



LEETON
SHIRE COUNCIL

SEPARATE ATTACHMENTS FOR
ORDINARY COUNCIL MEETING
24 August 2022
7.00PM

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LEETON
SHIRE COUNCIL

DRAFT
**APPLICATIONS FOR THE WAIVING OF
BUILDING AND DEVELOPMENT
APPLICATION FEES**
AUGUST 2022

DOCUMENT CONTROL

RESPONSIBLE OFFICER:	Town Planner				
REVIEWED BY:	Manager Planning Building and Health				
LINK TO CSP/DELIVERY PROGRAM/OPERATIONAL PLAN:	FOCUS AREA 3 – A thriving regional economy – We have a range of housing options that suit the needs of short term and long term residents – Provide planning and development services across the Shire - Provide timely, accurate and professional development services to the Shire.				
DATE ADOPTED:					
ADOPTED BY:	Council				
RESOLUTION NO: (IF RELEVANT):					
FOR PUBLICATION:	<input type="checkbox"/> INTRANET <input checked="" type="checkbox"/> COUNCIL WEBSITE <input type="checkbox"/> BOTH				
REVIEW DUE DATE:	August 2025				
REVISION NUMBER:	3				
PREVIOUS VERSIONS:	DATE	DESCRIPTION OF AMENDMENTS	AUTHOR/EDITOR	REVIEW/SIGN OFF	MINUTE NO (IF RELEVANT)
1	26/6/2013				Res 13/136
2	22/2/2017				Res 17/108

REVIEW OF THIS DOCUMENT

This document will be reviewed every 4 years or as required in the event of legislative changes or operational requirements.

Any major amendments to the document must be made by way of a Council Resolution. Minor amendments such as corrections to spelling, changes to wording for improved clarity, formatting and updates to the Appendixes may be made without approval from the Council.

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1. Purpose

To provide guidelines for the assessment of applications to waive Building and/or Development Application fees for the construction of buildings and facilities for charitable and non-profit organisations.

2. Scope

3. Roles and Responsibilities

The following people have responsibilities under this policy:

- Councillors
- General Manager
- Group Manager – Activation
- Manager Planning Building and Health

4. Definitions

Development Application - An application for consent (under Part 4 of the Act) to carry out development but excludes an application for a complying development certificate.

Development - The *Environmental Planning and Assessment Act 1979*, states that development means:

- the use of land;
- the subdivision of land;
- the erection of a building;
- the carrying out of a work; or
- any other matter act, matter or thing controlled by planning instruments created under the *Environmental Planning & Assessment Act 1979*.

Building - Any structure, other than a manufactured home, moveable dwelling or temporary structure. Erection of a building includes:

- rebuilding, alterations, enlargement or extension of a building;
- placing or relocating a building on to land;
- enclosing a public place in connection with the construction of a building;
- erecting an advertising structure over a public land; or
- extending a balcony, awning or essential service pipe beyond the alignment of a public road.

A charitable or non-profit organisation – for the purpose of this policy is a group or body which provides services and benefits to a broad section of the community and includes private educational facilities and non-private childcare facilities.

Proposed Developments - to be considered for assessment under this policy include buildings and/or facilities that are accessible to community groups and/or are of benefit to the community, for example, school buildings, aged accommodation, church buildings, and accommodation buildings for staff of the organisation or group.

Proposed developments or facilities to be constructed and used on behalf of charitable or non-profit organisations in accordance with the criteria of this policy will be eligible to have Council applied Building and/or Development Application fees normally applicable to the development waived. Fees applied by the NSW State Government cannot be waived by Council and will be applied.

5. Supporting Documents

Local Government Act 1993 – Section 356 – “Can Council financially assist others”

6. Procedure

All requests for the waiving of Building and Development Application Fees are to be written submissions made to Council for consideration at a Council meeting.

Applications will be assessed on individual merit according to the policy stated above.

This policy is to be read in conjunction with Section 356 of the Local Government Act – “Can Council financially assist others?”



LEETON
SHIRE COUNCIL

DRAFT
ONSITE SEWAGE MANAGEMENT
POLICY
AUGUST 2022

DOCUMENT CONTROL

RESPONSIBLE OFFICER:	Manager Planning, Building and Health				
REVIEWED BY:	Group Manager - Activation				
LINK TO CSP/DELIVERY PROGRAM/OPERATIONAL PLAN:	FOCUS AREA 2 – A safe, active and healthy community – 1 Our community is safe to live in and move about – 2.2 – Take action to safeguard public health and safety – Undertake an on-site sewer management inspection program				
DATE ADOPTED:					
ADOPTED BY:	Council				
RESOLUTION NO: (IF RELEVANT):					
FOR PUBLICATION:	<input type="checkbox"/> INTRANET <input checked="" type="checkbox"/> COUNCIL WEBSITE <input type="checkbox"/> BOTH				
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1. Purpose

Councils in NSW are required to approve the operation and monitor the performance of all on-site sewage management systems (OSSMS) within their area under the *Local Government Act 1993*.

Accordingly, as per Section 68 of the Act, an OSSM cannot be operated lawfully without being given an Approval to Operate by the Local Council. An Approval to Operate is issued to the landowner and not to the property.

To achieve this outcome Leeton Shire Council has adopted the Leeton Shire Council On-Site Sewage Management Policy.

There are approximately 2,000 households in the Leeton Shire that use OSSMS for household effluent disposal. These systems vary from conventional septic systems with absorption trenches, septic tanks with evapo-transpiration disposal systems to aerated wastewater treatment systems.

The on-going level of performance of these systems also varies enormously from low risk to high risk which can result in potential serious threats to both public health and the environment. The combination of a flat topography and clay soils in many areas of Leeton Shire can create difficulties with the safe and effective disposal of effluent, especially on small lots during winter.

This Policy will allow all landowners who operate an OSSMS to be confident that their system is safe to the environment and does not cause any health issues, by establishing a protocol of approvals, inspections and management tailored to the location and particulars of each system.

This Policy is underpinned by categorising each OSSMS as a low, medium and high risk system. High Risk systems will be inspected every 3 years and medium systems every 5 years.

The objectives of this Policy are to ensure that all OSSM systems in Leeton Shire to control and dispose of domestic sewage generated on site are approved, installed and operated having regard to:

- preventing the spread of disease by micro-organisms,
- preventing the spread of foul odours,
- preventing contamination of water,
- preventing degradation of soil and vegetation,
- discouraging insects and vermin,
- ensuring that persons do not come into contact with untreated sewage or effluent (whether treated or not) in their ordinary activities on the premises concerned,
- the re-use of resources (including nutrients, organic matter and water),
- the minimisation of any adverse impacts on the amenity of the land on which it is installed or constructed and other land in the vicinity of that land.

The specific outcomes resulting from this Policy are to:

- Establish a database of OSSM systems operating within the Leeton Shire.
- Establish and undertake a risk based regular inspection and monitoring program to ensure that systems comply with legislative requirements.
- Work with the owners and operators of OSSM systems to raise the awareness of their responsibilities and expectations for the operation of OSSM systems within Leeton Shire.
- Ensure that Council's approval criteria for the installation of new OSSM systems and fit for purpose and meet best practice under required legislation.
- Establish an annual OSSMS Approval to Operate Charge to resource this Policy.

2. Scope

This Policy will apply to all OSSMS in the Leeton Shire that hold, process, or re-use or otherwise dispose of, sewage or by-products of sewage and are not specifically regulated under a pollution control license issued by the Environment Protection Authority.

The systems covered by this Policy will include a wide range of public, commercial and domestic sewage management facilities.

The following wastewater treatment devices are all classed as OSSMS:

- Septic tank and absorption trenches.
- Septic tank and evapo-transpiration areas.
- Aerated wastewater treatment systems.
- Septic tank to pump out.
- Dry composting toilets and grey water treatment systems.
- Wet composting toilets and subsurface application systems.
- Septic tank and constructed wetlands.
- Septic tank and soil mound systems.
- Package treatment plants.
- Any other system that stores, treats and/or disposes of sewage and wastewater on-site.

3. Roles and Responsibilities

The management of this policy will be undertaken by the Manager Planning, Building & Health.

4. Definitions

Absorption trench - a designated area where effluent is released into the soil below ground. Typically a long trench at least 10 metres long that is half filled with gravel and topped with soil which relies upon the effluent being absorbed into the ground.

Aerated Wastewater Treatment System (AWTS) - a wastewater treatment process typically consisting of:

- Primary Settling of solids and flotation of scum;
 - Secondary oxidation and consumption of organic matter through aeration;
 - Clarification —additional settling of solids; and
 - Disinfection of wastewater before surface irrigation.
- AWTS require routine servicing, generally 4 times a year, in order to ensure the disinfection is working. Effluent from AWT systems may be disposed of above ground by irrigating lawns and/or garden areas.

De-sludging - Withdrawing sludge, scum and liquid from a tank by a qualified service agent licensed to transport and dispose of liquid waste

Effluent - Wastewater discharging from a sewage management facility.

Evapo-Transpiration bed - a designated area where effluent is released into the soil below ground. Typically a long shallow excavation that has a surface area of at least 100m² over which grass or other suitable vegetation is planted in order to use the effluent.

Groundwater - All underground waters.

Land Application Area - The area over which treated wastewater is applied.

