURES

Council drain - Easement width	SBO or LSIO	Overland flows from Council drains	Property inlet	Council pit	Buildings									Service pipes	
					Verandah	Porch	Steel shed or garage	Eaves	Cantilevered structures including second storey and balcony	Portable or relocatable buildings	Other Buildings	Steps and ramps	Chimneys		
Council drain exists or required - Easement >2.0 metres	Does not exist	Likely	Exists or likely	Does not exist	Yes (must be an unenclosed lightweight structure, must make provision for overland flows from Council drain to be accommodated within the easement, footings must not interfere with property inlet, if necessary relocate property inlet)	No	No	Yes	No	No	No	No	No	No	Yes (must not interfere with property inlet, if necessary relocate property inlet, refer to comments)
Council drain exists or required - Easement >2.0 metres	Exists or likely	Likely	Exists or likely	Does not exist	Yes (must be an unenclosed lightweight structure, must make provision for overland flows from Council drain to be accommodated within the easement, footings must not interfere with property inlet, if necessary relocate property inlet, also refer to comments)	No	No	Yes	No	No	No	No	No	No	Yes (must not interfere with property inlet, if necessary relocate property inlet, refer to comments)
Council drain exists or required - Easement >2.0 metres	Does not exist	Not likely	Does not exist	Exists or likely	No	No	No	Yes	No	No	No	No	No	No	No
Council drain exists or required - Easement >2.0 metres	Exists or likely	Not likely	Does not exist	Exists or likely	No	No	No	Yes	No	No	No	No	No	No	No

ALLOWABLE WORKS AND STRUCTURES

Council drain - Easement width	SBO or LSIO	Overland flows from Council drains	Property inlet	Council pit	Buildings									
					Verandah	Porch	Steel shed or garage	Eaves	Cantilevered structures including second storey and balcony	Portable or relocatable buildings	Other Buildings	Steps and ramps	Chimneys	Service pipes
Council drain exists or required - Easement >2.0 metres	Does not exist	Likely	Does not exist	Exists or likely	No	No	No	Yes	No	No	No	No	No	No
Council drain exists or required - Easement >2.0 metres	Exists or likely	Likely	Does not exist	Exists or likely	No	No	No	Yes	No	No	No	No	No	No
Council drain exists or required - Easement >2.0 metres	Does not exist	Not likely	Exists or likely	Exists or likely	No	No	No	Yes	No	No	No	No	No	No
Council drain exists or required - Easement >2.0 metres	Exists or likely	Not likely	Exists or likely	Exists or likely	No	No	No	Yes	No	No	No	No	No	No

ALLOWABLE WORKS AND STRUCTURES

Council drain - Easement width	SBO or LSIO	Overland flows from Council drains	Property inlet	Council pit	Buildings									
					Verandah	Porch	Steel shed or garage	Eaves	Cantilevered structures including second storey and balcony	Portable or relocatable buildings	Other Buildings	Steps and ramps	Chimneys	Service pipes
Council drain exists or required - Easement >2.0 metres	Does not exist	Likely	Exists or likely	Exists or likely	No	No	No	Yes	No	No	No	No	No	No
Council drain exists or required - Easement >2.0 metres	Exists or likely	Likely	Exists or likely	Exists or likely	No	No	No	Yes	No	No	No	No	No	No
No Council drain required - Easement >2.0 metres	Does not exist	Not likely	Does not exist	Does not exist	No	No	Yes	Yes	No	Yes (provided that it is temporary)	Yes (provided that it is a lightweight or temporary structure)	No	No	Yes
No Council drain required - Easement >2.0 metres	Exists or likely	Not likely	Does not exist	Does not exist	No	No	Yes	Yes	No	Yes (provided that it is temporary)	Yes (provided that it is a lightweight or temporary structure)	No	No	Yes
No Council drain required - Easement >2.0 metres	Does not exist	Likely	Does not exist	Does not exist	Yes (must make provision for overland flows from Council drain to be accommodated within the easement)	No	No	Yes	No	No	No	No	No	Yes (refer to comments)
No Council drain required - Easement >2.0 metres	Exists or likely	Likely	Does not exist	Does not exist	Yes (must make provision for overland flows from Council drain to be accommodated within the easement, also refer to comments)	No	No	Yes	No	No	No	No	No	Yes (refer to comments)

ALLOWABLE WORKS AND STRUCTURES

Council drain - Easement width	SBO or LSIO	Overland flows from Council drains	Property inlet	Council pit	Property Services						Brick	
					Hot water system	Rain water tank	Rotary clothes hoist or fixed to wall	Residential air conditioning	Brick BBQ	Service meters		Masts, poles, aerals, antennas
					<b>Contractual Agreement</b>	<b>Contractual Agreement</b>	<b>Contractual Agreement</b>	<b>Contractual Agreement</b>	<b>N/A</b>	<b>Contractual Agreement</b>	<b>S173, except for very simple masts, poles, aerals, antennas, where a contractual agreement is required</b>	<b>S173</b>
Council drain exists or required - Easement <=2.0 metres	Does not exist	Not likely	Does not exist	Does not exist	Yes	Yes (provided that load is not transferred to Council's drain i.e. must be on a structural platform)	Yes	Yes (provided that load is not transferred to Council's drain i.e. must be on a structural platform)	No	Yes	Yes (provided that load is not transferred to Council's drain i.e. must be on a structural platform)	Yes (provided that load is not transferred to Council's drain i.e. structure must bridge over)
Council drain exists or required - Easement <=2.0 metres	Exists or likely	Not likely	Does not exist	Does not exist	Yes (refer to comments)	Yes (provided that load is not transferred to Council's drain i.e. must be on a structural platform, also refer to comments)	Yes (refer to comments)	Yes (provided that load is not transferred to Council's drain i.e. must be on a structural platform, also refer to comments)	No	Yes (refer to comments)	Yes (provided that load is not transferred to Council's drain i.e. must be on a structural platform, also refer to comments)	Yes (provided that load is not transferred to Council's drain i.e. structure must bridge over, also refer to comments)
Council drain exists or required - Easement <=2.0 metres	Does not exist	Likely	Does not exist	Does not exist	No	No	Yes	Yes (only if located in the wall of the building)	No	No	Yes (must make provision for overland flows from Council drain to be accommodated within the easement, providing that the footings are not directly over the Council drain, Council's clearance requirements are met and the full impact on the affect on the Council drain is determined, also refer to comments)	Yes (only parallel with the easement/overland flows, must make provision for overland flows from Council drain to be accommodated within the easement, provided that load is not transferred to Council's drain i.e. structure must bridge over, also refer to comments)
Council drain exists or required - Easement <=2.0 metres	Exists or likely	Likely	Does not exist	Does not exist	No	No	Yes (refer to comments)	Yes (only if located in the wall of the building)	No	No	Yes (must make provision for overland flows from Council drain to be accommodated within the easement, providing that the footings are not directly over the Council drain, Council's clearance requirements are met and the full impact on the affect on the Council drain is determined, also refer to comments)	Yes (only parallel with the easement/overland flows, must make provision for overland flows from Council drain to be accommodated within the easement, provided that load is not transferred to Council's drain i.e. structure must bridge over, also refer to comments)
Council drain exists or required - Easement <=2.0 metres	Does not exist	Not likely	Exists or likely	Does not exist	Yes (must not interfere with property inlet, if necessary relocate property inlet, refer to comments)	Yes (provided that load is not transferred to Council's drain i.e. must be on a structural platform, must not interfere with proppert inlet, also refer to comments)	Yes (must not interfere with property inlet, if necessary relocate property inlet, refer to comments)	Yes (only if located in the wall of the building)	No	Yes	Yes ( providing that the footings are not directly over the Council drain, Council's clearance requirements are met and the full impact on the affect on the Council drain is determined, footings etc not to interfere with property inlet, if necessary relocate property inlet, also refer to comments)	Yes (provided that load is not transferred to Council's drain i.e. structure must bridge over, footings etc. not to interfere with property inlet, if necessary relocate property inlet or bridge over, also refer to comments)

