



Water Supply and Sewerage Easements Policy

1 Policy statement and purpose

The Policy outlines Gippsland Water's requirements with regard to creation of easements, width of easements and rectification of non-conforming easements for sewer mains up to DN 225 and water mains up to DN 600 and should be read in conjunction with the references detailed below in Section 4.

2 Responsible officer

The Manager Property Services is responsible for the implementation and maintenance of the policy. It is authorised by the General Manager Customer Service and Communications.

3 Key definitions

- "Certification Referral" – means the definition in the *Subdivision Act 1988*.
- "IS" means – inspection shaft.
- "MH" means – manhole.
- "MC" means – maintenance chamber.
- "SW" means – storm water
- "Planning Permit Referral" – means the definition in the Planning and Environment Act 1987 "Sanitary drain" - means the definition in the Water (Estimation, Supply and Sewerage) Regulations 2014.
- "third party easement" – An easement created by agreement between a developer and a private landowner, in favour of Central Gippsland Region Water Corporation, over a neighbouring property.

4 References

- *Planning and Environment Act 1987*;
- *Subdivision Act 1988*;
- *Water Act 1989*;
- Melbourne Retail Water Agencies Edition Water Services Association of Australia Codes;
- Gippsland Water's Supplements to Melbourne Retail Water Agencies Edition Water Services Association of Australia Codes;
- Gippsland Water's Land Management Policy COR/09/992).

5 Application

5.1 Creation of Easements

Easements shall be created over all new assets constructed by or for Gippsland Water where the assets are not located within road reserves or Crown Land.

Where easements are created in a plan of subdivision the easements shall be created in favour of Central Gippsland Region Water Corporation and be described as easement for “pipeline or ancillary purposes” pursuant to s.136 of the Water Act 1989 (or any successor legislation). Such easements are to be appropriated on a Plan of Subdivision and Certified by Council prior to Practical Acceptance of the works or consent to the issue of a Statement of Compliance to the subdivision.

Where easements are created in freehold land, whether by Gippsland Water or a land owner the easements shall be created in favour of Central Gippsland Region Water Corporation and be described as an easement for “Water Supply and Sewerage Purposes” or “Water Supply Purpose” or “Sewerage Purpose” in accordance with the Memorandum of Common Provisions AA2378 (COR/15/15445). Such easements are to be registered prior to construction of the pipeline or works.

Easements created by a developer over privately owned land in favour of Gippsland Water are referred to as a third party easement. Such easements are to be created in accordance with the terms and conditions of the Developer Works Deed.

In certain situations, Gippsland Water may require the developer/land owner to provide permanent access to the water supply or sewerage infrastructure. If so, where easements are created in a plan of subdivision, the easements shall be created in favour of Central Gippsland Region Water Corporation and be described as easement for “carriageway” pursuant to s. 136 of the Water Act 1989 (or any successor legislation). Where easements are created in freehold land and not via a plan of subdivision the easement shall be created in favour of Central Gippsland Region Water Corporation and be described as “carriageway purposes” the terms of such easements shall be:

“The Grantor grants to the Grantee and its employees, contractors, agents, and invitees, the full, free and uninterrupted right and liberty for the Grantee at all times to go, pass and repass along the Servient Land for all purposes with or without vehicles.”

5.2 Sewer easements

Easements shall be created for all sewer main extensions however dispensation to create will be given if the following three criteria are met:

1. The extension is in land outside of that to be serviced and is less than five metres in length (including any maintenance structures) and
2. The existing sewer main, is not currently covered by an easement in favour of Gippsland Water, and
3. Gippsland Water has received a formal letter agreeing to the extension occurring signed by the adjoining land owner(s) of the land to be impacted by the extension. This letter must contain a copy of the plan and extent of the works agreed upon.

Table 1 provides the required easement width and offsets for sewer and storm water drain assets on rear and side boundaries for sewer mains up to DN225 and manholes up to 1200 mm diameter.