Onsite Sewerage Management System (OSSM) – on site sewage management facility that typically in Leeton Shire is either a septic tank, with or without an adjacent pump out tank or an AWTS.

Pathogens - micro-organisms that are potentially disease-causing include but are not limited to bacteria, protozoa and viruses.

Septic Tank - Septic system: any kind of sewage management system that stores, treats or discharges sewage on or adjacent to the premises on which it was generated. Effluent from septic tanks must be disposed of below ground.

Sewage - the waste matter from premises normally discharged to a sewer.

5. Supporting Documents

Environment and Health Protection Guidelines: On-site Sewage Management for Single Households

These Guidelines assist Council to regulate the installation and operation of OSSM systems.

In accordance with Section 23A of the Local Government Act, guidelines may be prepared and adopted by the Office of Local Government which require Councils' consideration when exercising any of its functions.

The Guidelines address the following areas:

- The regulatory framework of Council's operations, including legislation and development planning;
- The development of a local OSSMS strategies;
- Administration and operational strategies;
- Site evaluation including the site and soil assessment; and,
- System options and the operation of OSSM systems.

Leeton Local Environmental Plan 2014

Leeton Shire Council's LEP 2014 contains several sections that are relevant to, or have implications for, sewage management systems.

Subdivision of land and the erection of dwelling houses within the irrigation areas and zoned RU1 generally requires the creation of allotments of not less than 20 ha for horticultural holdings and 150 ha for land used for agricultural purposes other than horticulture.

Land zoned R2 Low Density Residential and R5 Large Lot Residential permits the subdivision of land into allotments of not less than 4000m² and 4 Ha provided that the created allotment has an area which, in the opinion of Council, is sufficient to enable the disposal, within the curtilage of the allotment, of sullage or other water borne wastes.

Council has resolved that all new dwellings not connected to Council's sewer system must be provided with a minimum effluent disposal area of 300m² and be provided with an approved Aerated Wastewater Treatment System on allotments that are 2 hectares or smaller.

6. Legislation

Local Government Act and Regulations

The following legislative requirements apply to sewage management systems:

- Section 68 of the Local Government Act requires Council approval for the installation, construction, alteration and operation of an on-site sewage management facility. This requirement applies to sewage management systems that do not discharge directly to a public sewerage system;
- Section 124 of the Local Government Act gives Councils the authority to issue orders to rectify or cease matters of non-compliance on a number of issues relating to the operation of an OSSM system;
- Sections 626 and 627 of the Local Government Act establish the offences of operating an OSSM system without approval or in non-compliance with Council's terms of approval; and,

- The Local Government (General) Regulation sets out specific requirements for OSSM system approvals including matters for Councils consideration, performance standards and circumstances where approval is not required.

7. Policy Procedure

Council will undertake the following activities:

- Establish a database of all OSSM systems.
- Conduct a monitoring and inspection program of OSSM systems.
- Establish different risk categories based on the potential environmental and/or public health risk posed by each OSSM systems.
- Issue approvals to operate existing systems.
- Issue approvals to install new OSSM systems.
- Establish appropriate fees for the approval and inspections.

7.1 Risk Determination

Council will classify all OSSM systems as either high risk, medium risk or low risk. High risk systems are those deemed to have the highest potential for failure resulting in significant environmental and/or public health. Medium risk systems have the potential for failure with a lower risk of negative consequences to environmental and/or public health. Systems deemed to be low risk pose minimal environmental and/or public health consequences in the event of a failure.

Criteria to be used in categorising systems into the various risk categories will include:

- Location and size of land.
- System type, design, slope and condition.
- Proximity to other property boundaries and neighbours.
- Proximity to watercourses, irrigation and drainage facilities.
- Maintenance of systems and intervals of de-sludging.
- Physical condition of system and signs of leakage.
- Location in relation to domestic groundwater bore or well.

The principle risk criteria will be based on the condition of the system at the time of the inspection, receipt of any complaints from neighbours and the standard of operation. **GENERALLY** Council will apply Table 1 as a **GUIDE** when applying a risk assessment of OSSM systems. The environmental and operating criteria used to determine the risk level must be satisfied for that risk level. If this cannot be achieved the risk rating will increase.

Risk assessment factors	Level of risk						Points	Notes
	High		Medium		Low			
Area of land	20	Less than 2000m ²	10	Between 2000m ² -4000m ²	0	More than 4000m ²		
Distance to nearest artificial waterbody e.g. swimming pool, canal etc	20	Less than 10 metres	10	Between 10- 20 metres	0	More than 20 metres		
Distance to	20	Less	10	Between	0	More		

nearest natural waterbody		than 50 metres		50 -100 metres		than 100 metres		
Distance from effluent disposal area to nearest downhill boundary	20	Less than 6 metres	10	Between 6-15 metres	0	More than 15 metres		
Landfall/slope	20	Steep More than 15 degrees	10	Medium 5-15 degrees	0	Flat 0-5 degrees		
Distance to nearest domestic groundwater bore or well	30	Less than 50 metres	20	Between 50 -250 metres	0	More than 250 metres		
De-sludging	20	More than 10 years ago	10	5-10 years ago	0	Every 5 years		
Signs of leakage around disposal area or tank	30	Visible leaks, water ponding	10	Dampness, green grass growing around tank or disposal area	0	No signs of leakage, no ponding		
3 monthly service not carried out on AWTS	50	Less than 3 services per annum	20	System serviced 3 x per annum	0	System serviced every 3 months		
Total score								
Risk rating								
High risk	More than 50 points							
Medium risk	Between 30 -50 points							
Low risk	Less than 30 points							

Table 1: Generic Risk Assessment Criteria for On Site Waste Management Systems (Guide)

Once each OSSM system has been given a risk assessment, compliance inspections will be carried out at an interval which is appropriate to the system's risk category and operational status.

Generally high risk systems will be inspected at least once in every 3 years and medium risk systems will be inspected at least one in every 5 years. Low risk systems in continuous ownership will not be subject to any scheduled inspections, unless subject to a complaint. Should the complaint be verified by Council the system's risk assessment may be upgraded.

Every new system will be inspected after the first 12 months of operation to ensure that the system is operating in accordance with the approval and determine the appropriate risk category.

7.2 Improvement Works

All OSSM systems must operate in accordance with the requirements under Part 2.0 Objectives of this Policy. Owners of systems that fail to achieve the required performance standards or operating conditions will be required to upgrade their OSSM systems in accordance with Council's requirements.

7.3 New Installations

An application for approval to install or construct or alter an OSSM system must be made to Council and approved before any work may commence.

Applications must provide the following information;

- A plan to scale indicating the location of the OSSM system proposed, the effluent application areas, any buildings or facilities or environmentally sensitive areas within 100 metres of the sewage management facility or effluent application areas and any related drainage lines or pipe work.
- Full specifications of the OSSM system proposed to be installed.
- A statement of the number of persons residing or probable number of persons to reside on the premises and such other factors as are relevant to the capacity of the proposed sewage management facility.
- Details of the operation and maintenance requirements of the proposed system, the proposed operation, maintenance and servicing arrangements intended to meet those requirements and the action to be taken in the event of a breakdown in, or other interference with its operation.

7.4 Change of Ownership

The approval to operate an OSSM system is issued to the owner of the property, not to the property itself. When a property is sold the new owner is responsible for lodging a change of ownership application form with Council and paying the Approval to Operate an Onsite Waste Management system within 3 months of the date of transfer.

7.5 Fees and Charges

The fees and charges issued by Council for the approval to install and operate OSSM systems are issued to the owner/occupier of property. Fees and charges relevant to OSSM approvals and inspections are included in Council's Operational Plan – Schedule of Fees and Charges. All fees and charges are issued in accordance with Section 608 of the Local Government Act 1993.

The fee system has four separate parts:

- **Fees for Approval to Operate an OSSM system**

Council will charge an annual service fee under Section 608(2) of the Local Government Act 1993 for an approval to operate a system of sewage management. Section 107A of the Act provides that an application for an approval to operate is deemed to have been made on payment of the service fee. This fee is able to be listed as a separate item in the annual rates notice provided that the fee item and the funds when collected are separately specified and accounted for. It is noted that this a separate service fee and is not an increase to the annual rates.

- **Fees for Performance Standard Compliance Inspections**

Council will invoice landowners each time a High or Medium Risk OSSM system is inspected. If the inspection reveals that the system is failing and requires rectification works, re-inspection fees may apply. There is no initial inspection fee for Low Risk properties however, if there are issues identified during any inspection, re-inspection fees will apply.

- **Fees for the Install of New or Alteration of Existing Systems**

Fees related to Section 68 applications and their associated inspections apply. Application fees are paid up front and further inspection fees will apply.

- **Fees for Change of Ownership**

Council will invoice new landowners to process the change in ownership. This fee includes the approval to operate for the remainder of the current financial year. If an inspection is required, inspection fees may apply.

7.6 Inspection Regime

The goal is to undertake between 40 and 60 inspections per year

8. Education

Council will undertake an educational role with an objective of raising awareness on the obligations of the owners and operators of OSSM systems. This will involve online resources and printed information that will be made available at Council offices and during inspections.