## ALLOWABLE WORKS AND STRUCTURES

Council drain - Easement width	SBO or LSIO	Overland flows from Council drains	Property inlet	Council pit	Property Services						Brick	
					Hot water system	Rain water tank	Rotary clothes hoist or fixed to wall	Residential air conditioning	Brick BBQ	Service meters		Masts, poles, aerials, antennas
Council drain exists or required - Easement <=2.0 metres	Exists or likely	Not likely	Exists or likely	Does not exist	Yes (must not interfere with property inlet, if necessary relocate property inlet, refer to comments)	Yes (provided that load is not transferred to Council's drain i.e. must be on a structural platform, must not interfere with proppert inlet, also refer to comments)	Yes (must not interfere with property inlet, if necessary relocate property inlet, refer to comments)	Yes (only if located in the wall of the building)	No	Yes	Yes ( providing that the footings are not directly over the Council drain, Council's clearance requirements are met and the full impact on the affect on the Council drain is determined, footings etc not to interfere with property inlet, if necessary relocate property inlet, also refer to comments)	Yes (provided that load is not transferred to Council's drain i.e. structure must bridge over, footings etc. not to interfere with property inlet, if necessary relocate property inlet or bridge over, also refer to comments)
Council drain exists or required - Easement <=2.0 metres	Does not exist	Likely	Exists or likely	Does not exist	No	No	Yes (must not interfere with property inlet, if necessary relocate property inlet, refer to comments)	Yes (only if located in the wall of the building)	No	No	Yes (must make provision for overland flows from Council drain to be accommodated within the easement, providing that the footings are not directly over the Council drain, Council's clearance requirements are met and the full impact on the affect on the Council drain is determined, footings etc not to interfere with property inlet, if necessary relocate property inlet, also refer to comments)	Yes (only parallel with the easement/overland flows, must make provision for overland flows from Council drain to be accommodated within the easement, provided that load is not transferred to Council's drain i.e. structure must bridge over, footings etc. not to interfere with property inlet, if necessary relocate property inlet or bridge over, also refer to comments)
Council drain exists or required - Easement <=2.0 metres	Exists or likely	Likely	Exists or likely	Does not exist	No	No	Yes (must not interfere with property inlet, if necessary relocate property inlet, refer to comments)	Yes (only if located in the wall of the building)	No	No	Yes (must make provision for overland flows from Council drain to be accommodated within the easement, providing that the footings are not directly over the Council drain, Council's clearance requirements are met and the full impact on the affect on the Council drain is determined, footings etc not to interfere with property inlet, if necessary relocate property inlet, also refer to comments)	Yes (only parallel with the easement/overland flows, must make provision for overland flows from Council drain to be accommodated within the easement, provided that load is not transferred to Council's drain i.e. structure must bridge over, footings etc. not to interfere with property inlet, if necessary relocate property inlet or bridge over, also refer to comments)
Council drain exists or required - Easement <=2.0 metres	Does not exist	Not likely	Does not exist	Exists or likely	No	No		Yes (only if located in the wall of the building)	No	No	Yes (footings etc must be a minimum of 500 mm from Council's pit, pit must not be covered)	No

ALLOWABLE WORKS AND STRUCTURES

Council drain - Easement width	SBO or LSIO	Overland flows from Council drains	Property inlet	Council pit	Property Services					Property Services		Brick
					Hot water system	Rain water tank	Rotary clothes hoist or fixed to wall	Residential air conditioning	Brick BBQ	Service meters	Masts, poles, aerials, antennas	
Council drain exists or required - Easement <=2.0 metres	Exists or likely	Not likely	Does not exist	Exists or likely	No	No	Yes( refer to comments)	Yes (only if located in the wall of the building)	No	No	Yes (footings etc must be a minimum of 500 mm from Council's pit, pit must not be covered)	No
Council drain exists or required - Easement <=2.0 metres	Does not exist	Likely	Does not exist	Exists or likely	No	No	Yes (refer to comments)	Yes (only if located in the wall of the building)	No	No	Yes (must make provision for overland flows from Council drain to be accommodated within the easement, providing that the footings are not directly over the Council drain, Council's clearance requirements are met and the full impact on the affect on the Council drain is determined, footings etc must be min.500 mm from Council's pit, pit must not be covered)	No
Council drain exists or required - Easement <=2.0 metres	Exists or likely	Likely	Does not exist	Exists or likely	No	No	Yes ( refer to comments)	Yes (only if located in the wall of the building)	No	No	Yes (must make provision for overland flows from Council drain to be accommodated within the easement, providing that the footings are not directly over the Council drain, Council's clearance requirements are met and the full impact on the affect on the Council drain is determined, footings etc must be min.500 mm from Council's pit, pit must not be covered)	No
Council drain exists or required - Easement <=2.0 metres	Does not exist	Not likely	Exists or likely	Exists or likely	No	No	Yes (must not interfere with property inlet, if necessary relocate property inlet, refer to comments)	Yes (only if located in the wall of the building)	No	No	Yes (providing that the footings are not directly over the Council drain, Council's clearance requirements are met and the full impact on the affect on the Council drain is determined, footings etc not to interfere with property inlet and must be min. 500 mm from Council's pit, pit must not be covered)	No
Council drain exists or required - Easement <=2.0 metres	Exists or likely	Not likely	Exists or likely	Exists or likely	No	No	Yes (must not interfere with property inlet, if necessary relocate property inlet, refer to comments)	Yes (only if located in the wall of the building)	No	Yes	Yes (providing that the footings are not directly over the Council drain, Council's clearance requirements are met and the full impact on the affect on the Council drain is determined, footings etc not to interfere with property inlet and must be min. 500 mm from Council's pit, pit must not be covered)	No