Table 1. Required easement width and offsets for sewer and drain assets (Reference MRWA-S-111)

Asset Type	Easement width	Sewer offset from property boundary
Sewer + IS or TMS	2.0 m	1.0 m
Sewer + MS, MC, MH	2.5 m	1.3 m
If sewer closer to property boundary		
Sewer + IS + Storm Water (SW) Drain	2.5 m	0.9 m
Sewer + IS + SW Drainage Pit	3.0 m	1.1 m
Sewer + MS + MC + SW Drain	3.0 m	1.3 m
Sewer + MH + SW Drain	3.0 m	1.1 m
If SW closer to property boundary		
Sewer + IS + SW Drain	2.5 m	1.6 m
Sewer + SW Drainage Pit	3.0 m	1.9 m
Sewer + MS or MC + SW Drain	3.0 m	1.8 m
Sewer + MH + SW Drain	3.0 m	2.0 m

5.3 Water easements

Easements shall be created for all water main extensions that are not located in road reserves or crown land regardless of the length of extension.

Refer to Gippsland Water's Supplement to the Water Supply Code of Australia WSA 03-2011-3.1 Melbourne Retail Water Agencies Edition Section 5.4.4.

Preferred easement alignments are as follows:

1. easements should run parallel to cadastral boundaries;
2. across the rear of lots;
3. down the side of the lots;
4. along an agreed alignment e.g. across a park or reserve

In the case of point 4, a site inspection prior to determining the alignment is imperative taking into account:

- a) terrain and improvements i.e. buildings, drains, trees, creeks, etc. and
- b) Contours of land for ease of construction and future access for maintenance.

Where easements are located in parks or reserves, the following conditions shall be considered during the route selection process:

- a) if the main bursts, the anticipated flow should cause minimal damage to adjacent buildings and properties and have a path to be safely channelled away;
- b) suitable vehicle access to the main is available; and

- c) the main is clear of any existing or proposed trees and shrubs.

A main shall be positioned one third of the width of the easement into the easement on the side away from any buildings. In the case of buildings on both sides and where easements run through narrow walkways etc. the main shall be positioned centrally. If there is a cross-fall, the main shall be on the low side.

5.4 Common Property Services

5.4.1 Owners Corporation Subdivisions

When land is subdivided and is affected by an Owners Corporation Section 12 (2) of the Subdivision Act 1988 applies.

The Owners Corporation is responsible for the maintenance of common water and sewer property services

5.4.2 Standard Subdivisions

Where an easement is required to be created over a sanitary drain, a minimum 1.2 metre wide easement is required for "Sewerage Purposes" in favour of the appropriate Lot.

5.5 Planning Permit Referral

When a Planning Permit Application is referred to Gippsland Water for consideration, the following conditions may be required on Gippsland Water's response to Council for inclusion on the Planning Permit:

"Create easements for Pipeline or Ancillary Purposes in favour of the Central Gippsland Region Water Corporation over all existing and proposed water and sewerage works located within the subdivision. The origin should state "This Plan - Section 136 of the Water Act, 1989". When a new easement is required over existing services a plan must be prepared by a licensed surveyor verifying the location of any water or sewer services with respect to title boundaries."

"Create easements for Carriageway in favour of the Central Gippsland Region Water Corporation over required access paths to all existing and proposed water and sewerage works located within the subdivision. The origin should state "This Plan - Section 136 of the Water Act 1989". When a new easement is required over existing access paths, a plan must be prepared by a licensed surveyor verifying the location of these access paths with respect to title boundaries."

"These Easements should be shown on the formal Plan of Subdivision when lodged for Certification."

5.6 Certification Referral

When a Plan of Subdivision is referred to Gippsland Water for Consent to Certification, Gippsland Water will consider the location of the new and the existing assets and will require the appropriate easements to be created or re appropriated or altered to enable protection of these assets. Compensation for creation, altering or re appropriating easements will not be payable by Gippsland Water.

Prior to Gippsland Water consenting to Certification of a Plan of Subdivision, either of the following alternatives is required to be met:

1. For a new development where there are no existing services, Gippsland Water requires design plans showing the extent of the works to be submitted for consideration OR
2. A written proposal, prepared and signed by an accredited design consultant, outlining the extent of the works accompanied by a detailed sketch plan, is required to be submitted for consideration.

5.7 Compliance to Gippsland Water Requirements

Where subdivision of land occurs and Gippsland Water identifies that existing Easements are not sufficient to protect Gippsland Water's assets, the following may be required:

1. Existing Easements to be widened on all titles where the offsets are less than the requirements listed above or
2. In cases where the easement width cannot be altered, the asset may require relocation to meet the above requirements.

6 Review

This policy will be reviewed every three years by the responsible officer.