LEETON
SHIRE COUNCIL

DRAFT

SWIMMING POOL POLICY

AUGUST 2022

DOCUMENT CONTROL

RESPONSIBLE OFFICER:	Regulatory Services Coordinator				
REVIEWED BY:	Manager, Planning Building & Health				
LINK TO CSP/DELIVERY PROGRAM/OPERATIONAL PLAN:	FOCUS AREA 2 – A safe, active and healthy community – Our community is safe to line in and move about – Take action to safeguard public health and safety – Undertake backyard swimming pool inspection programs				
DATE ADOPTED:					
ADOPTED BY:	Council				
RESOLUTION NO: (IF RELEVANT):					
FOR PUBLICATION:	<input type="checkbox"/> INTRANET <input checked="" type="checkbox"/> COUNCIL WEBSITE <input type="checkbox"/> BOTH				
REVIEW DUE DATE:	August 2025				
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PREVIOUS VERSIONS:	DATE	DESCRIPTION OF AMENDMENTS	AUTHOR/EDITOR	REVIEW/SIGN OFF	MINUTE NO (IF RELEVANT)
1	25/5/2016				16/082

REVIEW OF THIS POLICY

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1. Purpose

In 2012, a comprehensive review of the *Swimming Pool Act 1992* was finalised. This review identified several amendments designed to enhance the safety of children under the age of five years around private swimming pools in NSW.

The *Swimming Pools (Amendment) Act 2012* commenced on 29 October 2012 and makes a number of amendments to the *Swimming Pools Act 1992*: This policy captures the impact of these legislative amendments for pool owners and ensures that council meets all of its required legislative requirements.

The objectives of this policy are to ensure Leeton Shire Council:

- Meets its legislative responsibilities.
- Provides pool owners with the appropriate information relating to their own responsibilities.
- Provides the opportunity for children to enjoy safe leisure environments.

2. Scope

This policy applies to all swimming pools (both indoor and outdoor) and spas that are situated, or are proposed to be constructed or installed, on premises on which a residential building, a movable dwelling or tourist and visitor accommodation is located but does not apply to swimming pools and spas that are situated, or proposed to be constructed or installed, on any premises occupied by the Crown or by a public authority.

3. Roles and Responsibilities

- Manager Planning Building & Health
- Regulatory Services Coordinator

4. Definitions

Act relates to the *Swimming Pool Act 1992*.

AGL means 'Above Ground Level'.

Authorised officer means an authorised officer appointed under section 27.

Barrier means a fence or a wall, and includes:

- a. any gate or door set in the fence or wall, and
- b. any other structure or thing declared by the regulations to be a barrier for the purposes of this Act.

Certificate of compliance means a certificate issued under section 22D.

Existing pool means a swimming pool whose construction had commenced prior to 1/8/1990.

New pool means a swimming pool whose construction or installation had commenced after 1/8/1990

PIN means 'Penalty Infringement Notice'.

Swimming pool means an excavation, structure or vessel:

- a. that is capable of being filled with water to a depth greater than 300 millimetres, and
- b. that is solely or principally used, or that is designed, manufactured or adapted to be solely or principally used, for the purpose of swimming, wading, paddling or any other human aquatic activity and includes a spa pool or tub but does not include a spa bath situated in a bathroom.

Register means the Register of Swimming Pools under section 30A.

5. Supporting Documents & Legislation

This policy has been created to promote compliance with:

- *Swimming Pool Act 1992 & Swimming Pools (Amendment) Act 2012*
- *Swimming Pools Regulation 2018*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- Australian Standard 1926 -1986
- Australian Standard 1926.1 – 2007 & 2012
- Australian Standard 2783 – 1992
- Australian Standard/NZS 1838 – 1994
- Australian Standard/NZS 1839-1994
- *Local Government Act 1993*
- *Environmental Planning and Assessment Act 1979*

6. Policy Procedure

6.1 Approvals in general

Prior to constructing or installing a pool, an applicant must obtain either:

- A development consent and associated construction certificate, or
- A complying development certificate.
- A complying development certificate can be issued where the proposed pool complies with the criteria listed within the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.
- A BASIX Certificate must be provided with any application for the installation of any pool where the capacity is 40,000 litres or more. The details provided on this BASIX Certificate are to be reflected on the plans. These details are to be carried out for the pool, for example: BASIX Certificate reflects that the pool is to have a pool cover; this is then checked prior to Council issuing a Final Compliance Certificate.
- Applications for swimming pools must generally be accompanied by a site plan showing measurements of where the location of the pool is in relation to all other buildings and all boundaries on the property.
- An application to install a new swimming pool must include a plan showing the location and height of the required child-resistant barrier and gate, complying with AS 1926.1- 2012.
- The location of the proposed pool pump must also be indicated on plans.
- A section through the pool indicating the height of any coping or decking in relation to the ground level or dividing fences to ascertain any privacy issues that may exist.
- All plans are to be legible and to a suitable scale e.g. 1:100.

6.2 Structural

A pool construction site or pre-fabricated pool shall comply with the relevant Australian Standard including:

- AS 2783 – 1992 – use of concrete for swimming pools.
- AS/NZS 1838 – 1994 Swimming Pools – pre-moulded fibre-reinforced plastics – design fabrication.
- AS/NZS 1839-1994 Swimming Pools – pre-moulded fibre-reinforced plastics – installations.

Where a pool is constructed of reinforced concrete it shall be finished with a suitable surface and shall be designed by a practising structural engineer.

6.3 Existing Swimming Pool Fencing Requirements

All swimming pools are assessed against the regulations in place at the time of construction, this includes exemptions applied to small properties less than 230m², large properties 2 hectares or greater in size and water front properties. Any alterations made to a child-resistant barrier will however require the proposed works to be completed in accordance with the most current regulation.

6.4 Private Swimming Pool Requirements

6.4.1 Water Quality

- a) The pool must be provided with filtration equipment that will maintain the water in a clean and hygienic condition and compliant with the installation requirements of AS 1926.3-2010 Water recirculation systems.
- b) Water quality for spa pools shall be in accordance with AS 2610.2-2007 Spa Pools – water quality.
- c) Water quality for swimming pools must be in accordance with AS 3633 – 1989 Private swimming pools – water quality.

6.4.2 Backwash/Used Water Disposal

All backwash, used water or waste pool water must be discharged to the sewer or where sewer is not available, these waste waters must be disposed of on-site in accordance with the relevant provisions of AS 3500 Plumbing and drainage, provided they do not enter a water course or an adjoining property.

Note: A Section 68 Activity Approval is required for all sewerage works in accordance with the *Local Government Act 1993*.

6.4.3 Position of New Swimming Pools

- a) A pool is to be located a minimum of 1 metre from its vertical water line to a side and/or rear boundary (this must be a clear space).
- b) A minimum 1.5 metre clear space must be provided from the vertical water line to at least one internal side boundary.

7. Exemptions

An application may be made by the owner of the land under Section 22 of the *Swimming Pool Act 1992* and *Swimming Pools (Amendment) Act 2012* for an exemption from complying with the requirements of the Act if:

- a) It is impractical or unreasonable for the swimming pool to comply with those requirements
- b) An alternative provision, no less effective than those requirements, exists for restricting access to the pool.
- c) Any such application must be in writing and accompanied by the prescribed fee (refer to section 13 of the Regulations).

Note: 1. Exemption sought to allow access to the pool to be gained via a doorway *will not* generally be considered.
2. The automatic exemptions for new pools on very small, large and water front properties ceased on 1 July 2010.

8. Pool Decks, Privacy Screens, Shade Structures and Pump Sheds

8.1 Required Approvals

Prior to constructing any deck, privacy screen, shade structure, or pump shed (other than those deemed "exempt") an applicant shall ensure that a Development Approval and a Construction

Certificate approval or a Complying Development Certificate approval is obtained. Approval for such may be obtained with the application for the pool installation.

8.2 Design Requirements

Privacy screening should generally be designed with the following features:

- It may be trellis, fence or panel. Dividing fences may be used with agreement of the adjoining neighbour,
- It should be behind the building line, and
- It must be structurally adequate.

Note: No part of any privacy screen shall be constructed within the 900mm climbable free zone of any child resistant barrier.

8.3 Access to Pool Pump Sheds

Access is not permitted to a pool pump shed from inside the child resistant barrier.

9. General Information

9.1 Aboveground Swimming Pools

Above ground pools must be provided with an effective child-resistant barrier in accordance with AS 1926.1-2012. The walls of the pool will not be considered by council as forming part of an effective barrier.

9.2 Spa Pools

Spa pools may either be surrounded by a child-resistant barrier or covered or secured by a child-safe structure (such as a lockable door, lid, grille or mesh) that is fastened to the spa by a child resistant device/lock at all times when the spa is not in use.

9.3 Indoor Swimming Pools

The access doorways to indoor pools must be kept securely closed at all times and are to be fitted with approved closers and latching devices, as outlined in the *Swimming Pools Act 1992*, the Regulations under the Act, and AS 1926.1-2012.

10. General Safety, Health & Amenity Requirements

10.1 Safety Requirements

- a) During construction, and prior to the erection of the child-resistant barrier, the pool must be surrounded by a temporary fence to the dimensions provided in AS 1926.1-2012.
- b) Adequate means of egress from the pool must be provided ladder/steps.
- c) A resuscitation sign depicting resuscitation methods must be displayed and maintained in a prominent position adjacent to the pool. Such posters can be obtained from the Royal Life Saving Society or pool installation companies.
- d) Any pool chemicals shall be stored and handled in accordance with manufacturer's instructions.
- e) The pool area within the child-resistant barrier shall be design so that users can be easily viewed at all times from outside the enclosed space.
- f) No enclosed or semi-enclosed structures are permitted in the pool area.

