

Attachment 1- Encumbrance Brochure and Application Form - Building Near Sewer or Stormwater Lines

Sewer & Stormwater Mains Protection

The public sewer and stormwater mains are assets, which the Local Council is responsible for

The mains consist of major and minor pipelines, property connection points, and a variety of access chambers. Some stormwater is carried in open drains and in some cases, sewer is carried in pressure pipelines.

The Problem

Sewer and stormwater main have high risks; these systems must be able to deal with rare peak flows caused by heavy rain etc. Flows and associated gases in both sewer and stormwater mains are occasionally volatile and even, at times, explosive.

Faults in these mains can cause substantial damage to property quite quickly, and damage can occur a long way from the problem in the pipe.

Council needs to access all parts of the mains in order to ensure the health and safety of its public.

Access for inspection, maintenance and long-term renewal is critical, particularly at connection and access points.

This means that buildings should not be built over, or too close to sewer and stormwater mains.

The Solution

Nearly every landowner will have some part of the sewer and stormwater mains located within their property. Council recognises that in some cases the inconvenience of such restrictions makes it worthwhile for owners to fund alterations to the mains allow the works to proceed while managing the risk. Council's encumbrance policy has been developed to address these cases.

We aim to help landowners maximise the land use and enjoyment of their property, while maintaining the integrity of the sewer and stormwater mains. We can provide accurate, helpful and specific information to you and aid you in the construction process.

Council also pursues continual advances in pipe and construction technology to make new mains installation as reliable as possible, minimising the future need to carry out the work on individual properties.

What is an encumbrance?

In Council's policy, **an encumbrance refers to anything that hinders access to or may damage any part of the public sewer or stormwater network.**

Some examples of potential encumbrance include:

- Sheds, carports and pergolas
- Retaining walls, barbeques, stone walls
- Pools (in ground and above ground), storage tanks
- Underground utilities (water, gas, power)
- Fences, paving
- Houses, habitable rooms
- Landscaping that significantly changes the ground level

Private sewer and stormwater pipes (those that serve only the owners property) are not subject to protection by this policy. However, plumbing approvals may impose certain restrictions which are covered by the normal council approvals process.

Refer to the *How to Read a Sewer and Stormwater Diagram* for a property sewer and stormwater typical layout.

Encumbrance Zones

There are two types of encumbrance zones.

Zones of loading influence are areas on the ground which extends either side of the pipe's location. Structures built in this zone may transmit load through the ground onto the pipe, increasing the chance of pipe failure. Sinking of the original trench or scouring caused by pipe failure may undermine any structure built within the zone.

The standard zone of influence is [depth to pipe base + 300mm] either side of the pipe centerline. The standard (conservative) zone of influence is based on a 45-degree angle of repose (see the diagram over the page). A smaller zone of influence may be considered if an accredited geotechnical engineer provides advice on the suitable angle of repose.

Zones of clearance are used to provide sufficient room for repairs and/or replacement of parts of the system. Unauthorized structures in this zone may endanger council employees, restrict critical repairs or themselves be damaged or demolished at the owner's expense. Usually, council requires a 2.5m strip for access to the pipe, including at least 0.6m clearance on each side.

Council **Easements** have been created in newer properties to make property owners aware of the areas of building restrictions.

How will this affect my plans?

The main factors in determining what system encumbrance may be allowed are:

The type of proposed structure; easily demountable structures are more likely to be allowed.