ALLOWABLE WORKS AND STRUCTURES

Council drain - Easement width	SBO or LSIO	Overland flows from Council drains	Property inlet	Council pit	Property Services						Brick	
					Hot water system	Rain water tank	Rotary clothes hoist or fixed to wall	Residential air conditioning	Brick BBQ	Service meters		Masts, poles, aerials, antennas
Council drain exists or required - Easement <=2.0 metres	Does not exist	Likely	Exists or likely	Exists or likely	No	No	Yes (must not interfere with property inlet, if necessary relocate property inlet, refer to comments)	Yes (only if located in the wall of the building)	No	No	Yes (must make provision for overland flows from Council drain to be accommodated within the easement, providing that the footings are not directly over the Council drain, Council's clearance requirements are met and the full impact on the affect on the Council drain is determined, footings etc. not to interferewith property inlet and must be min.500 mm from Council's pit, pit must not be covered)	No
Council drain exists or required - Easement <=2.0 metres	Exists or likely	Likely	Exists or likely	Exists or likely	No	No	Yes (must not interfere with property inlet, if necessary relocate property inlet, refer to comments)	Yes (only if located in the wall of the building)	No	No	Yes (must make provision for overland flows from Council drain to be accommodated within the easement, providing that the footings are not directly over the Council drain, Council's clearance requirements are met and the full impact on the affect on the Council drain is determined, footings etc. not to interferewith property inlet and must be min.500 mm from Council's pit, pit must not be covered)	No
No Council drain required - Easement <=2.0 metres	Does not exist	Not likely	Does not exist	Does not exist	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
No Council drain required - Easement <=2.0 metres	Exists or likely	Not likely	Does not exist	Does not exist	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
No Council drain required - Easement <=2.0 metres	Does not exist	Likely	Does not exist	Does not exist	No	No	Yes	Yes (only if located in the wall of the building)	No	No	Yes (must make provision for overland flows from Council drain to be accommodated within the easement)	Yes (only parallel with the easement/overland flows, must make provision for overland flows from Council drain to be accommodated within the easement,)
No Council drain required - Easement <=2.0 metres	Exists or likely	Likely	Does not exist	Does not exist	No	No	Yes	Yes (only if located in the wall of the building)	No	No	Yes (must make provision for overland flows from Council drain to be accommodated within the easement)	Yes (only parallel with the easement/overland flows, must make provision for overland flows from Council drain to be accommodated within the easement,)



## ALLOWABLE WORKS AND STRUCTURES

Council drain - Easement width	SBO or LSI	Overland flows from Council drains	Property inlet	Council pit	Property Services					Property Services		
					Hot water system	Rain water tank	Rotary clothes hoist or fixed to wall	Residential air conditioning	Brick BBQ	Service meters	Masts, poles, aerials, antennas	Brick
Council drain exists or required - Easement >2.0 metres	Does not exist	Not likely	Does not exist	Does not exist	Yes	Yes	Yes	Yes (provided that load is not transferred to Council's drain i.e. must be on a structural platform)	No	Yes	Yes (provided that load is not transferred to Council's drain i.e. must be on a structural platform)	Yes (provided that load is not transferred to Council's drain i.e. structure must bridge over)
Council drain exists or required - Easement >2.0 metres	Exists or likely	Not likely	Does not exist	Does not exist	Yes	Yes (provided that load is not transferred to Council's drain i.e. must be on a structural platform, also refer to comments)	Yes	Yes (provided that load is not transferred to Council's drain i.e. must be on a structural platform, also refer to comments)	No	Yes	Yes (provided that load is not transferred to Council's drain i.e. must be on a structural platform, also refer to comments)	Yes (provided that load is not transferred to Council's drain i.e. structure must bridge over, also refer to comments)
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ALLOWABLE WORKS AND STRUCTURES

Council drain - Easement width	SBO or LSI	Overland flows from Council drains	Property inlet	Council pit	Property Services						Brick	
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Council drain exists or required - Easement >2.0 metres	Exists or likely	Not likely	Does not exist	Exists or likely	No	No	Yes (refer to comments)	Yes (only if located in the wall of the building)	No	Yes	Yes (footings etc must be a minimum of 500 mm from Council's pit, pit must not be covered)	No