Note: Should any inconsistency occur between this guideline and AS 1926.1, the Australian Standard shall prevail

10.2 Noise Control

Any potential noise generating equipment must be located or treated to not cause a noise nuisance to neighbours.

10.3 Fencing of New Swimming Pools - Compliance with AS 1926.1-2012

- a) A child-resistant barrier, complying with the requirements of the *Swimming Pool Act 1992*, *Swimming Pools (Amendment) Act 2012* and AS 1926.1-2012 must be installed and maintained whilst the pool remains on site.
- The gate must latch from any open position without the need for manual assistance. The gates must be kept closed at all times. The self-latching mechanism must be either located a minimum of 1.5 m AGL OR a minimum 150 mm below the top of the fence on the inside and shielded so that no opening greater than 10 mm occurs within an area bounded by an effective radius of 450 mm from the latch release.
- b) Gates incorporated in a child-resistant barrier must:
- Open away from the pool area.
 - Be fitted with a self-latching mechanism located a minimum of 1.5 m AGL OR a minimum 150mm below the top of the fence on the inside and shielded so that no opening greater than 10 mm occurs within an area bounded by an effective radius of 450 mm from the latch release.
 - Close from any open position and engage the latch without use of manual force from any position.
- c) Each child-resistant barrier must be approved by Council's Building Surveyor or a Private Certifier prior to the use of the pool.
- d) Boundary fences may be used as effective child resistant barriers provided they comply with AS 1926.1- 2012. In essence the boundary fence must be a minimum 1800mm high with a non-climbable zone on the inside at a distance of 900 mm from the top of the fence.
- e) Windows may open to a pool area provided:
- The window is fitted with a permanently fitted security screen preventing access from the window, or
 - The window is installed so that it is only able to be opened to a maximum of 100mm, or
 - The sill of the lowest openable portion is greater than 1800 mm above ground level in the pool area.
- f) The rails to any fence intersecting with the child resistant barrier must be shielded from the bottom of that fence to a height of 1200mm, for a distance of 1200mm on the outside of the pool area and 300mm inside the pool area, to maintain the non-climbable zone.

11. Additional Information

The following clause is from State Environmental Planning Policy (Infrastructure) 2007 and determines the circumstances requiring Council to notify Essential Energy of the construction or installation of a swimming pool.

11.1 State Environmental Planning Policy (Transport & Infrastructure) 2021

Clause 2.48 - Determination of development applications—other development

This clause applies to a development application (or an application for modification of a consent) for development comprising or involving any of the following:

- a) the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower.

- b) development carried out:
 - i. within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
 - ii. immediately adjacent to an electricity substation.
 - iii. within 5m of an exposed overhead electricity power line.
- c) installation of a swimming pool any part of which is:
 - i. within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level.
 - ii. within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool, (d) development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned.

Before determining a development application (or an application for modification of consent) for development to which this clause applies, the consent authority must:

- give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks.
- Take into consideration any response to the notice that is received within 21 days after the notice is given.

11.2 Swimming Pool Registration Requirements

All Swimming pool owners in NSW are required to:

- a) Register their swimming pool on the state-wide on-line register at www.swimmingpoolregister.nsw.gov.au
- b) Self-assess and state in the register that, to the best of their knowledge, their swimming pool complies with the applicable standard when registering their pool. A copy of a self-assessment checklist applicable to the time the pool was built can be downloaded from the website.

Any owners of an un-registered swimming pools will be notified and given 60 days by council to complete the registration. Failure to complete this will result in council registering the swimming pool on their behalf and issuing a Penalty Infringement Notice.

11.3 Sale and Lease for Properties with Swimming Pools

From 29 April 2016, properties sold with a swimming pool must now have either a relevant occupation certificate, 'certificate of compliance' or a 'certificate of non-compliance', issued from the NSW Swimming Pool Register. This means that from 29 April 2016:

- a) The vendor of a property (with a swimming pool) is able to transfer the requirement to make a pool barrier compliant, to the purchaser. The transfer will be realised through the attachment of a 'certificate of non-compliance' to the contract for sale. Sales of properties with compliant pools will continue to require a 'certificate of compliance'.
- b) The purchaser of a property (with a swimming pool) has 90 days from the date of ownership transfer to address any issues of non-compliance in relation to the swimming pool barrier or be subject to current penalties.
- c) Properties with more than two (2) dwellings are exempt from the requirement to provide a compliant pool barrier on sale or lease as they are already regulated by mandatory three (3) year inspection programs.
- d) Properties with two (2) dwellings or less are required to have a certificate of compliance before entering into a lease.

11.4 Mandatory Swimming Pool Inspection Program

- a) Council will undertake swimming pool compliance inspections on all tourist and visitor accommodation as well as premises with more than 2 dwellings, on a once in every three (3)

year basis.

- b) For all private swimming pools, subject to resources, council will undertake 50 compliance inspections per calendar year.
 - Priority of inspections will be made to those pools older than 10 years as well as any without a final certificates.
- c) Council will issue a compliance certificate after an inspection which finds a pool barrier compliant with the requirements of the legislation. Swimming pool compliance certificates are valid for three years.
- d) As a result of audit inspections, properties identified as having pool safety issues (fencing, etc) are:
 - Firstly, issued a 30 day outstanding works rectification letter.
 - Following this, a re-inspection occurs and if compliance is not achieved the owner is then served with notices to ensure that they comply with the applicable swimming pool legislation.
 - Penalty Infringement Notices can also be issued and/or Court action taken.
- e) An appropriate fee in accordance with the Council's adopted Operational Plan in force at the time will be charged for the inspection and for any first and second subsequent re-inspections with all invoices being issue to the owner.



LEETON
SHIRE COUNCIL

DRAFT

**BUILDING IN THE VICINITY
OF SEWER & TRUNK WATER MAINS
GUIDELINES**

AUGUST 2022

DOCUMENT CONTROL

RESPONSIBLE OFFICER:	Manager Water and Waste Water				
REVIEWED BY:	Senior Management Team				
LINK TO CSP/DELIVERY PROGRAM/OPERATIONAL PLAN:	FOCUS AREA 4: A quality environment – 3 – Provide sewerage systems and services in urban areas – Operate and maintain sewage treatment and effluent discharge plants and reticulation services at Leeton, Yanco and Whitton				
DATE ADOPTED:					
ADOPTED BY:	Council				
RESOLUTION NO: (IF RELEVANT):					
FOR PUBLICATION:	<input type="checkbox"/> INTRANET <input type="checkbox"/> COUNCIL WEBSITE <input checked="" type="checkbox"/> BOTH				
REVIEW DUE DATE:	August 2025				
REVISION NUMBER:	1				
PREVIOUS VERSIONS:	DATE	DESCRIPTION OF AMENDMENTS	AUTHOR/EDITOR	REVIEW/SIGN OFF	MINUTE NO (IF RELEVANT)
1	2017	New Policy			

REVIEW OF THIS POLICY

This document will be reviewed every 4 years or as required in the event of legislative changes or operational requirements.

Any major amendments to the document must be made by way of a Council Resolution. Minor amendments such as corrections to spelling, changes to wording for improved clarity, formatting and updates to the Appendixes may be made without approval from the Council.

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1. Purpose

The purpose of Leeton Shire Council's Building in the Vicinity of Sewer and Trunk Water Mains Policy is to:

- protect existing and future assets, both privately and corporately owned, from potential damage caused by improper construction of civil structures.
- formalise the requirements of developers and/or Leeton Shire Council allowing access for repairs, upgrades and inspection of Leeton Shire Council assets and who is subject to the associated costs.

2. Scope

This policy applies to any development that is built in the vicinity of Leeton Shire Council water and sewer assets. Descriptions of such developments are located in section 7.6.

3. Roles and Responsibilities

John Pearson – Manager Water and Wastewater
Ryan Sharman – Water & Wastewater Engineer

4. Definitions

CCTV – Closed Caption Television
WSAA – Water Services Association of Australia
ZOI – Zone of Influence
BCA – Building Code of Australia
Council – Leeton Shire Council

5. Legislation and Supporting Documents

Building in the Vicinity of Sewer and Trunk Water Mains Guidelines, 2019 – Water Directorate Australia
WSA02 – Gravity Sewer Code of Australia

6. Building in the Vicinity of Sewer Mains

6.1 Consideration of build over sewer requests

Any application to Leeton Shire Council to build adjacent/over sewer mains will only be considered if the alternative options outlined below are found to be not viable.

Leeton Shire Council's approach to 'Build in the Vicinity of Sewer' requests is as follows:

- Relocate proposed structure
- Relocate Utility's affected assets
- Provide protection measures and build over/adjacent to asset

It is the developer's responsibility to investigate and document the above options, in consultation with Leeton Shire Council. Some guidance regarding the above options is provided below.

6.1.1 Relocation of proposed building

In all instances the first option considered should be the relocation of the proposed building away from the existing sewer assets.

If this is not feasible due the position of the sewer main on the property adversely restricting the use of the land relocation of assets may be considered.