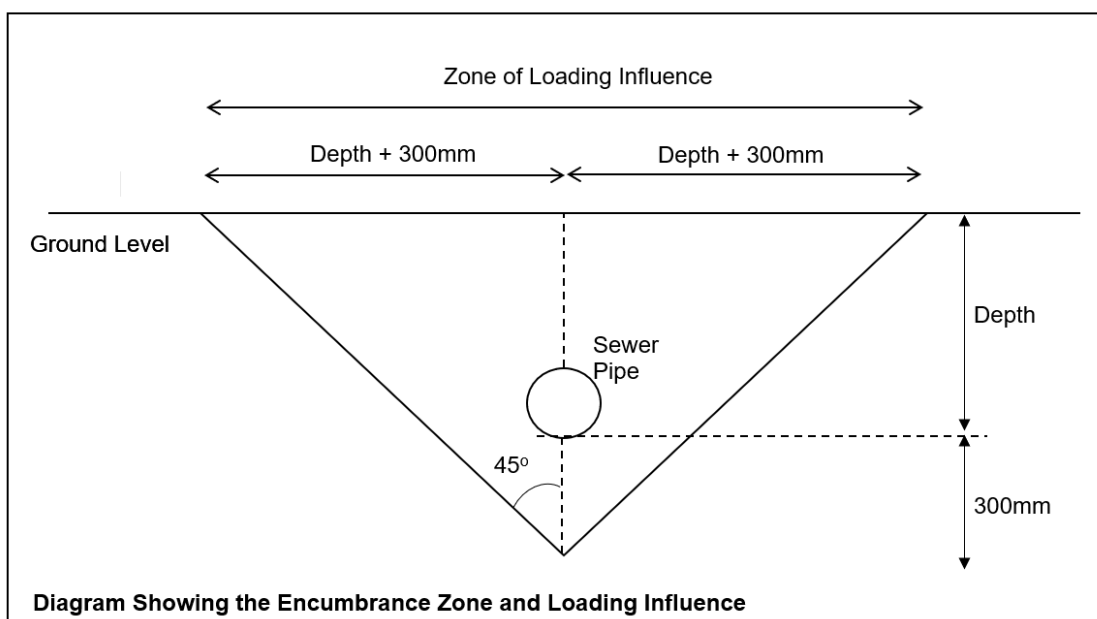
The type and condition of the sewer or stormwater main proposed to be encumbered; Main trunk lines serving large numbers of properties will be subject to greater protection than

minor lines serving few houses. Pipes that may sometimes overflow are also given greater protection. The age and condition of the pipe will also be considered. No access chambers may be encumbered.

The first thing you need to know is the locations and type of sewer or stormwater mains located in your property. Council has a **diagram of the property drainage pipes** for many properties in Wagga. An example is provided over the page.

The next thing to do is to look up the “Developments Affecting Mains”. This will explain if you are required to apply for conditional approval from Council before building works can proceed.

Existing encumbrances: Some existing buildings or other structures may already encumber sewer and stormwater mains. Any replacement or extension of such items will not be permitted by Council. You will need to make a new application to encumber a council asset as outlined in this brochure.



HOW TO READ A SEWER AND STORMWATER DIAGRAM



Property boundary. The dashed line indicates an easement. Note that an area of the backyard is within an encumbrance zone. You can do an initial self-assessment using the coloured encumbrance zone transparencies as depicted here.

Coloured encumbrance zones have been included here as an example. Red hatched areas show access clearance zones. Yellow hatched areas show the zone of loading influence – which varies depending on pipe depth and ground conditions.

The example here is not to scale and should not be used to determine real encumbrance zones.

Public sewer pipeline. The diagram does not specify whether it is a major line or not. Ring the contact number on this brochure for clarification. Categories of public stormwater system parts going from least protected to most protected are:

Sewer access chambers. The clearance prohibition zones for these fall slightly over the edge of this property. Buildings should stand at least 1.25m clear of the rim of any manhole. They are the principal entry point for monitoring, maintenance or repairs. They often exist within private property and are usually where the pipe changes direction or grade or where two or more pipes junction.

Minor sewer pipeline (less than 225mm)
Surcharge sewer pipeline

Stormwater property connection point. Note that this is the first property on this particular line.

Property connection point and Boundary Riser. Where the branch sewer (private) connects with the public sewer. Sometimes another property may also have its connection point in your property. This access point is the location where many private blockages are accessed and cleared by plumbers.

