



5. COMPLIANCE

Policy 5.1

BUILDING OVER EASEMENTS

Version 4

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5.1 BUILDING OVER EASEMENTS

OBJECTIVE:

To provide a policy in regard to existing and proposed structures over easements.

POLICY:

1. That no building or structure of any type be permitted to be constructed over water, sewer or drainage easements without the express written consent of the party benefited by the easement .
2. That where existing buildings or structures are found to be located within a water, sewer or drainage easement where Council is the party benefited by the easement, the property owner may be requested to remove the building or structure if and when Council needs to access the infrastructure.
3. That the General Manager is delegated authority to adjudicate any exception to this policy in extreme or unusual circumstances. Extreme or unusual circumstances include:
 - No other reasonable alternative to relocate the structure away from the easement
 - Unreasonable cost to the applicant to relocate the infrastructure and the easement
4. Council staff will review the alignment of infrastructure compared to the documented location of easements whenever reviewing a particular easement and undertake the appropriate actions to correct easement notation if required.
5. Wherever possible new easements for Council infrastructure are to be located in land owned or controlled by the Council.

Maintained by Department:	Economic Development and Environment	Approved by:	Council		
Reference:	Dataworks: Policy Register	Council Policy No:	5.1	Effective Date:	11/5/09
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Attachments:					