

This information sheet provides general advice related to the Shire's requirements for the creation, construction within and removal of Shire drainage easements.

What is an easement?

An easement is a section of land registered on the Certificate of Title providing the Shire (or other parties) a right to access the land for a specific purpose. While the property owner still owns the land, they have given up certain rights on that portion of the land covered by the easement.

When is an easement required?

Easements are commonly created for protecting underground or overhead services such as stormwater drains, sewer or power and to provide rights of carriageway (or right of way).

(Only Shire of Serpentine Jarrahdale stormwater drainage easements will be discussed in this Information Sheet. For enquiries regarding easements as a result of other services, please contact the relevant service authority e.g. the Water Corporation or Western Power).

A Shire of Serpentine Jarrahdale drainage easement may be created for the purpose of:

- Constructing a new drain.
- Maintaining or upgrading an existing drain.
- Possible future requirements for a drain.
- Provision of overland flow paths for stormwater runoff.

Where an existing Shire of Serpentine Jarrahdale drain exists within a property but there is no easement, the Shire still has powers to protect the drain under the ***Local Government Act 1995***.

What can be placed over a drainage easement?

While an easement may not have a significant effect on a property, it is important to note that the Shire will impose restrictions to placing certain structures on an easement. Property owners/developers are advised to check their Certificate of Title and Diagram of Survey for confirmation of any Shire, or other authority easements, when planning to develop or subdivide.

Generally, structures that cannot be removed or dismantled, such as a part of a building, will not be permitted to be constructed along the easement. Consideration should also be given to how retaining walls and fences are placed against an easement. The easement may also influence the type of landscaping and tree selection in its vicinity, as deep root systems may enter the joints and slits of stormwater pipes which could affect the pipes performance.

Although there are restrictions to building over a Shire's drainage easement, some structures can be constructed under certain conditions. These are structures that are lightweight and demountable, for example:

- Carports
- Patios
- Pergolas
- Garden sheds (maximum dimension 3m x 3m)

Contact Us

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- Swimming pool pumps.

What are the conditions for building over a drainage easement?

Constructing of any of the items mentioned above on a Shire drainage easement or over a Shire drain requires prior approval by Council. If approved, the Shire will require that the following conditions are adhered to:

1. The structure/pool pump is to be constructed in such a manner that it can be dismantled should any maintenance works be required on the drainage line.
2. Should access be required along the easement which requires removal of the structure/pool pump, the owner shall dismantle or relocate the item at his or her cost within 48 hours or as required by the Shire. The Shire shall not be responsible for the reassembly of any items that are dismantled.
3. The Shire shall not be held responsible for the reinstatement of footings or paving over the easement and in view of this it is required that brick paving or a maximum 610mm x 610mm concrete slabs be used.
4. No part of any structure is to be constructed over a drainage manhole.
5. For structures requiring footings, the footings along the boundary are to be constructed to a minimum depth outside the zone of influence of the drainage asset as shown in Figure 1 below.
6. For a garden shed, the maximum permitted size of shed is 3m x 3m.
7. For a pool pump, the pump is to be located to minimise pipe lengths within the easement and placed on pavers or slabs no greater than 610mm x 610mm. No part of the swimming pool is to be constructed within the Shire's drainage easement.

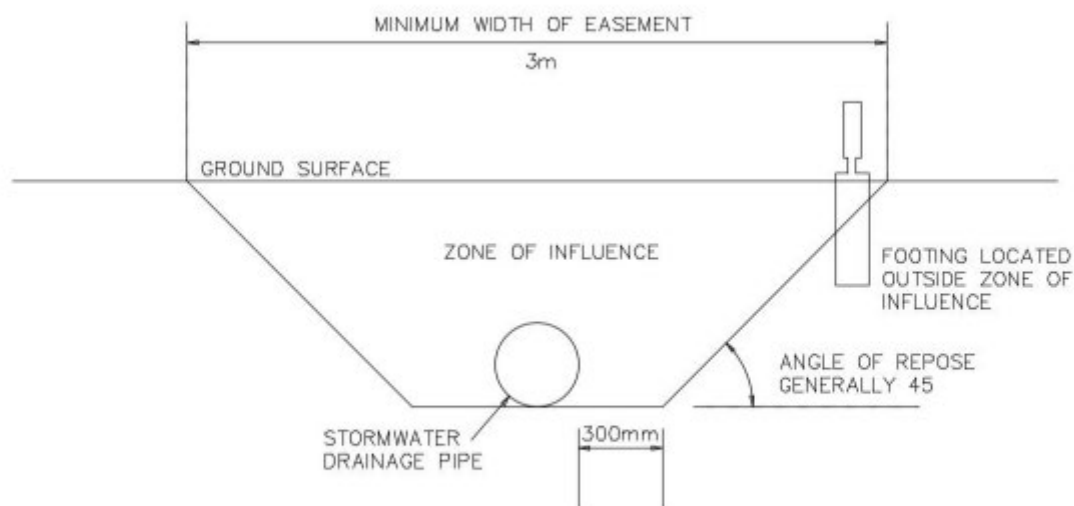


Figure 1

Detail 1: Footing located outside the zone of influence

The above conditions shall also apply to future purchasers of the property and the current owner is to pay for the placement of a notification on their title to advise all future owners of these requirements.



Prior to commencement of any works, the owner is to make application for a building license. The owner is also to acknowledge and agree to abide by the conditions by signing and returning to the Shire a duplicate copy of the letter that will be sent to the applicant stating these conditions when the application is made.

In addition to the above conditions for demountable structures, the Shire requires that the following conditions be adhered to when constructing all new structures:

1. Eaves of buildings are not to overhang the easement by more than 750mm.
2. House services such as, but not limited to, stormwater and wastewater are not to be constructed within the drainage easement.

In which instances will the Shire agree to removal of a drainage easement?

The Shire will support the removal of a drainage easement once it is satisfied that the purpose for which the easement was created is no longer applicable.

In situations where the Shire's road drainage is connected upstream of the stormwater drainage system to which the easement applies, the Shire will reject all applications for the removal of the easement.

In certain cases, a Shire drainage easement may have been placed over a portion of land where no drain currently exists. In these situations, once the Shire is satisfied that the easement is not required, it will agree to its removal on the condition that the applicant processes the legal surrender of the easement via the Shire's solicitors and pays for all costs associated with the surrender.

Who should I contact for more information?

If you require further information regarding our drainage easements, please contact the Shire of Serpentine Jarrahdale on (08) 9526 1111.

The information contained within this information sheet is intended as a guide only. It is recommended that you seek the advice and assistance of the Shire's Engineering Services prior to lodging a planning application.