



# POLICY MANUAL

<b>Policy title:</b>	<b>BUILDING OVER OR NEAR SEWERS AND OTHER UNDERGROUND PIPELINES OR STRUCTURES (PUBLIC ASSETS) POLICY</b>
<b>Policy number:</b>	<b>9.1.6</b>
<b>Objective:</b>	<b>For the protection and access to public assets and to establish the responsibilities of LCC and property owners</b>
<b>Link to community vision/service:</b>	<b>Strategic Planning, Assessment and Construction</b>
<b>Program Area:</b>	<b>Development and Compliance</b>
<b>Policy created: 8/4/2014</b>	<b>Council reviewed: 8/4/2014</b>
<b>Last reviewed by staff: 8/4/2014</b>	<b>TRIM Ref: ED13/32069 &amp; ED16/26845</b>

## 1. Objectives

- 1.1. To provide guidance to property owners, developers and builders regarding construction works over or near sewers and other underground pipelines and structures that are public assets.
- 1.2. To advise customers of the conditions under which easements are created for such works and the conditions that apply to property owners in regard to approvals and restrictions on the land Title.
- 1.3. To aid in the protection of public assets.
- 1.4. To aid in the protection of private assets and the structural integrity of built structures over or near underground public assets.

## 2. Policy Statement

This policy is designed to assist all stakeholders in the building and construction industry and the general public as to what is acceptable practice with regard to development activity that encroaches on public assets and represents potential liability to Lismore City Council to maintain or upgrade those assets.

## 3. Policy

- 3.1. Council will permit, building or construction works over or near sewers and other underground pipelines or structures subject to written approval being granted by Council following proper consideration of applicable Acts, Regulations, Construction Codes and this Policy and accompanying guidelines.
- 3.2. Council strongly recommends that persons intending to undertake works under the NSW provisions for Exempt and Complying Development in proximity to Council infrastructure including sewer mains, to contact Council and obtain relevant advice regarding the application of this policy prior to proceeding with any works. Council reserves the right to exercise its statutory authority as a public authority to ensure protection of public assets, and failure to

observe Council policy in undertaking works or activities may result in Council taking enforcement action.

- 3.3. For access and protection of public assets any development that proposes to undertake construction works over or near public assets and or encroaches on the “zone of influence” of a pipeline or other underground structure requires prior written approval of Council.
- 3.4. The document, Guidelines for Building Over or Near Sewers and other underground pipelines or structures (public assets), herein referred to as the Guidelines, provide comprehensive advice regarding development activities and is to be viewed in conjunction with this Policy. The requirements set out in the guidelines are to be adhered to and considered as applicable to any development. A copy of these guidelines will be made available via Council’s website.
- 3.5. Where Council has determined an application and has permitted work or building works Council may impose conditions to place easements or Positive Covenants or the Title of the Land.
- 3.6. Any work required to comply with this Policy for investigation, design, application, installation and administration of property Title shall be borne by the proponent or property owner.

#### **4. Review and variation of this Policy**

- 4.1 Review of this Policy will be carried out on an annual basis. Minor variations may be required in line with new standards or practices that become available from time to time.
  - 4.2 The General Manager (or his nominated delegate) has delegated authority from Council to vary the provisions of this policy subject to the proper exercise of decision making powers including record keeping of the reasons for decisions.
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