Private sewer lines. These are not subject to protection by this policy but check with the plumbing department for their requirements. Your diagram will include a legend for the abbreviated fitting names.

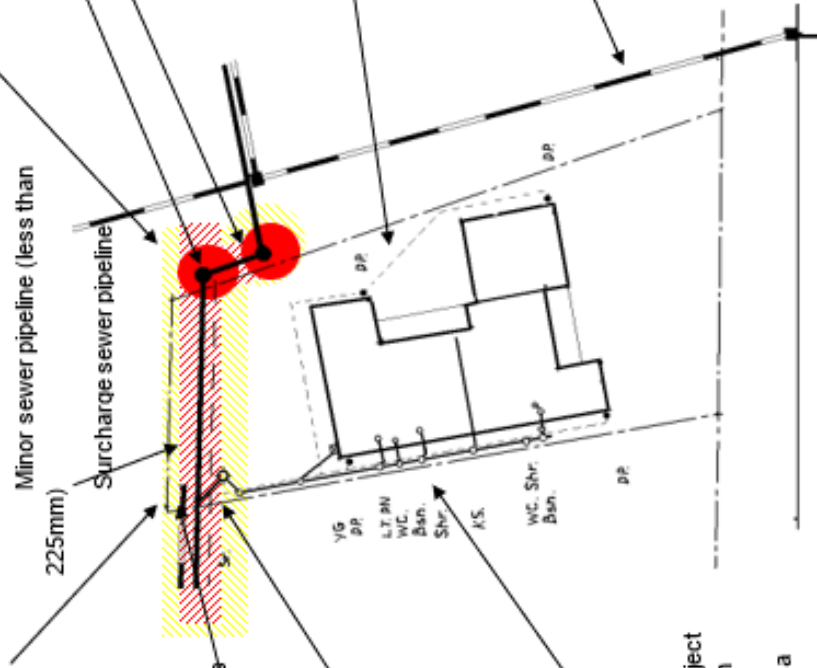
Private stormwater lines. Generally, 90mm – 100mm in diameter. These are not subject to protection by this policy but check with the plumbing department for their requirements.

Note the downpipes on the corners of the house.

Public stormwater pipeline. In this case does not affect the property. The diagram does not specify whether it is a major line or not. Ring the contact number on this brochure for clarification.

Categories of public stormwater system parts going from least protected to most protected are:

- Stormwater pipeline (up to 300mm)
- Surcharge stormwater pipeline
- Open drains (lined and earthen)
- Main stormwater pipeline (larger than 300mm)
- Access chambers and pits



General Approval Conditions

Financial

If a main is required to be upgraded or relocated to accommodate a development this will be at full cost to the applicant/developer.

The applicant/developer will also need to fully fund any further works required for the creation of the encumbrance, such as strengthened foundations or alteration of existing house plumbing.

The applicant/developer will need to meet any administrative costs incurred by the Council in establishing the encumbrance agreement. In most cases this is covered by the application fee.

In cases of significant structures such as buildings, the applicant/developer will be required to pay for and organize the establishment of a positive covenant (under section 88E of the Conveyancing Act 1919) which indemnifies the council against all claims arising from the existence of an encumbrance within the zone of influence of the system. This is to ensure that any future purchaser or other interested party will be notified of the existence of the encumbrance and any conditions placed upon it.

Agreements

Any approval of an encumbrance of a sewer or stormwater system will require that the owner acknowledge that Council will not be held responsible for any damage that could result from the encumbrance. This is to indemnify Council against all claims arising from the existence of an encumbrance within the zone of influence of the system.

The owner must also guarantee access to the line for maintenance work at any time. Damage caused to the development by such maintenance shall be at the owner's expense.

Council Inspections and Approvals

Council will place certain building requirements on any approved encumbrance. These conditions will be added to any standard development approval conditions. The overall development approval issued by Council will include these conditions and will nominate a program of mandatory inspections.