6.1.2 Relocation of assets

Leeton Shire Council will only consider relocation of existing sewer assets if the applicant can demonstrate that building away from the sewer adversely restricts the use of the land. Any relocation works need to ensure all required design standards (cover, grade, position) are still met and that the capacity or functionality of the assets is not reduced. All costs associated with the relocation of assets are to be funded by the Developer/Applicant.

Relocation - gravity mains (\leq 150mm Diameter)

Where approval to relocate a sewer is granted, the Developer/Applicant will be required to submit plans in accordance with Leeton Shire Council design guidelines. Relocating the sewer following approval is required before construction of the proposed building/structure can commence. The applicant will need to liaise with Leeton Shire Council regarding the bypassing of live sewage flows.

Relocation - rising mains

The relocation of sewer rising mains will not be permitted.

Relocation - easements

The Developer/Applicant may be required to acquire/provide an easement in accordance with Leeton Shire Council requirements over a relocated gravity.

6.1.3 Building over sewer

Leeton Shire Council will only consider a building/structure over the sewer main in exceptional circumstances and then only if the applicant can demonstrate that relocating the building/structure and/or relocation of the sewer is not feasible.

The Developer/Applicant shall consider an integrated approach and demonstrate that all associated risks can be managed with marginal costs if building over a sewer main is to be considered and accepted by Leeton Shire Council. All costs associated with the works are to be funded by the Developer/Applicant.

CCTV inspection

Any application to build over a sewer must include the following:

- A CCTV inspection of the subject sewer, prior to and following construction must be undertaken by a contractor qualified and with the necessary experience to do so, or by Leeton Shire Council at the applicant's expense.
- The results of the CCTV inspection are to be submitted to Leeton Shire Council with the application. The inspection may be used as a dilapidation survey, with the developer required to fully fund any repair work required to rectify damage caused by their development.

Results of the CCTV inspection

Depending on the results of the CCTV inspection, Leeton Shire Council may require the Developer/Applicant to:

- Reconstruct the sewer main in its existing location using construction materials as specified by Council and in accordance with requirements set down within Council's Engineering Guidelines for Subdivision and Development and approved plans, or
- Reline the existing sewer main by the engagement of contractors qualified to undertake such work. The name of contractor and the relining technique to be utilised will be submitted to Leeton Shire Council for approval prior to work commencing.
- All works on gravity sewer mains must be completed for the full extent between manholes.

Stormwater flow paths

Typically, existing sewers are located along overland drainage paths. If new buildings are proposed over existing sewers, then the major overland flow path for the site and catchment should be considered to minimise the risk of flooding to existing and future properties.

An integrated approach of water, sewer and irrigation and drainage assets needs to be considered simultaneously.

6.2 Where the policy applies

This building in vicinity of sewer mains policy applies to the following three structure types:

- Heavy or permanent structures
- Lightweight or semi-permanent structures
- Miscellaneous structures (rainwater tanks, driveways etc.)
- High rise development

This policy applies to any development such as the above that is built in the vicinity of LWU assets.

6.3 Category of structure

6.3.1 Category 1 - Heavy or permanent structures

These structures are typically constructed from masonry, brick, steel, timber and concrete and it is neither reasonable nor practical to remove or dismantle the structure for the purpose of carrying out sewer repairs or refurbishment.

Examples of structures in this category include:

- Houses
- Factories
- Warehouses
- Brick garages / workshops
- Structures that are permanently habitable or used as a work place
- In-ground swimming pools

If Category 1 structures are to be built in the vicinity of sewers, the requirements for protection of and access to the existing sewerage network in the following sections must be followed.

6.3.2 Category 2 - Lightweight or semi-permanent structures

These structures are typically of a type of construction that would make it reasonable to remove/dismantle and re-erect if access to the main, by excavation, was required.

Examples of structures in this category include:

- Pergolas
- Garden sheds
- Above-ground pools (restrictions apply)
- Carports
- Timber / fibro / aluminium garages
- Glass houses / ferneries
- Barbecue facilities

These structures must be readily removable in the case of work required to take place on Leeton Shire Council's assets. Asset protection measures as outlined in Section 7.5 may still apply to certain structures within this category.

Any future costs arising from the requirement to remove and subsequently reassemble these structures, as directed by Leeton Shire Council, will be at the full cost of the owner.

6.3.3 Category 3 – Miscellaneous

Structures in this category do not normally require protection of the sewer mains. Structures in this category include:

- Fences
- Driveways (concrete, asphalt, pavers etc)
- Tarmac areas

As long as minimum depth requirements for sewer main have been met, no special protection measures for the sewer main should be required. However, if uncertainty exists in cases of anticipated high loadings or where sewer mains are less than minimum depth advice shall be sought from Leeton Shire Council.

Any special conditions applied to Category 3 structures would be on a case-by-case basis and would include in part a stipulation that any removal and reinstatement of the structures (involved with Council accessing the sewer main) would be at the cost of the owner.

Provisions required for access to the existing sewerage network still apply.

Note that swimming pools are discussed in Section 7.9 and retaining walls are discussed in Section 7.10.

6.3.4 Category 4 – High rise development

The impact of redevelopment with typically high rise buildings with basement car parks on Council's sewerage infrastructure presents numerous design, construction and operational issues in the protection of Council interests.

Section 7.13 identifies the issues and how they are to be addressed through the assessment, design, construction and operational phases to ensure Council's interests are satisfied.

6.4 Construction not permitted

Structures will not be permitted to be built over and/or in close proximity to the following:

- Sewer rising mains, surcharge mains and critical gravity mains (generally all sewer mains of greater diameter than 300mm mains and/or deemed to be excessively deep ie. greater than 3.0m), as determined by Leeton Shire Council.
- Any gravity sewer that, in the opinion of Leeton Shire Council, is in a poor condition. Exposing of the sewer, and/or CCTV may be required prior to construction. This inspection may determine that repair/replacement may be required. Any subsequent repair/replacement work will be at the developers cost.
- Sewer manholes, lampholes, maintenance points and junctions where sufficient clearances cannot be achieved (see Section 7.7).
- No building within Leeton Shire Council easements.

6.5 Asset protection measures

Where construction of any Category 1 or 2 structures will impose a load within an existing sewer assets zone of influence (see Section 7.6), Leeton Shire Council may request the developer to carry out any combination of the following protection measures:

- Concrete encasement
- Piering of foundations

The protection measures may also be required due to other factors affecting the asset such as available cover.

6.5.1 Concrete encasement

Concrete encasement of the sewer main may be requested for the protection sewer mains due to additional loads imposed by the works. Concrete encasement may also be requested if Leeton Shire Council's minimum cover requirements cannot be met.

Any concrete encasement is to comply with the WSA Standard Drawing (SEW 1205) and the following specification:

- Only rubber ring jointed vitrified clay and PVC pipes may be encased in concrete. Permission may also be given to replace other types of pipes with PVC pipes prior to encasement depending upon the location and criticality of the lines.
- In trenches of material other than rock, encasing is to extend 150mm under, on both sides and on top of the pipe barrel. For trenches in rock, encasing is to extend 100mm under the pipe barrel, 150mm on top of the pipe barrel and for the full width of the excavated trench.
- Unless otherwise specified, all flexible pipe joints are to be maintained. The minimum length of the encasement will be the total length of the sewer that is affected plus a minimum of
- 1000mm on each side plus any additional length to ensure encasement starts and finishes at a flexible joint. (Subject to soil conditions and depth of sewer this length may increase).
- If a manhole is less than 2 metres from the end of encasement, as required above, the encasement is to be extended up to the second flexible joint from that manhole.
- Backfilling of the trench with suitable material as per specification must not commence until at least 48 hours after placing the concrete.
- Concrete encasement shall not be poured integral with any other foundation or structure.
- Concrete should be minimum class N20 or N25 where a reinforced concrete design is required.
- Sewer junctions that are permitted to be incorporated in proposed concrete encasement are to be upgraded to a rubber ring jointed junction in order to maintain flexibility at the junction branch.
- Where the encasing of sewers in adjoining properties is required, **written approval** from the adjoining owner to enter the property to carry out the works will be required prior to approval being granted for works to commence.

Example drawings for concrete encasement around sewer mains can be found in Appendix 2, Figures 4 and 5.

All costs associated with concrete encasements are to be borne by the developer. Leeton Shire Council works inspectors must be present when encasement work is being carried out.

6.5.2 Piering of foundations

Piering of the proposed structures foundations may be requested to transfer loads outside an assets zone of influence. A certified design prepared by a suitably qualified and experienced Engineer will be required to accompany foundation designs. The plan shall show the design of all footings, beams and piers and clearly note required clearances, ground levels and nominated soil classifications,

The following requirements apply to foundation piering:

- The building and its foundations are to be designed in such a way that no building loads are transmitted to the utility's sewer and where possible, the pipe can be repaired or replaced at any time without affecting the stability of the building.
- Foundations within an assets zone of influence will require piering to a minimum depth of 150mm below the zone of influence of the affected asset or until solid rock is encountered.

- A minimum horizontal clearance of 1 metre is required between any piers and the face of a sewer main.
- The use of displacement and screw pile construction methods will require approval by Leeton Shire Council and may require additional clearances to existing assets as directed.

6.6 Zone of influence

The 'zone of influence' is an area extending both horizontally and longitudinally along the alignment of an underground asset. This area is considered as that part of the ground where:

- Settlement or disturbance of the ground surrounding the pipe may cause damage to buildings or structures on the surface above.
- Loads from buildings or structures on the surface may have an impact on the buried pipe.

The zone of influence shall be determined by extending a line at an angle of 2 (Horizontal): 1 (Vertical) to the surface, starting from a point 150mm below the invert of the sewer main and half of the trench width measured horizontally from the pipes centerline (Figures provided in Appendix 2, Figures 2 and 3).

It is at Leeton Shire Council's discretion whether to consider a steeper angle of repose (max 1H:1V) for stiff soils (clays etc). Geotechnical investigations and a report from a suitably qualified and experienced Geotechnical Engineer need to be provided by the applicant to support such requests.

6.7 Clearances from access structures

Any proposed structure shall not prevent future access to existing maintenance structures associated with sewerage assets. These include manholes, lampholes/maintenance shafts and sewer dead ends.

A minimum horizontal clearance of 1.5m is required around existing access structures as well as a minimum vertical clearance of 3m. The horizontal setback shall increase to 2m if two or more sides of an access structure are built around. The fourth side must be open and accessible at all times.

6.8 Existing encumbrances

Where structures have been built over an underground pipeline without Council approval then Council may require that the structure be demolished, moved or substantially modified so that it complies with this policy.

Where it is necessary to access an underground line for maintenance or repair work Council will not be held liable for the cost of restoring any illegal structures and the property owner may be charged for extra work required due to the illegal structure.

Where a structure has been given permission previously by Council to be built over a pipeline, then no further extensions, additions or reconstructions will be allowed without further assessment. Council recognises that the existing structure presents a risk to both the building and Council's liability. Therefore Council will assess each structure on its own merit to give permission for additions.

6.9 Swimming pools

6.9.1 Above-ground swimming pool

Above-ground pools without floor decking around the pool, and not constructed of concrete or fibreglass, are considered to be semi-permanent structures that are able to be removed on request to enable access to the sewer.

Special sewer protection provisions are not required for these pools provided that they are placed on the existing natural ground levels and **minimum cover requirements to the sewer**

are met. Clearances to sewer access structures described above still apply. The owner should be advised that all costs associated with removal and reinstatement of the pool for access to the sewer main will be at the owner's cost.

Above-ground pools with permanent decking are considered to be permanent structures and are subject to the conditions outlined in Section 7.9.2.

6.9.2 In-ground swimming pool

In-ground fibreglass pool

The following requirements apply to fibreglass pools:

- A minimum horizontal clearance from the pool to the face of sewer pipe of 1.5m is required.
- If a fibreglass pool is constructed within the zone of influence of a sewer main it should be designed and certified as being self-supporting with foundations founded below the zone of influence.
- No pool shall be located closer than 1.5m to any sewer maintenance structure (manholes etc).

In-ground concrete pool

The following requirements apply to concrete pools:

- Minimum horizontal clearance from the pool to the face of sewer pipe of 1m.
- If the concrete pool is within the zone of influence of a sewer main, then the foundations of the pool shall be founded below the zone of influence (e.g. piers) to ensure the pool is self-supporting.
- No pool shall be located closer than 1.5m to a sewer maintenance structure (manholes etc).

6.10 Retaining walls

The construction of retaining walls is subject to the following requirements:

- Where the footings of a wall would encroach on the zone of influence the wall is to be designed in accordance with Section 7.5.
- Generally, walls more than 1m in height would not be permitted within 1m of the sewer main.
- Minimum cover over the main is to be maintained or an Engineer's assessment is required for protection of the main.
- The wall is to be set back at a minimum of 1.5m from the centre of a sewer maintenance structure.
- A retaining wall less than 1m in height will be permitted over or within the zone of influence without the requirement for an Engineer's design provided that:
 - the wall is at least 3m from an adjoining property or building/structure;
 - The wall would not be subject to vehicle loadings.
- Any retaining wall crossing a sewer main must be supported over the main with a reinforced concrete foundation designed in accordance with Section 7.5 to ensure no loads from the wall are transferred to the sewer main ie. bridging slab foundation.

6.11 Filling over sewer mains

The allowable depth of fill that can be placed over a sewerage main depends on the material type and stiffness class of the existing pipe. Site filling that increases the depth to the main above 2.5m will require an application to Council and subsequent approval. Any application must include certification from suitably experienced qualified civil, structural or geotechnical engineer that:

- The loading imposed will not adversely affect the underlying sewer, or
- The remediation work proposed will prevent any adverse loading on the underlying sewer.

The placing of fill to excessive depths over Council's main is not permitted (5m is a maximum depth for practical access) regardless of the structural capacity of the pipe. No fill is to be placed over sewer manholes and manholes are to be raised in conjunction with any site filling.

Finished lid levels of maintenance structures, relative to ground level, will be advised by Leeton Shire Council based on the land use and prevalence of flooding.

6.12 Excavations over and adjacent to mains

6.12.1 Excavations

Generally, excavations over or adjacent to a sewer main are not to reduce the earth cover over the main to less than the minimum limits as detailed in Council's Engineering Guidelines for Subdivisions and Developments.

Any proposal to reduce cover over a sewer to less than the limits imposed in these guidelines will require an application to Council and subsequent approval. Any application must include, amongst other things, certification from a suitably experienced qualified civil, structural or geotechnical engineer that:

- The loading imposed will not adversely affect the underlying sewer, or
- The remediation work proposed will prevent any adverse loading on the underlying sewer.

6.12.2 Earth embankments

On sloping sites there is potential that earthworks down slope of an existing sewer main could present a risk for land slip or erosion of soil providing cover and/or side support to an existing sewer main.

Any proposed regrading of land immediately down slope of an existing sewer main should be designed with a slope no steeper than 3 (horizontal) to 1 (vertical) to ensure future erosion and/or land slip does not reduce cover and/or support to the existing sewer main. Steeper embankments would be permitted where the embankment is certified by a suitably experienced qualified civil, structural or geotechnical engineer and approved by Council.

Retaining walls may be required to provide support down slope of existing sewer mains if substantial regrading is proposed.

6.13 High rise development

High rise development can present numerous operational challenges for the ongoing operation and maintenance of sewer mains. The developer must consider the following additional items as a minimum.

6.13.1 Sizing

As a requirement, the location of the trunk mains of 300mm Ø and greater (in basement) will not be approved by Council. Where such conflict occurs, the developer will be required to fund and arrange relocation (diversion) of the affected main to avoid such conflicts.

For mains of sizes less than 300mm Ø (in basement), Leeton Shire Council will examine each proposal on a case by case basis and reserves the right to decline approval requiring the developer to relocate (divert) the affected main.

If Council does however approve a particular proposal, Council may also set a range of conditions, as indicated below.

Access to secured/locked complexes or basement car parks

Should sewer mains be located within such areas, access by Council's staff must be available at all times. Details are to be provided that satisfy Council's access requirements.

Leeton Shire Council's access requirements are to be identified in the Strata Management Statement or similar.

Adequate clearances and locations for maintenance access

Where sewers are located in basement car parks, they are to be located to ensure that adequate and clear access is provided all around the sewer for all maintenance and replacement activities.

Adequate and safe clearances are to be provided for maintenance staff from the normal operation of the access to and from basement car parks. This may require the widening of accesses and ramps or the provision of additional sight distance within access areas.

Car spaces may be required to be orientated or located such that unimpeded access is available to the sewer at all times.

6.13.2 Protection

Should there be the likelihood of a vehicle impact to a sewer main, the main is to have adequate protection against such an impact.

The proposed protection type, treatment, strength, etc shall be subject to approval by Council. Should Council consider that the proposed sewer location presents a high likelihood of being impacted; the sewer main may be required to be relocated elsewhere at full cost to the developer.

6.13.3 Design

Any adjustment to sewer mains may have greater implications than solely to the area of the proposed development and as a result, no sewer main invert levels shall be raised. The raising of sewer mains may have significant impacts on the servicing potential of upstream properties.

Horizontal and vertical deflections may be permitted within the structure of the basements (e.g. pipes supported from the roof of the basement etc), however will not be permitted under or embedded in the concrete of the structures. Approved deflections shall not exceed 22.5°. The deflections or sweeping bends are to be provided with cleaning/flushing 'eyes'.

Where sewer mains are proposed to pass through (and out of) structures, the developer shall provide designs that allow for flexibility at joints and differential settlement. Such designs shall be subject to Council's approval.

Consideration shall be given where possible for the effects of any possible future development or redevelopment of adjoining properties.

All designs for Council sewer mains are to be in accordance with Water Services Association of Australia (WSAA).

Internal (domestic) sewer designs are to comply with the requirements of AS/NZS 3500 and the Building Code of Australia (BCA) as appropriate.

Existing manholes where practical is to be retained to provide greater flexibility for maintenance inspection and access.

6.13.4 Construction

Construction of Council sewer mains shall be in accordance with Water Services Association of Australia (WSAA).

Internal (domestic) sewers shall be in accordance with AS/NZS 3500 and the BCA as appropriate. Materials used for sewer work within and adjacent to the structures shall be ductile iron class (Flange) with stainless steel fittings unless otherwise approved.

The work shall provide for joint types and locations so that such joints are easily accessed for replacement/maintenance works with the minimum disruption of the operation of the system.

6.13.5 Safety and Health

All mains are to be clearly and frequently labelled for easy identification.

Additional lighting in basement car parks may be required adjacent to the sewer mains for identification, maintenance and replacement.

6.14 Abandoned mains

Pressure or gravity mains which have been abandoned due to relocation to suit a particular development may remain in the ground providing the abandoned mains are capped to prevent the movement of water. Leeton Shire Council may require certain abandoned mains to be backfilled with grout depending on size, material type and proximity to other structures.

Alternatively, the abandoned mains are to be removed and the trench backfilled and compacted to at least 98% standard compaction. Note that SafeWork NSW requirements will govern the handling of any asbestos cement materials (see also the Water Directorate's *Cutting, Handling and Disposal of Asbestos Cement (AC) Pipe Guidelines*, 2018).

6.15 Planting of trees

Tree roots can penetrate into sewerage pipes through joints or damaged sections of pipes, causing blockages and subsequent overflows. As a result, certain species are not recommended to be planted near sewer mains. A list of the highest risk species is provided in Appendix 1.

6.16 Costs

The Developer/Applicant will be responsible for all costs associated with:

- All investigation and design and any costs associated with seeking approval
- If approval is granted, then any construction costs
- Repairing any damage to a sewer main or associated sewer infrastructure caused by construction over or near an existing sewer.

If Leeton Shire Council decides to upsize a sewer main subject to relocation by a Developer, then a cost sharing arrangement may be agreed to between both parties that reflects the extra costs associated with installing a larger diameter main at the time of relocation by the Developer. Note this may not apply where the upsizing of the pipe is required due to the subject development.

The Developer/Applicant will have no claim on Council for any costs incurred in the event that approval is not granted.

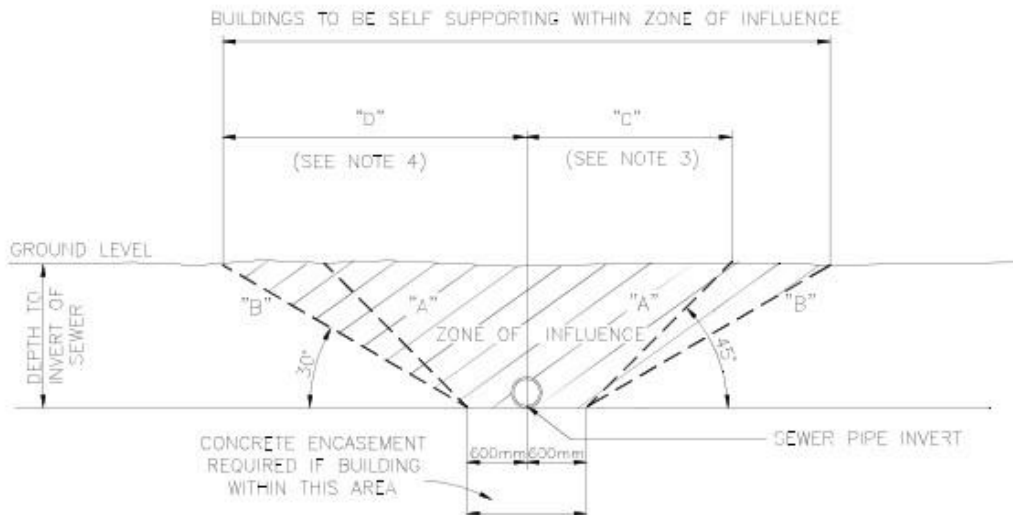
7. Building in the vicinity of Trunk Water Mains

Building in the vicinity of trunk water mains will not be permitted.

Appendix 1 – Plants to Avoid Near Sewer Mains

Botanical name	Common name	Damage rating
Cinnamomum camphora	Camphor Laurel	Extreme
Ficus species	Fig Trees & Rubber Plants	Extreme
Populus species	Poplars	Extreme
Salix species	Willows	Extreme
Erythrina species	Coral Trees	Very High
Eucalyptus species	Large Gum Trees	Very High
Jacaranda mimosifolia	Jacaranda	Very High
Liquidambar styraciflua	Liquidambar	Very High
Araucaria species	Norfolk Island & Bunya Pines	Very High
Brachychiton acerifolium	Illawarra Flame Tree	Very High
Casuarina species	Casuarinas	Very High
Melia azedarach	Australian White Cedar	Very High
Pinus species	Pine Trees	Very High
Platanus acerifolia	Plane Tree	Very High
Schinus molle	Pepper Tree	Very High
Ulmus species	Elms	Very High
Bougainvillea species	Bougainvilleas	High
Cortaderia selloana	Pampas Grass	High
Grevillea robusta	Silky Oak	High
Ilex species	Hollies	High
Lagunaria patersonii	Norfolk Island Hibiscus	High
Ligustrum species	Privets	High
Magnolia species	Magnolias	High
Nerium oleander	Oleander	High
Phoenix canariensis	Canary Island Date Palm	High
Phyllostachus species	Bamboos	High
Toxicodendron species	Rhus Trees	High
Lophostemon confertus	Brush Box, Tristania	High
Wisteria species	Wisteria	High

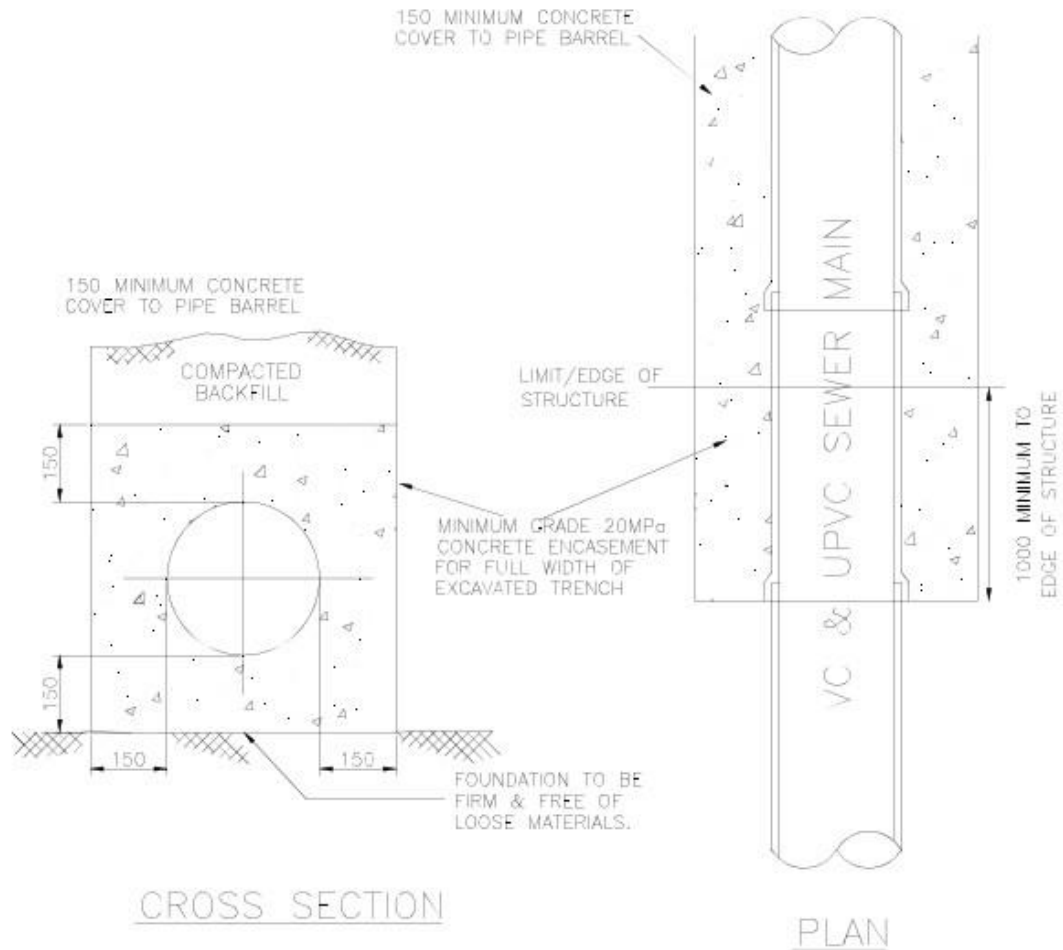
Appendix 2 - Diagrams



NOTES:

1. LINE "A" = ZONE OF INFLUENCE AT 1:1 (45°) FOR SOIL, CLAY ETC.
2. LINE "B" = ZONE OF INFLUENCE AT 2:1 (30°) FOR SAND, LOAM OR FILLED GROUND.
3. DISTANCE "C" REPRESENTS THE ZONE OF INFLUENCE WIDTH FOR 1:1 ZONE.,
 ie. 0.6 METRE + DEPTH TO INVERT. NOTE: FOR LEVEL GROUND ONLY.
4. DISTANCE "D" REPRESENTS THE ZONE OF INFLUENCE WIDTH 2:1 ZONE
 ie. 0.6 METRE + (2 x DEPTH TO INVERT). NOTE: FOR LEVEL GROUND ONLY.
5. ON SLOPING GROUND, DISTANCES "C" AND "D" WILL VARY FOR UPSLOPE/DOWNSLOPE
 EXTENT OF ZONE OF INFLUENCE.