ALLOWABLE WORKS AND STRUCTURES

Council drain - Easement width	SBO or LSIO	Overland flows from Council drains	Property inlet	Council pit	Property Services						Brick	
					Hot water system	Rain water tank	Rotary clothes hoist or fixed to wall	Residential air conditioning	Brick BBQ	Service meters		Masts, poles, aerials, antennas
Council drain exists or required - Easement >2.0 metres	Does not exist	Likely	Does not exist	Exists or likely	No	No	Yes (refer to comments)	Yes (only if located in the wall of the building)	No	No	Yes (must make provision for overland flows from Council drain to be accommodated within the easement, providing that the footings are not directly over the Council drain, Council's clearance requirements are met and the full impact on the affect on the Council drain is determined, footings etc must be min.500 mm from Council's pit, pit must not be covered)	No
Council drain exists or required - Easement >2.0 metres	Exists or likely	Likely	Does not exist	Exists or likely	No	No	Yes (refer to comments)	Yes (only if located in the wall of the building)	No	No	Yes (must make provision for overland flows from Council drain to be accommodated within the easement, providing that the footings are not directly over the Council drain, Council's clearance requirements are met and the full impact on the affect on the Council drain is determined, footings etc must be min.500 mm from Council's pit, pit must not be covered)	No
Council drain exists or required - Easement >2.0 metres	Does not exist	Not likely	Exists or likely	Exists or likely	No	No	Yes (refer to comments)	Yes (only if located in the wall of the building)	No	Yes	Yes (footings etc must be a minimum of 500 mm from Council's pit, pit must not be covered)	No
Council drain exists or required - Easement >2.0 metres	Exists or likely	Not likely	Exists or likely	Exists or likely	No	No	Yes (refer to comments)	Yes (only if located in the wall of the building)	No	Yes	Yes (footings etc must be a minimum of 500 mm from Council's pit, pit must not be covered)	No

ALLOWABLE WORKS AND STRUCTURES

Council drain - Easement width	SBO or LSI0	Overland flows from Council drains	Property inlet	Council pit	Property Services						Brick	
					Hot water system	Rain water tank	Rotary clothes hoist or fixed to wall	Residential air conditioning	Brick BBQ	Service meters		Masts, poles, aerials, antennas
Council drain exists or required - Easement >2.0 metres	Does not exist	Likely	Exists or likely	Exists or likely	No	No	Yes (refer to comments)	Yes (only if located in the wall of the building)	No	No	Yes (must make provision for overland flows from Council drain to be accommodated within the easement, providing that the footings are not directly over the Council drain, Council's clearance requirements are met and the full impact on the affect on the Council drain is determined, footings etc. not to interferewith property inlet and must be min.500 mm from Council's pit, pit must not be covered)	No
Council drain exists or required - Easement >2.0 metres	Exists or likely	Likely	Exists or likely	Exists or likely	No	No	Yes (refer to comments)	Yes (only if located in the wall of the building)	No	No	Yes (must make provision for overland flows from Council drain to be accommodated within the easement, providing that the footings are not directly over the Council drain, Council's clearance requirements are met and the full impact on the affect on the Council drain is determined, footings etc. not to interferewith property inlet and must be min.500 mm from Council's pit, pit must not be covered)	No
No Council drain required - Easement >2.0 metres	Does not exist	Not likely	Does not exist	Does not exist	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
No Council drain required - Easement >2.0 metres	Exists or likely	Not likely	Does not exist	Does not exist	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
No Council drain required - Easement >2.0 metres	Does not exist	Likely	Does not exist	Does not exist	No	No	Yes	Yes	No	No	Yes (must make provision for overland flows from Council drain to be accommodated within the easement,)	Yes (only parallel with the easement/overland flows, must make provision for overland flows from Council drain to be accommodated within the easement,)
No Council drain required - Easement >2.0 metres	Exists or likely	Likely	Does not exist	Does not exist	No	No	Yes	Yes	No	No	Yes (must make provision for overland flows from Council drain to be accommodated within the easement, also refer to comments)	Yes (only parallel with the easement/overland flows, must make provision for overland flows from Council drain to be accommodated within the easement,)

ALLOWABLE WORKS AND STRUCTURES

Council drain - Easement width	SBO or LSIO	Overland flows from Council drains	Property inlet	Council pit	Fences		Paving		Swimming Pools				Earth filling
					Timber	Retaining wall	For pedestrians only	Vehicles	In ground	Above ground	Spa	Sauna	
					Contractual Agreement	N/A. May be considered where it is unavoidable and the full impact on the affect on the Council drain is determined, a S173 agreement is therefore required	Contractual Agreement	Contractual Agreement	N/A	S173	S173	N/A	S173, except for residential works where the filling is <300mm where a contractual agreement is required
Council drain exists or required - Easement <=2.0 metres	Does not exist	Not likely	Does not exist	Does not exist	Yes	No (may be considered where it is unavoidable and the full impact on the affect on the Council drain is determined)	Yes	Yes (backfill over the drain is to be replaced with compacted crushed rock and paving designed to bridge over the Council drain)	No	Yes	Yes	No	Yes (providing that the class of the Council drain is sufficient to bear the additional loads applied)
Council drain exists or required - Easement <=2.0 metres	Exists or likely	Not likely	Does not exist	Does not exist	Yes (refer to comments)	No (may be considered where it is unavoidable and the full impact on the affect on the Council drain is determined, also refer to comments)	Yes (refer to comments)	Yes (backfill over the drain is to be replaced with compacted crushed rock and paving designed to bridge over the Council drain, also refer to comments)	No	Yes (refer to comments)	Yes (refer to comments)	No	Yes (providing that the class of the Council drain is sufficient to bear the additional loads applied, also refer to comments)
Council drain exists or required - Easement <=2.0 metres	Does not exist	Likely	Does not exist	Does not exist	Yes (must make provision for overland flows from Council drain to be accommodated within the easement, also refer to comments)	No	Yes (must make provision for overland flows from Council drain to be accommodated within the easement,)	Yes (must make provision for overland flows from Council drain to be accommodated within the easement, backfill over the drain is to be replaced with compacted crushed rock and paving designed to bridge over the Council drain,)	No	No	No	No	No
Council drain exists or required - Easement <=2.0 metres	Exists or likely	Likely	Does not exist	Does not exist	Yes (must make provision for overland flows from Council drain to be accommodated within the easement, also refer to comments)	No	Yes (must make provision for overland flows from Council drain to be accommodated within the easement, also refer to comments)	Yes (must make provision for overland flows from Council drain to be accommodated within the easement, backfill over the drain is to be replaced with compacted crushed rock and paving designed to bridge over the Council drain, also refer to comments)	No	No	No	No	No
Council drain exists or required - Easement <=2.0 metres	Does not exist	Not likely	Exists or likely	Does not exist	Yes (not to interfere with property inlet, if necessary relocate property inlet or bridge over, also refer to comments)	No	Yes	Yes ( backfill over the drain is to be replaced with compacted crushed rock and paving designed to bridge over the Council drain, must not to interfere with property inlet, if necessary relocate property inlet)	No	Yes, (must not to interfere with property inlet, if necessary relocate property inlet)	Yes, (must not to interfere with property inlet, if necessary relocate property inlet)	No	Yes (providing that the class of the Council drain is sufficient to bear the additional loads applied)