You must not commence any construction until you have obtained a formal construction certificate.

Developments Affecting Mains

Not Allowed to Encumber Mains and Easements

Habitable Rooms (e.g. Bedrooms, Living rooms, Offices).

Carport attached to a building with a contiguous roof

Swimming Pools and Spas (above Ground and Inground)

Enclosed and Roofed Pergolas.

Storage Tanks

Allowable with Conditional Approval (including an encumbrance fee and positive covenant)

Sheds (Large then below) and Garages

Carport (noncontiguous roof)

Free standing open pergolas

Retaining Wall with footings

Barbeques

Swimming Pool Decks

Allowable with Conditional Approval with no positive covenant/no fee

Small garden sheds (less than 3m x 5m with no floor)

Swimming Pool Fences, Pumps and Filters

Retaining Walls 600mm minimum height with no footings

Driveways

Concrete Works <70 MM thickness

Where to Now?

This brochure has been designed to point you in the right direction. You will find that you will get assistance in interpreting this brochure from the following people:

- Building and pool suppliers
- Kit shed and pergola suppliers
- Real Estate agents
- Solicitors
- Land developers, planners, trades people, and engineers
- You can also deal directly with Council if you choose

Sewer diagrams: Visit or ring the Council offices to obtain a copy of your property's sewer and stormwater diagram. You must be the owner of the property or have the authorization for the owner. A fee applies.

While you are at the Council offices you can be provided with additional information on any sewer or stormwater mains and easements located within your property and what limitations apply.

It is better if you can avoid developing over sewer and stormwater mains and easements. There is less expense involved for the developer and access to Council sewer and stormwater mains is maintained.

All applications are considered on their own merits, and any engineering solutions available to manage the encumbrance. Any variations from the normal conditions will be limited to that specific approval.

General Enquires to 1300 292 442

NOTE: Copies of all Policies are available on Councils website www.wagga.nsw.gov.au or can be viewed upon request at the Civic Centre.

Application for a Determination regarding a Proposal to Encumber a Service Line and/or Easement (as per Council Sewer Policy POL036 and stormwater Policy POL037)

General Manager
Wagga Wagga City Council
PO BOX 20
WAGGA WAGGA NSW 2650

Approval in terms of Council’s Sewer Policy POL036 and Stormwater Policy POL037 is sought to encumber a service and/or easement at the following property:

Site Address: _____

If the necessary approval is granted, I will ensure that the building is appropriately designed and built in accordance with any conditions issues in the acceptance. I acknowledge that Council has the right of access to the line for maintenance etc. and that council can’t be held responsible for any problems or damage that results from the fact that the development is over or adjacent to the main.

Applicants Name: _____

Owner Builder Developer

Address: _____

Phone: _____ Signature: _____

Owners Name: _____ *(if different from applicant)*

Additional information required, please turn over

The following is required to be included with the application.

Is this structure already in place over the main/easement? _____

Description of the structure(s) _____

What materials are used in the structure? _____

What are the dimensions of the structure(s) e.g. length, width, height?

Does the structure have a floor? What is the floor made out of? How thick is the floor?

Please Attach:

- a) a site plan showing your proposed works, their size and position relative to the property boundaries and easements.
- b) If available, architectural plans and detailed structural designs of footings
- d) Any other information that you think may assist your application

Privacy and personal information protection notice: The personal information provided is collected for the purpose of processing this application. Access is limited to Council employees and other authorised persons. Supply of the personal information is legally required and non-supply could cause delay or inability to proceed in the processing of this form. The personal information will be stored in council’s system.

An application fee is payable at the Wagga Wagga Civic Centre and will be charged as per the current Revenue and Pricing Policy

OFFICE USE ONLY
Customer Service Only to Complete

Date Rec: Rec Number: CSO

BOS: Lot & DP:

