

Construction Conditions

Major and minor structures must all comply with the following requirements and will be reviewed as part of the application process.

- 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. This may require deeper footings than structurally required to satisfy the angle of repose.
- Any part of the building, structure (including footings) or works is kept at least 300 mm clear of the underground drain.

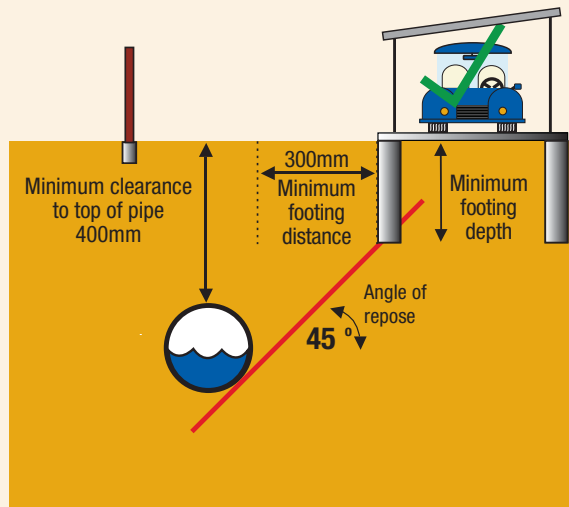


Diagram not to scale

Application process

Application forms are available for download from www.melton.vic.gov.au or can be picked up from customer service in Melton and Caroline Springs.

There may be other services such as sewer in your easement. Approval from all other authorities must be obtained before submitting your application and gaining Council approval.

Applications received will be assessed according to the policy and approved structures will receive an approval letter and stamped plans. Structures that are not approved will be informed via a written response.

This is a general guide. Not all aspects have been covered. Please contact Engineering Services for further information.



For more information contact:

Melton City Council

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Caroline Springs 3023

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www.melton.vic.gov.au

Guide to Building Over Easements



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What is an easement?

An easement is a defined area of land registered on the certificate of title around:

- Power and telephone lines
- Water and sewerage mains
- Natural gas lines
- Drainage pipelines
- Other cables and substations.

The organisations who maintain these services have the right to control how the land in the defined area is used. Even if the land is privately owned, they have access rights if maintenance is required on their assets.

What is a build over easement agreement?

An agreement between Council and the property owner is entered into upon the consent to build over an easement to protect Council's continuous right of access. This can be a standard build over easement agreement or a Section 173 agreement that records the same agreement onto the property title.

Council's Objectives

- To meet our obligations in the Building Act 1993 and the Building Regulations 2006 as a "service authority"
- To ensure access to junction pits is maintained
- To ensure no additional load is placed on pipes
- To ensure Council's interests will be protected by way of agreements binding on current and future property owners.

What factors are considered?

- What's in the easement
- Size of pipe
- Future access to pipe
- Type of structure proposed.

Council classify approved structures into two categories:- Minor and Major

For "**minor works and structures**" (as defined below) the owner is required to enter into a standard Build Over Easement Agreement.

For "**major 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. 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. This is a lengthy and expensive process.

Minor and major structures are categorised in the following section:

Minor

- **Timber fence**
- **Brick fence** perpendicular to easement provided no load is transferred to Council's drain
- **Internal Services** i.e. down pipes, sewer pipes
- **Stand alone outbuildings** of light weight materials and steel frame with a floor area of less than 23 square metres such as a steel shed
- **Cut or Fill** – Minimum 400mm cover to overt (top) of pipe
- A simple **open carport** i.e. with a flat steel roof, flat frame and steel or timber posts
- Simple **timber decking** structure on timber stumps
- **Eaves** where there is a minimum height from ground level of 2.2m
- **Rain water tank** (not concrete) provided that load is not transferred to Council's drain i.e. must be on a structural platform

- 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
- **Paving, concrete or asphalt** for pedestrians and vehicles
- **Pool surrounds** provide it is not part of the pool structure.

Major (Requiring a Section 173 agreement)

- **Brick garages, workshops or outbuildings**
- Stand alone outbuildings of light weight materials and steel frame with a **floor area of greater than 23 square metres** such as a steel shed
- **Major timber structures** that don't fall within the minor category
- Any **structure over a Legal Point of Discharge (LPD)**
- **Above ground swimming pools.**

Non-Permissible Structures

Council will **not permit the following** in any easement whatsoever: -




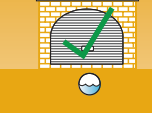
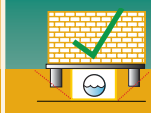



- Any part of a habitable dwelling
- Any structure under the same roofline as the habitable dwelling
- In ground Swimming Pools
- Structures containing sewer fixtures within the easement
- Industrial buildings
- Any structure over or within 1m of a stormwater access pit
- Strip footings, only pad footings are allowed.

Permissible Structures

All structures or works over an easement require build over easement approval.

Generally approved structures are portable and light weight.

If there are no assets in the easement and the easement it is not required for future use some exemptions as to what is approved may be considered.

NO	NO	NO	Require 173 agreement	YES	YES	YES	YES
							
Habitable structures	Structures under the same roofline as the habitable dwelling	In-ground swimming pools	Brick garages	Brick or timber fences crossing	Removable carports	Concrete driveways and pavers	Sheds