ALLOWABLE WORKS AND STRUCTURES

Council drain - Easement width	SBO or LSIO	Overland flows from Council drains	Property inlet	Council pit	Fences		Paving		Swimming Pools				Earth filling
					Timber	Retaining wall	For pedestrians only	Vehicles	In ground	Above ground	Spa	Sauna	
Council drain exists or required - Easement <=2.0 metres	Exists or likely	Not likely	Exists or likely	Does not exist	Yes (not to interfere with property inlet, if necessary relocate property inlet or bridge over, also refer to comments)	No	Yes	Yes ( backfill over the drain is to be replaced with compacted crushed rock and paving designed to bridge over the Council drain, must not to interfere with property inlet, if necessary relocate property inlet)	No	Yes, (must not to interfere with property inlet, if necessary relocate property inlet, also refer to comments)	Yes, (must not to interfere with property inlet, if necessary relocate property inlet, also refer to comments)	No	Yes (providing that the class of the Council drain is sufficient to bear the additional loads applied, also refer to comments)
Council drain exists or required - Easement <=2.0 metres	Does not exist	Likely	Exists or likely	Does not exist	Yes (must make provision for overland flows from Council drain to be accommodated within the easement, not to interfere with property inlet, if necessary relocate property inlet or bridge over, also refer to comments)	No	Yes (must make provision for overland flows from Council drain to be accommodated within the easement, also refer to comments)	Yes (must make provision for overland flows from Council drain to be accommodated within the easement, backfill over the drain is to be replaced with compacted crushed rock and paving designed to bridge over the Council drain, must not to interfere with property inlet, if necessary relocate property inlet)	No	No	No	No	No
Council drain exists or required - Easement <=2.0 metres	Exists or likely	Likely	Exists or likely	Does not exist	Yes (must make provision for overland flows from Council drain to be accommodated within the easement, not to interfere with property inlet, if necessary relocate property inlet or bridge over, also refer to comments)	No	Yes (must make provision for overland flows from Council drain to be accommodated within the easement, also refer to comments)	Yes (must make provision for overland flows from Council drain to be accommodated within the easement, backfill over the drain is to be replaced with compacted crushed rock and paving designed to bridge over the Council drain, must not to interfere with property inlet, if necessary relocate property inlet, also refer to comments)	No	No	No	No	No
Council drain exists or required - Easement <=2.0 metres	Does not exist	Not likely	Does not exist	Exists or likely	No	No	Yes (pit must not be covered)	Yes (backfill over the drain is to be replaced with compacted crushed rock and paving designed to bridge over the Council drain, pit lid to be replaced with a gatic lid to suit the type of traffic e.g. light or heavy vehicles, pit may need to be altered to suit loading, pit must not be covered)	No	No	No	No	Yes (providing that the class of the Council drain is sufficient to bear the additional loads applied, also pit must be raised to match finished level, pit may need to be altered to be in accordance with Council's standard drawings e.g. haunched pit, pit must not be covered)

ALLOWABLE WORKS AND STRUCTURES

Council drain - Easement width	SBO or LSIO	Overland flows from Council drains	Property inlet	Council pit	Fences		Paving		Swimming Pools				Earth filling
					Timber	Retaining wall	For pedestrians only	Vehicles	In ground	Above ground	Spa	Sauna	
Council drain exists or required - Easement <=2.0 metres	Exists or likely	Not likely	Does not exist	Exists or likely	No	No	Yes (pit must not be covered, also refer to comments)	Yes (backfill over the drain is to be replaced with compacted crushed rock and paving designed to bridge over the Council drain, pit lid to be replaced with a gatic lid to suit the type of traffic e.g. light or heavy vehicles, pit may need to be altered to suit loading, pit must not be covered, also refer to comments)	No	No	No	No	Yes (providing that the class of the Council drain is sufficient to bear the additional loads applied, also pit must be raised to match finished level, pit may need to be altered to be in accordance with Council's standard drawings e.g. haunched pit, pit must not be covered, also refer to comments)
Council drain exists or required - Easement <=2.0 metres	Does not exist	Likely	Does not exist	Exists or likely	No	No	Yes (must make provision for overland flows from Council drain to be accommodated within the easement, pit must not be covered)	Yes (must make provision for overland flows from Council drain to be accommodated within the easement, backfill over the drain is to be replaced with compacted crushed rock and paving designed to bridge over the Council drain, pit lid to be replaced with a gatic lid to suit the type of traffic e.g. light or heavy vehicles, pit may need to be altered to suit loading, pit must not be covered.)	No	No	No	No	No
Council drain exists or required - Easement <=2.0 metres	Exists or likely	Likely	Does not exist	Exists or likely	No	No	Yes (must make provision for overland flows from Council drain to be accommodated within the easement, pit must not be covered, also refer to comments)	Yes (must make provision for overland flows from Council drain to be accommodated within the easement, backfill over the drain is to be replaced with compacted crushed rock and paving designed to bridge over the Council drain, pit lid to be replaced with a gatic lid to suit the type of traffic e.g. light or heavy vehicles, pit may need to be altered to suit loading, pit must not be covered.)	No	No	No	No	No
Council drain exists or required - Easement <=2.0 metres	Does not exist	Not likely	Exists or likely	Exists or likely	No	No	Yes (pit must not be covered)	Yes ( backfill over the drain is to be replaced with compacted crushed rock and paving designed to bridge over the Council drain, must not to interfere with property inlet, if necessary relocate property inlet, pit lid to be replaced with a gatic lid to suit the type of traffic e.g. light or heavy vehicles, pit may need to be altered to suit loading, pit must not be covered)	No	No	No	No	Yes (providing that the class of the Council drain is sufficient to bear the additional loads applied, also pit must be raised to match finished level, pit may need to be altered to be in accordance with Council's standard drawings e.g. haunched pit, pit must not be covered)
Council drain exists or required - Easement <=2.0 metres	Exists or likely	Not likely	Exists or likely	Exists or likely	No	No	Yes (pit must not be covered)	Yes ( backfill over the drain is to be replaced with compacted crushed rock and paving designed to bridge over the Council drain, must not to interfere with property inlet, if necessary relocate property inlet, pit lid to be replaced with a gatic lid to suit the type of traffic e.g. light or heavy vehicles, pit may need to be altered to suit loading, pit must not be covered, also refer to comments)	No	No	No	No	Yes (providing that the class of the Council drain is sufficient to bear the additional loads applied, also pit must be raised to match finished level, pit may need to be altered to be in accordance with Council's standard drawings e.g. haunched pit, pit must not be covered, also refer to comments)

