

Policy title	Build in the Vicinity of Sewer Mains
Responsible manager(s)	Director Infrastructure Services
Contact officer(s)	Division Manager Water & Sewer
Directorate	Infrastructure Services
Approval date	22 November 2022
Outcome area	1. Sustainable
Strategy	1.4 Work together in the management and use of our valuable sources
Delivery Program	1.4.1 Provide a safe, reliable and sustainable water and sewer services, guided by the Integrated Water Cycle Management Strategy
Operational Plan	1.4.1.4 Operate and maintain sewerage system

Purpose

Under Section 59A of the *Local Government Act 1993* (the *Act*), Council is the owner of all works of water supply, sewerage and stormwater drainage installed in or on land by council (whether or not the land is owned by council). The *Act* provides council access to any land required to operate, repair, replace, maintain, remove, extend, disconnect, improve or do any other things that are necessary or appropriate to any of its works to ensure that, in the opinion of council, the works are used in an efficient manner for the purposes for which the works were installed.

Where water supply pipelines and sewer rising mains are located on private land, council generally requires that an easement be placed over the pipeline which places restrictions on the use of that part of the land covered by the easement, and which protects the pipelines from damage and provides access for plant and equipment to enable council to carry out the functions outlined above. However, council does not normally require easements over sewer gravity pipes and so a policy which clearly defines the requirements for development in the vicinity of sewer mains is required.

Policy aims

The policy aims to:

- Protect existing and future assets, both privately and publicly owned, from potential damage.
- Minimise the liability for future costly repairs and costly asset renewals by limiting the amount of development over sewers.
- Promote an integrated framework for dealing with applications to build in the vicinity of sewer mains.
- Ensure consistency and fairness in the manner in which Council deals with developers and the community.
- Ensure compliance with legislative requirements under the *Local Government Act 1993*.
- Make Council's policies and requirements for build in the vicinity of sewer mains readily accessible and understandable to the public.

Policy details

1	<p>Application</p> <p>This policy applies to development in the vicinity of Eurobodalla Shire Council-owned sewerage infrastructure.</p>
----------	---

2	<p>Legislation</p> <p>This policy ensures Council's compliance with the <i>Local Government Act 1993 (LG Act)</i></p>
----------	--

Implementation

Requirements	Responsibility
<p>1 Code of Practice</p> <p>This policy will be implemented by following Council's <i>Build in the Vicinity of Sewer Mains Code of Practice</i> which specifies in detail the procedures and matters to be considered.</p>	Development Assessment officers
<p>2 Clearance from Structures</p> <p>Sewer access structures, including manholes, maintenance shafts and sewer dead ends, shall be accessible at all times in case of urgent maintenance.</p>	Developer, Development Assessment officers
<p>3 Construction not permitted</p> <p>Heavy or permanent structures will not be permitted within council's easements or over the following:</p> <ul style="list-style-type: none"> • Sewer rising mains, surcharge mains or critical gravity mains (generally all sewer mains of 300mm diameter or greater and/or deemed to be excessively deep). <p>Sewer manholes, maintenance points and junctions.</p>	Developer, Development Assessment officers
<p>4 Considerations</p> <p>Any application to build over a sewer or within 2 metres of a sewer main alignment will only be considered if alternative options are found to be not viable. Council's approach to 'build in the vicinity of sewer' requests in order of priority of solutions is as follows:</p> <ol style="list-style-type: none"> 1. Relocate the proposed structure. 2. Relocate council's affected assets. 3. Provide protection measures and build over or close to council's asset. <p>Option 3 will only be considered in exceptional circumstances if options 1 or 2 are neither practical nor reasonable to achieve.</p> <p>Where a developer proposes constructing 'heavy or permanent structures' within 2 metres of a sewer main alignment the Director of Infrastructure Services or Division Manager Water and Sewer must be consulted to determine the appropriateness of the proposal prior to issuing development consent.</p>	Developer, Development Assessment officers
<p>5 Asset Protection Measures</p> <p>Where construction of structures will impose a load within an existing sewer assets zone of influence, asset protection measures will be required.</p>	Developer, Development Assessment officers
<p>6 Staff</p> <p>Under supervision, relevant Council staff will be responsible for ensuring that this policy is implemented appropriately within their work area, after they have received appropriate training to do so.</p>	Development Assessment officers
<p>7 Costs</p> <p>The developer/applicant is responsible for all costs associated with:</p>	Developer

	<ul style="list-style-type: none"> Investigation, design and any costs associated with seeking approval. If approval is granted then all construction costs. Repairing any damage to sewer infrastructure caused by construction over or near an existing sewer. <p>The Director Infrastructure Services or Division Manager Water and Sewer may approve a contribution from Council’s sewer fund towards the cost of asset relocation works where there is a demonstrated tangible benefit to council.</p>	Director Infrastructure Services/ Division Manger Water and Sewer
8	<p>Concerns</p> <p>Public concerns communicated to Council in relation to this policy will be recorded on Council’s records system and handled in accordance with Council’s Customer Service or Complaints policy. These records will be used to determine any follow-up actions and analyse the history of reported public concerns.</p>	Council officers
9	<p>Consultation</p> <p>Any consultation deemed necessary will occur as required with key stakeholders, which may include (but not be limited to) the community, other agencies, statutory and industry bodies. Public submissions regarding this policy are invited for consideration during the exhibition period.</p>	As applicable

Review

This policy will be reviewed every 4 years. It may also be reviewed and updated as necessary if legislation requires it; or when Council’s related policies, functions, structure or activities change; or when technological advances or new systems change the way that Council manages operations, maintenance and construction of sewer mains.

The policy may be revoked at the expiration of twelve months after the declaration of the poll for the next general NSW local government election, unless Council updates or revokes it sooner.

Note: *The next general local government election is expected to be held in September 2024.*

Reviews of the effectiveness of this policy could include the following:

Performance indicator	Data source(s)
Delivery Program/ Operational Plan outcomes achieved	Council reporting
Concerns or complaints registered	Council records
Customer feedback, survey responses	Surveys
Internal or external review	Audit

Governance

This policy should be read in conjunction with any related legislation, codes of practice, relevant internal policies, and guidelines.

Related legislation and policies

Name	Link
Build in the Vicinity of Sewer Mains - Code of Practice	https://www.esc.nsw.gov.au/_data/assets/pdf_file/0004/138730/COP-Build-in-the-Vicinity-of-Sewer-Mains-07042020.pdf
Local Government Act 1993	https://legislation.nsw.gov.au/view/html/inforce/current/act-1993-030

Related external references

Name	Link
Office of Local Government	www.olg.nsw.gov.au

Change history

Version	Approval date	Approved by	Min No	File No	Change
1	28 Oct 2008	Council	08/386	E06.0381 E06.0374	Policy commenced
2	10 Sep 2013	Council	13/272	E13.7095 E06.0374	Reviewed and updated (start of new Council term)
3	28 Feb 2017	Council	17/31	E16.0297 E06.0374	Reviewed at start of new Council term. Minor referencing updates only. GMR17/005
4	22 Nov 2022	Council	22/313	S004-T00060	Reviewed & updated at new Council term. GMR22/111

Internal use

Responsible officer		Director Infrastructure Services		Approved by	Council
Minute	22/313	Report	GMR22/111	Effective date	22 Nov 2022
File	S004-T00060	Review date	22 Nov 2022	Pages	4