

<i>LIGHT REGIONAL COUNCIL</i>	
<b>POLICY</b>	<b>Section 4</b>
<b>STRUCTURES AND FILL OVER EASEMENTS</b>	<b>Policy No. 5</b>
<b>Amendment No:</b> Original Policy	<b>Issued:</b> 15 September 2009

## 1.0 Background

- 1.1 To ensure consistency of advice this policy provides the guidelines for Council staff when considering requests for structures or fill over easements where Council is the infrastructure authority.

## 2.0 General Principles

- 2.1 This Policy will come into effect from the date of Council resolution.
- 2.2 Council seeks to undertake its affairs in a way that contributes to open, transparent and informed decision-making.
- 2.3 Council seeks to ensure advice and decisions made are consistent whilst considering all aspects of the functions of council including repairs, maintenance, expenditure, risk management and liability.

## 3.0 General Information

- 3.1 An easement is registered on the Certificate of Title for the land. The Certificate of Title contains details of the location, dimensions and purpose for the easement.
- 3.2 Easements may contain infrastructure for storm water drainage, community wastewater management system (effluent drainage), electricity (overhead and underground), mains water supply, sewer, telecommunications, gas etc as required for different purposes by various service authorities.
- 3.3 The easement dimensions define that portion of land that gives a particular service authority the right to enter the property to service the infrastructure with the easement area.

## 4.0 Definitions for the purposes of this policy

- 4.1 'Easement' – 1. As registered on a Certificate of Title, 2. A portion of land either side of known infrastructure in the care and control of Council (whether or not registered on a certificate of title). The area of land may vary in width from 3 metres to greater than 4 metres.
- 4.2 'Structure' also includes structures that would not normally require development approval pursuant to the Development Act 1993. Structures can include retaining walls (including rock walls), sheds, verandahs, pergolas, swimming pools and the like.
- 4.3 'Fill' is any additional soil or soil like matter that has a depth of 200mm or more.

## 5.0 Policy Requirements

- 5.1 Approval in writing from Council is required for any fill or structures placed over an easement where Council is the service authority.
- 5.2 An application to Council for placing fill and/or structures over an easement shall be in writing and include the following;

- 5.2.1 Site plan indicating all existing structures on site and the proposed fill or structures. The site plan is to include a north point, location of the street and dimensions and distances.
  - 5.2.2 Details of the proposed structure, retaining wall or fill including height, depth, distance to boundaries and materials.
  - 5.2.3 Copy of approval from another easement authority where the easement is shared with another authority.
  - 5.2.4 Cross section through the easement showing the location of the existing services within the easement and the details of the proposed structure, retaining wall or fill including height, depth, distance to boundaries and materials.
- 5.3 No fill shall be placed over an easement such that the distance from the new surface level to the base of the pipe exceeds 1.5 metres in depth. (Refer Diagram 1)
- Approval is not necessary for fill less than 200mm in depth.
- 5.4 Structures are not to be located over an easement with the exception of retaining walls as described in Clause 5.5.
- 5.5 Retaining walls are not to be located over an easement unless the total height of the retaining wall does not exceed 200mm.
- 5.6 Access to the easement area is to be provided at all times to the Council as the body responsible for the maintenance and repairs to the infrastructure located within the easement. The owner or resident of the property will be provided with a minimum of 48 hours notice where access is required for general maintenance.
- 5.7 Emergency access may be required. No notice to the owner or resident of the land will be provided in emergency situations.
- 5.8 Approval from another easement authority (where applicable) is to be provided to the Council when requesting to build or provide fill over an easement.

**6.0 Decisions made by Staff of Light Regional Council**

- 6.1 Any development application, which falls outside the criteria listed in Clause 5 of this Policy, will be assessed and determined by Council in accordance with the relevant delegated powers, functions and duties entailed within the Development Act 1993. Approval will be granted or denied at the discretion of the assessing officer who has the authority to do so or by Council.

**7.0 Policy Review**

- 7.1 This Policy shall be reviewed as required by Council or legislation.

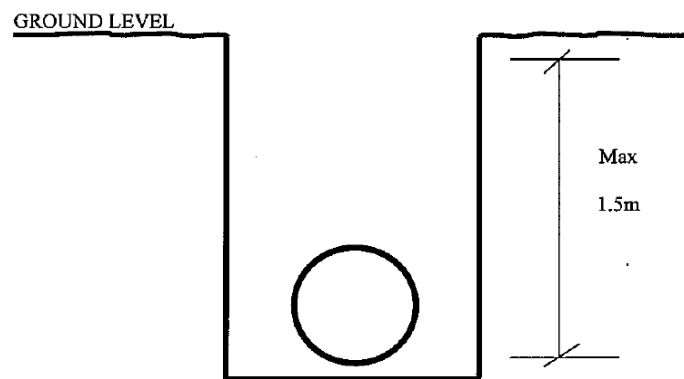


Diagram 1 – Maximum depth of trench allowed with the addition of any fill.

## **History of Policy**

1. *Policy adopted by Council on Tuesday, 15 September 2009, refer Council Minute 10.3.7, Page 2009/246.*