ALLOWABLE WORKS AND STRUCTURES

Council drain - Easement width	SBO or LSIO	Overland flows from Council drains	Property inlet	Council pit	Fences		Paving		Swimming Pools				Earth filling
					Timber	Retaining wall	For pedestrians only	Vehicles	In ground	Above ground	Spa	Sauna	
Council drain exists or required - Easement <=2.0 metres	Does not exist	Likely	Exists or likely	Exists or likely	No	No	Yes (must make provision for overland flows from Council drain to be accommodated within the easement, pit must not be covered)	Yes (must make provision for overland flows from Council drain to be accommodated within the easement, backfill over the drain is to be replaced with compacted crushed rock and paving designed to bridge over the Council drain, must not to interfere with property inlet, if necessary relocate property inlet, pit lid to be replaced with a gatic lid to suit the type of traffic e.g. light or heavy vehicles, pit may need to be altered to suit loading, pit must not be covered)	No	No	No	No	No
Council drain exists or required - Easement <=2.0 metres	Exists or likely	Likely	Exists or likely	Exists or likely	No	No	Yes (must make provision for overland flows from Council drain to be accommodated within the easement, pit must not be covered, also refer to comments)	Yes (must make provision for overland flows from Council drain to be accommodated within the easement, backfill over the drain is to be replaced with compacted crushed rock and paving designed to bridge over the Council drain, must not to interfere with property inlet, if necessary relocate property inlet, pit lid to be replaced with a gatic lid to suit the type of traffic e.g. light or heavy vehicles, pit may need to be altered to suit loading, pit must not be covered, also refer to comments.)	No	No	No	No	No
No Council drain required - Easement <=2.0 metres	Does not exist	Not likely	Does not exist	Does not exist	Yes	Yes	Yes	Yes	No	Yes	No	No	Yes
No Council drain required - Easement <=2.0 metres	Exists or likely	Not likely	Does not exist	Does not exist	Yes	Yes	Yes	Yes	No	Yes (refer to comments)	Yes (refer to comments)	No	Yes (refer to comments)
No Council drain required - Easement <=2.0 metres	Does not exist	Likely	Does not exist	Does not exist	Yes (must make provision for overland flows from Council drain to be accommodated within the easement, also refer to comments)	Yes (only parallel with the easement/overland flows, must make provision for overland flows from Council drain to be accommodated within the easement.)	Yes (must make provision for overland flows from Council drain to be accommodated within the easement)	Yes (must make provision for overland flows from Council drain to be accommodated within the easement)	No	No	No	No	No
No Council drain required - Easement <=2.0 metres	Exists or likely	Likely	Does not exist	Does not exist	Yes (must make provision for overland flows from Council drain to be accommodated within the easement, also refer to comments)	Yes (only parallel with the easement/overland flows, must make provision for overland flows from Council drain to be accommodated within the easement.)	Yes (must make provision for overland flows from Council drain to be accommodated within the easement, also refer to comments)	Yes (must make provision for overland flows from Council drain to be accommodated within the easement, also refer to comments)	No	No	No	No	No



ALLOWABLE WORKS AND STRUCTURES

Council drain - Easement width	SBO or LSIO	Overland flows from Council drains	Property inlet	Council pit	Fences		Paving		Swimming Pools				Earth filling
					Timber	Retaining wall	For pedestrians only	Vehicles	In ground	Above ground	Spa	Sauna	
Council drain exists or required - Easement >2.0 metres	Does not exist	Not likely	Does not exist	Does not exist	Yes	No	Yes	Yes (backfill over the drain is to be replaced with compacted crushed rock and paving designed to bridge over the Council drain)	No	Yes	Yes	No	Yes (providing that the class of the Council drain is sufficient to bear the additional loads applied)
Council drain exists or required - Easement >2.0 metres	Exists or likely	Not likely	Does not exist	Does not exist	Yes	No	Yes (also refer to comments)	Yes (backfill over the drain is to be replaced with compacted crushed rock and paving designed to bridge over the Council drain, also refer to comments)	No	Yes (also refer to comments)	Yes (also refer to comments)	No	Yes (providing that the class of the Council drain is sufficient to bear the additional loads applied, also refer to comments)
Council drain exists or required - Easement >2.0 metres	Does not exist	Likely	Does not exist	Does not exist	Yes (must make provision for overland flows from Council drain to be accommodated within the easement, also refer to comments)	No	Yes (must make provision for overland flows from Council drain to be accommodated within the easement,)	Yes (must make provision for overland flows from Council drain to be accommodated within the easement, backfill over the drain is to be replaced with compacted crushed rock and paving designed to bridge over the Council drain,)	No	No	No	No	No
Council drain exists or required - Easement >2.0 metres	Exists or likely	Likely	Does not exist	Does not exist	Yes (must make provision for overland flows from Council drain to be accommodated within the easement, also refer to comments)	No	Yes (must make provision for overland flows from Council drain to be accommodated within the easement, also refer to comments)	Yes (must make provision for overland flows from Council drain to be accommodated within the easement, backfill over the drain is to be replaced with compacted crushed rock and paving designed to bridge over the Council drain, also refer to comments)	No	No	No	No	No
Council drain exists or required - Easement >2.0 metres	Does not exist	Not likely	Exists or likely	Does not exist	Yes (not to interfere with property inlet, if necessary relocate property inlet or bridge over, also refer to comments)	No	Yes	Yes ( backfill over the drain is to be replaced with compacted crushed rock and paving designed to bridge over the Council drain, if necessary relocate property inlet)	No	Yes, (must not interfere with property inlet, if necessary relocate property inlet)	Yes, (must not interfere with property inlet, if necessary relocate property inlet)	No	Yes (providing that the class of the Council drain is sufficient to bear the additional loads applied)
Council drain exists or required - Easement >2.0 metres	Exists or likely	Not likely	Exists or likely	Does not exist	Yes (not to interfere with property inlet, if necessary relocate property inlet or bridge over, also refer to comments)	No	Yes	Yes ( backfill over the drain is to be replaced with compacted crushed rock and paving designed to bridge over the Council drain, if necessary relocate property inlet, also refer to comments, )	No	Yes, (must not interfere with property inlet, if necessary relocate property inlet, also refer to comments)	Yes, (must not interfere with property inlet, if necessary relocate property inlet, also refer to comments)	No	Yes (providing that the class of the Council drain is sufficient to bear the additional loads applied, also refer to comments)

## ALLOWABLE WORKS AND STRUCTURES

Council drain - Easement width	SBO or LSIO	Overland flows from Council drains	Property inlet	Council pit	Fences		Paving		Swimming Pools				Earth filling
					Timber	Retaining wall	For pedestrians only	Vehicles	In ground	Above ground	Spa	Sauna	
Council drain exists or required - Easement >2.0 metres	Does not exist	Likely	Exists or likely	Does not exist	Yes (must make provision for overland flows from Council drain to be accommodated within the easement, not to interfere with property inlet, if necessary relocate property inlet or bridge over, also refer to comments)	No	Yes (must make provision for overland flows from Council drain to be accommodated within the easement,)	Yes (must make provision for overland flows from Council drain to be accommodated within the easement, backfill over the drain is to be replaced with compacted crushed rock and paving designed to bridge over the Council drain, if necessary relocate property inlet)	No	No	No	No	No
Council drain exists or required - Easement >2.0 metres	Exists or likely	Likely	Exists or likely	Does not exist	Yes (must make provision for overland flows from Council drain to be accommodated within the easement, not to interfere with property inlet, if necessary relocate property inlet or bridge over, also refer to comments)	No	Yes (must make provision for overland flows from Council drain to be accommodated within the easement, also refer to comments)	Yes (must make provision for overland flows from Council drain to be accommodated within the easement, backfill over the drain is to be replaced with compacted crushed rock and paving designed to bridge over the Council drain, if necessary relocate property inlet, also refer to comments)	No	No	No	No	No
Council drain exists or required - Easement >2.0 metres	Does not exist	Not likely	Does not exist	Exists or likely	No	No	Yes (pit must not be covered)	Yes (backfill over the drain is to be replaced with compacted crushed rock and paving designed to bridge over the Council drain, pit lid to be replaced with a gatic lid to suit the type of traffic e.g. light or heavy vehicles, pit may need to be altered to suit loading, pit must not be covered)	No	No	No	No	Yes (providing that the class of the Council drain is sufficient to bear the additional loads applied, also pit must be raised to match finished level, pit may need to be altered to be in accordance with Council's standard drawings e.g. haunched pit, pit must not be covered)
Council drain exists or required - Easement >2.0 metres	Exists or likely	Not likely	Does not exist	Exists or likely	No	No	Yes (pit must not be covered)	Yes (backfill over the drain is to be replaced with compacted crushed rock and paving designed to bridge over the Council drain, pit lid to be replaced with a gatic lid to suit the type of traffic e.g. light or heavy vehicles, pit may need to be altered to suit loading, pit must not be covered, also refer to comments)	No	No	No	No	Yes (providing that the class of the Council drain is sufficient to bear the additional loads applied, also pit must be raised to match finished level, pit may need to be altered to be in accordance with Council's standard drawings e.g. haunched pit, pit must not be covered, also refer to comments)

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Council drain exists or required - Easement >2.0 metres	Exists or likely	Likely	Does not exist	Exists or likely	No	No	Yes (must make provision for overland flows from Council drain to be accommodated within the easement, pit must not be covered, also refer to comments)	Yes (must make provision for overland flows from Council drain to be accommodated within the easement, backfill over the drain is to be replaced with compacted crushed rock and paving designed to bridge over the Council drain, pit lid to be replaced with a gatic lid to suit the type of traffic e.g. light or heavy vehicles, pit may need to be altered to suit loading, pit must not be covered, also refer to comments)	No	No	No	No	No
Council drain exists or required - Easement >2.0 metres	Does not exist	Not likely	Exists or likely	Exists or likely	No	No	Yes (pit must not be covered)	Yes ( backfill over the drain is to be replaced with compacted crushed rock and paving designed to bridge over the Council drain, must not to interfere with property inlet, if necessary relocate property inlet, pit lid to be replaced with a gatic lid to suit the type of traffic e.g. light or heavy vehicles, pit may need to be altered to suit loading, pit must not be covered)	No	No	No	No	Yes (providing that the class of the Council drain is sufficient to bear the additional loads applied, also pit must be raised to match finished level, pit may need to be altered to be in accordance with Council's standard drawings e.g. haunched pit, pit must not be covered)
Council drain exists or required - Easement >2.0 metres	Exists or likely	Not likely	Exists or likely	Exists or likely	No	No	Yes (pit must not be covered, also refer to comments)	Yes ( backfill over the drain is to be replaced with compacted crushed rock and paving designed to bridge over the Council drain, must not to interfere with property inlet, if necessary relocate property inlet, pit lid to be replaced with a gatic lid to suit the type of traffic e.g. light or heavy vehicles, pit may need to be altered to suit loading, pit must not be covered, also refer to comments)	No	No	No	No	Yes (providing that the class of the Council drain is sufficient to bear the additional loads applied, also pit must be raised to match finished level, pit may need to be altered to be in accordance with Council's standard drawings e.g. haunched pit, pit must not be covered, also refer to comments)

ALLOWABLE WORKS AND STRUCTURES

Council drain - Easement width	SBO or LSIO	Overland flows from Council drains	Property inlet	Council pit	Fences		Paving		Swimming Pools				Earth filling
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No Council drain required - Easement >2.0 metres	Does not exist	Not likely	Does not exist	Does not exist	Yes	Yes	Yes	Yes	No	Yes	No	No	Yes (providing that the class of the Council drain is sufficient to bear the additional loads applied)
No Council drain required - Easement >2.0 metres	Exists or likely	Not likely	Does not exist	Does not exist	Yes	Yes	Yes, (also refer to comments)	Yes, (also refer to comments)	No	Yes (also refer to comments)	No	No	Yes (providing that the class of the Council drain is sufficient to bear the additional loads applied, also refer to comments)
No Council drain required - Easement >2.0 metres	Does not exist	Likely	Does not exist	Does not exist	Yes (must make provision for overland flows from Council drain to be accommodated within the easement, also refer to comments)	Yes (only parallel with the easement/overland flows, must make provision for overland flows from Council drain to be accommodated within the easement.)	Yes (must make provision for overland flows from Council drain to be accommodated within the easement)	Yes (must make provision for overland flows from Council drain to be accommodated within the easement)	No	No	No	No	No
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ALLOWABLE WORKS AND STRUCTURES

