

STRUCTURES OVER EGW WORKS

1. PURPOSE

This Standard Operating Procedure relates to structures or filling to be placed over works (infrastructure assets) or easements that are owned, controlled, operated and/or maintained by East Gippsland Water (EGW). The procedure assists in protecting EGW's water and sewer assets from damage or interference, thereby maintaining services to customers, by guiding EGW's consideration of applications for Consent to applications received. It will also assist customers to avoid costs and inconvenience of removing structures which may impede EGW's access to an asset for maintenance.

2. APPROVAL

Managing Director

3. BACKGROUND

- 3.1 East Gippsland Water (EGW) must adequately protect its works that form part of the provision of water and sewer services to customers. EGW must have ready access to its works, to carry out its operations.
- 3.2 Works include the pumps, pipes, buildings, structures and other physical infrastructure assets, both above and below ground level, that EGW owns, controls, operates and/or maintains. These works may be located within public and private land. The location of works will vary, and locality plans and on-site locations can be obtained by contacting EGW.
- 3.3 Easements are generally shown on the title of a property or, alternatively, can be an implied easement that has a similar effect. An easement is typically a strip of land of around 3 metres wide (although precise location and dimensions can vary from case to case).
- 3.4 Sewer *and/or* water mains or other *EGW* works may be located on private properties and may be located within easements. Note that EGW works may not necessarily be located with a formal easement, and some easements may not cover EGW assets.
- 3.5 In accordance with the Water Act 1989, EGW has rights of access to its works that are located on private land, whether or not those works are located within an easement.
- 3.6 Section 148 of the Water Act 1989, also provides (in part) that a person must not place or allow any structure or any filling to be placed on land over which an easement exists, nor any structure or filling to be placed within one metre laterally of any EGW works. This generally prohibits any structure or filling being placed above or below any EGW works or easement, as well as prohibiting the removal of any soil, rock, or other materials that supports, protects, or covers any EGW works.
- 3.7 EGW may however consent to an application made for certain structures or fill to be located over or within one metre laterally of any EGW works or easement. EGW may refuse to consent, or may consent (with or without conditions). Note that any consent, and its

terms and conditions, are binding on the successors in title of the person applying for the consent.

- 3.8 It is the property owner's responsibility to ensure that they do not place any structure over EGW's works.
- 3.9 Where the property owner suspects that there may be EGW works potentially impacted by any proposed structure, the owner (or the owner's agent) must first contact EGW. EGW will make every reasonable effort to identify any EGW works that may impact on, or be impacted by, the proposed structure. If in doubt, a plan of the proposed structure, including location, dimensions, and other relevant information relative to the property should be submitted by the property owner to EGW for consideration.

4. PROCEDURE

- 4.1 In general, structures or fill must not be located over, or within one metre laterally, of EGW works or easements.
- 4.2 In certain exceptional circumstances, certain structures or fill may be considered for approval by EGW to be located over, or within one metre laterally, of EGW works or easement.
- 4.3 Prior to designing any structure or carrying out works, East Gippsland Water must be contacted to establish if the proposed structure may be located over, or within one metre laterally, of EGW works or easement.
- 4.4 An application to EGW for a structure to be located over, or within one metre laterally, of EGW works or easement. must be submitted on the relevant EGW Form (Form No.F089) prior to any works on the proposed structure being allowed to commence.
- 4.5 A plan of the proposed works must accompany the application which must indicate;
- The location of property boundaries (note that fences may not always be in the correct location).
 - Type of structure or fill proposed, foundation details, distances to property boundaries, height of eaves/ceilings, type of construction materials used, number of floors, fences/retaining walls, location and type of paths/driveways, where deemed applicable and in accordance with the guidelines featured in this publication, as appropriate.
 - The location of any EGW assets that may be impacted by (or which may have an impact on) the proposed works or fill, including pipe diameter, depth and material. Information on EGW assets can be obtained by contacting EGW.
 - It is the property owner's responsibility, or their agent (surveyor, contractor, etc) to confirm the actual location of all EGW assets prior to commencing works. EGW can locate its assets at the request of the owner (a fee may apply).
 - The property owner must lodge the application form (Form No.F089), together with any additional material to support the exceptional circumstances applying, the plan of the proposed works, and the standard application fee for 'Build-Over' applications (refer to the Pricing Schedule, available on EGW's web site).
 - Where an application is lodged by an agent on behalf of the property owner, the property owner's consent (signature) must also be provided.
 - In the event that additional information is required to assess the condition/location of existing assets, all costs must be met by the applicant. Additional costs may include

survey and Closed Circuit Television (CCTV) investigations, EGW will contact the owner to confirm any such requirement.

- 4.6 EGW will consider each application on its particular merits, however there are some situations for which approval will not be given. As a general guide, EGW approval will not be given in the following circumstances;
- No structure of any description is permitted to be located over, or within one metre laterally, of an EGW pressure main (water main or sewer rising main);
 - No Class 1 to 9 (habitable) structures are to be located over, or within one metre laterally, of EGW works or easement;
 - No in-ground swimming pool or spa is to be located over, or within one metre laterally, of EGW works or easement;
 - No structure of any kind is permitted within 1.5 m of a sewer connection point; and,
 - No structure is permitted within 1.5 m from a sewer access hole (manhole).
- 4.7 Providing the application complies with the relevant criteria and any special conditions, EGW's consent including any conditions (see Appendix B) and an approved stamped plan, will be forwarded to the applicant.
- 4.8 In other cases, approval may be considered by EGW where the applicant can demonstrate that exceptional circumstances apply.
- 4.9 Where approval is granted, conditions may be imposed by EGW. For example, conditions could include requirements that footings, posts, walls or concrete slabs be located or altered or deepened so that they do not impact on the sewer main, or that alterations are required to EGW's works to facilitate the property owner's proposed activities.
- 4.10 Where approval is granted, any and all costs associated with the structure, including any and all conditions imposed by EGW, are fully at the property owner's cost.
- 4.11 Where approval is granted, EGW accepts no liability whatsoever for any impacts that the existence and normal operation and maintenance of EGW's works may have on the property owner's structure(s) or works.
- 4.12 Where approval is granted, property owners must agree to indemnify EGW (included with Form No. 089) against actions that may be taken by EGW to gain access to its works, including demolition, removal, etc of the structure, all at the property owner's cost.
- 4.13 Note that where approval is provided by EGW, other permits and approvals may still be required by others (eg Building Permits, Road Management Act requirements, etc). These approvals are fully the responsibility of the property owner.
- 4.14 Final approval and sign-off of an Application for Works Over EGW Structures must be by signature from an EGW Executive Manager or Managing Director.

5. REFERENCES

Section 148, Water Act 1989.

6. REVIEW

This document is reviewed by exception or on a four yearly basis and revised as needed to ensure operational control and compliance with regulations and standards

APPENDIX

Flow Chart – Applications for Consent for Structure/Fill to be Placed Over EGW Works