Council drain - Easement width	SBO or LSIO	Overland flows from Council drains	Property inlet	Council pit	Works	Other		Comments
					Earth excavation	Mechanical equipment	Advertising signs and light towers/poles	
					S173, except for residential works where the filling is <300mm. A minimum cover of 600mm to the top of the pipe is to be maintained where a contractual agreement is required	N/A	S173	
Council drain exists or required - Easement <=2.0 metres	Does not exist	Not likely	Does not exist	Does not exist	Yes (providing that Council's standard cover requirements are met)	No	Yes (providing that the footings are not directly over the Council drain, Council's clearance requirements are met -	
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**Semi Permanent Garage/Carport**

The following conditions apply: -

- The construction of a single brick wall with piers on the boundary line parallel to the drain or drain alignment. This wall to be designed such that it can take minor side impact loads from the movement of a backhoe working in proximity to the wall. The wall also has to be designed such that if the roof and floor panels are removed and trench excavated next to it, that it is self-supporting. The owner is to provide evidence from a structural engineer that the wall has been designed to meet this requirement.
- Roller door at the front of the structure with lightweight material extended to the roof line. A façade of light weight materials is allowable.
- All parts of the structure particularly the footings are to be designed such that there no additional loads, either static or dynamic placed on the pipes. Council requires a minimum clearance of 500 mm vertically and horizontally.
- The roof is not to be under the same roof line as an attached dwelling.
- The roof is to be readily removable and lightweight i.e. colour bond roof on trusses bolted to the sides.
- The floor within 1.0 metres of the drain alignment (to be confirmed on site) is to be readily removable. This includes the provision of saw cuts through the floor slab.
- Any walls bridging the drain i.e. at 90 degrees to the drain alignment are to be readily removable and lightweight within 1.0 metres of the drain alignment eg. hardiplank on a timber frame.



**BUILDING OVER EASEMENT AGREEMENT**

THIS AGREEMENT is made the

day of

2014

**THE COUNCIL OF BRIMBANK CITY COUNCIL**  
(hereinafter called "the Council")

-and-

**Owners Name**  
**Owners Address**  
(hereinafter called "the Owner")

RECITALS :

- (a) The Owner is registered as the owner of all the land ("the land") described in the First Schedule.
- (b) Over the land there exists an easement of drainage ("the easement") which is delineated and coloured blue on the map set out in the Second Schedule.
- (c) The Owner has requested the Council to permit the construction of a building ("the building") over the easement.
- (d) The Council has agreed to the construction of the building on and subject to the terms and conditions set out in this Agreement.
- (e) The proposed building has been approved by a Licensed Building Surveyor.

AGREEMENT:

1. The Council consents to the construction of the building. In consideration of such consent the Owner, for himself, his transferees successors and assigns covenants with the Council as follows:-
  - (a) To permit the Council at all times to enter into and upon the easement for the purpose of constructing any drain or other works, inspecting and so far as is necessary maintaining or repairing the same.
  - (b) To make no claim against the Council for any injury, loss or damage which may occur as a result of construction or erection of any building and / or any business carried on the land by the Owner arising out of the erection or retention of the building over the easement and drain or other works by reason of or incidental to the carrying out of construction, maintenance or repair of any drain or other works or by reason of or incidental to the presence of the drain or other works in the easement.
  - (c) To indemnify the Council against any claim, suit, action or demand arising out of or incidental to the presence of the building over the drain or other works.
  - (d) To pay to the Council any additional cost incurred by it in regard to the construction maintenance or repair of any drain or other works constructed in the easement by reason of the construction of the building.
  - (e) Not to demolish, re-erect or modify the building without the consent in writing of the Council.
  - (f) That where the Council considers that any easement may be required for drainage purposes at any time, the Owner shall before commencing any works over or within the easement lay to Council's satisfaction such underground pipe to size alignment, length, level and construction standard as Council may require.
  - (g) To pay the Council's cost of or incidental to the preparation and execution of this Agreement.
2. The Owner hereby charges the land with all costs and expenses incurred by the Council in connection with or because of the construction or existence of the building or any approved demolition, re-erection or modification of the building or remedying any default of the Owner and authorises the Council to lodge a caveat at the Land Titles Office forbidding the registration of any person or transferee as proprietor of and any instrument affecting the land unless the Council consents in writing.
3. The Owner agrees to notify any prospective purchaser transferee assignee or occupier of the land or any part thereof of the existence of this agreement and supply a copy of the agreement to such purchaser transferee assignee or occupier prior to the land being sold transferred assigned or possession being given to such occupier and the Owner agrees that he will use his best endeavours to have such person enter into an agreement in a similar form to this agreement with the Council. In the event of such person not entering into such an agreement the Council in its absolute discretion may enter upon the land and demolish and remove the said building at the cost of the Owner.

**SIGNED AND SEALED BY**

<b>the said</b>	<b>Owner</b> .....	<b>Owner</b> .....
	<b>Print Name:</b> .....	<b>Print Name:</b> .....
<b>in the presence of</b>	..... <b>Witness</b>	..... <b>Witness</b>

**SIGNED, SEALED AND DELIVERED by and on behalf, and with the authority, of the BRIMBANK CITY COUNCIL by**

(Signature):.....

**STREET NAME**      «Street\_Name»  
**LOT NO.**            «Lot\_No»  
**STREET NO.**       «Street\_No»  
**L.P. NO.**            .....

**FIRST SCHEDULE**

(Position Title):.....  
pursuant to the function delegated to that person by an Instrument of Delegation dated 27 August 2009.  
in the presence of

**SECOND SCHEDULE**

AS ATTACHED

(Signature): .....

(Position Title):.....