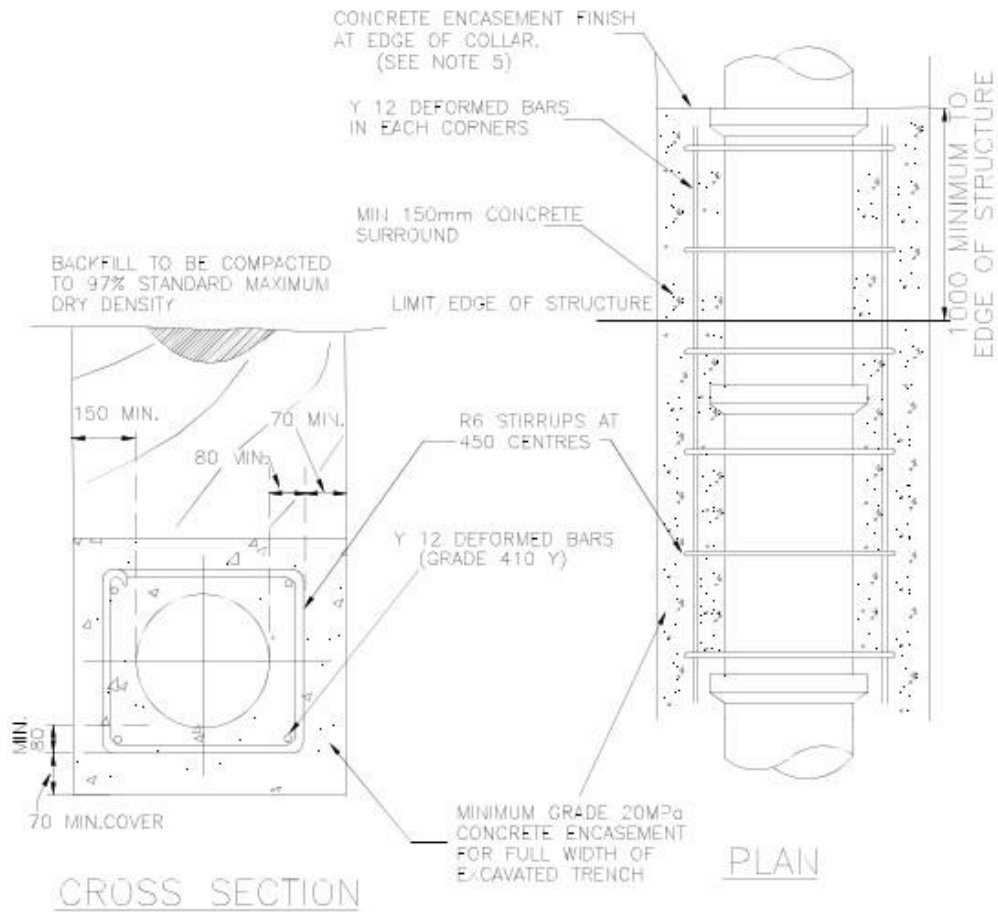
Figure 1 - Zone of Influence



NOTES:

1. ENCASEMENT TO FINISH AT A PIPE COLLAR WHICH IS AT LEAST 1 METRE CLEAR OF THE STRUCTURE.
2. CONCRETE TO BE MINIMUM GRADE 20 mpa & PLACED USING MECHANICAL VIBRATION.
3. WHEN EXPOSING PIPES, PROVIDE TEMPORARY SUPPORT TO PIPE BARREL AT 1500mm CENTRES.
4. PRECAUTIONS SHALL BE TAKEN AGAINST FLOTATION/DEFORMATION OF THE PIPELINE DURING ENCASEMENT.

Figure 3 – Example Concrete Encasement Protection for sewer mains



NOTES:

1. CONCRETE TO BE MINIMUM GRADE 20 MPA AND PLACED USING MECHANICAL VIBRATIONS.
2. MINIMUM REINFORCEMENT LAP LENGTH TO BE 450 mm.
3. MINIMUM CONCRETE COVER TO REINFORCEMENT TO BE 70 mm.
4. REINFORCEMENT TO BE SECURELY TIED WITH ANNEALED WIRE AT ALL CROSSINGS.
5. WHERE THE SEWER MAIN IS TO BE CONCRETE ENCASED, THE ENCASEMENT SHALL EXTEND TO A COLLAR LOCATED NOT LESS THAN 1000m BEYOND THE OUTSIDE EDGE OF THE STRUCTURE.

Figure 4 – Example Reinforced Concrete Encasement Protection for sewer mains



LEETON
SHIRE COUNCIL

DRAFT
**PRIVATE ASSETS ON ROAD
RESERVES POLICY**
AUGUST 2022

DOCUMENT CONTROL

RESPONSIBLE OFFICER:	Group Manager Operations				
REVIEWED BY:	Senior Management Team				
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PREVIOUS VERSIONS:	DATE	DESCRIPTION OF AMENDMENTS	AUTHOR/EDITOR	REVIEW/SIGN OFF	MINUTE NO (IF RELEVANT)
1	26/02/2015	Initial policy adopted			15/041
2	22/02/2017				17/018
3	24/08/2022	Major update to include procedure for leases, licences. Replaces Managing Encroachments on Road Reserves.			

REVIEW OF THIS DOCUMENT

This document will be reviewed every 4 years or as required in the event of legislative changes or operational requirements.

Any major amendments to the document must be made by way of a Council Resolution. Minor amendments such as corrections to spelling, changes to wording for improved clarity, formatting and updates to the Appendixes may be made without approval from the Council.

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1. Purpose

The purpose of this policy is to guide staff and land holders through the application process, establishment, and management of privately owned assets on Council road reserves. This policy is designed to provide guidance and consistency when placing and removing infrastructure on road reserves.

The objectives of the policy are to ensure that private assets are:

- Removed from the road reserve, or
- Subject to Council approval, permitted to remain by the adjoining owner entering into an appropriate agreement with Council to ensure public liability, amenity and road function issues are identified and managed.

2. Scope

Leeton Shire Council is responsible for the provision and maintenance of local roads infrastructure. Under the *Roads Act 1993*, Council owns and controls those road reserves not under the control of TfNSW.

Council must manage the road reserve with regard to the primary purpose of section 5(1):

- a member of the public is entitled, as of right, to pass along a public road (whether on foot, in a vehicle or otherwise) and to drive stock or other animals along the public road, and section 6(1):
- The owner of land adjoining a public road is entitled, as of right, to access (whether on foot, in a vehicle or otherwise) across the boundary between the land and the public road.

The provision of infrastructure within the road reserve must not interfere or inhibit these rights of access.

It is acknowledged that the use of the road must be considered alongside other factors such as economic benefit and social need. This Policy intends to provide a framework to enable such needs to be balanced with the protection of the primary purpose of the road.

3. Roles and Responsibilities

3.1 General Manager

The General Manager has ultimate responsibility for exercising the functions under the *Roads Act 1993* as road manager for Council.

3.2 Group Manager Operations and Manager Roads & Drainage

Council's roads management team is accountable for ensuring road management functions (provision, funding, maintenance, upkeep and renewal) comply with this policy.

4. Definitions

Road reserve – the area of land between property boundaries including roads, lanes, car parks, footpaths, bridges, reserves and nature strips.

TfNSW – Transport for New South Wales.

5. Principles

The policy requires that privately owned assets will be managed to ensure that: there is no loss of public amenity or safety

- future plans for road realignment or footpaths are not compromised and stormwater drainage is not impeded
- the asset is the subject of a legal agreement and where appropriate, is registered on the property title, and
- the asset owner indemnifies Council against any claim made in relation to the asset.

6. Management of Private Assets

6.1 New pipes, culverts and channels across and along roads

Council may be approached by private landowners or businesses to install private pipelines, culverts and channels (assets) across and along public road reserves. Generally, these assets are to be installed on privately owned land.

Where this cannot be avoided (i.e. where a pipeline needs to cross from one property to another across a road) Council's responsibility is to ensure that these assets should be constructed to a high standard and that they do not become a burden to the community through inappropriate location or construction methods. Under these conditions, Council will require (in order of preference):

- a) The landowner to enter into one of the following arrangements where the private asset owner maintains ownership of the asset that is in the road reserve:
 - i. Easement over the road reserve, or
 - ii. Licence agreement to permit the infrastructure to be placed within the road reserve, or
 - iii. Apply to close the road reserve and purchase the land.

6.2 Existing water supply and drainage pipelines, channels and supporting infrastructure

Council may be approached by private landowners or corporations to purchase existing longitudinal assets within the road reserve owned by a private entity/company and identified for decommissioning. In these instances, Council will require (in order of preference):

- a) That the entity decommissions the asset and reinstates the road reserve to its original condition. Council will then accept an application to install an underground privately owned longitudinal asset; or
- b) The landowner to enter into one of the following arrangements where the private asset owner maintains ownership of the asset that is in the road reserve:
 - Easement over the road reserve, or
 - Licence agreement to permit the infrastructure to be placed within the road reserve, or
 - Apply to close the road reserve and purchase the land.

The above options are dependent upon an understanding as to the impact of the water asset on the safety and function of the road (current and future proposed). Council will work through all the above alternatives to seek to facilitate an appropriate outcome in these specialised instances.

6.3 Building/landscaping encroachments

Building and property development and improvement activity over time may lead to infrastructure encroaching into the road reserve. For example:

- a commercial property owner may install a sign on their building façade that enters the road

reserve boundary

- a resident may install concrete pathing or driveway at the front of their property

In these instances, Council will require (in order of preference):

- a) That the encroachment be removed and reinstate the road reserve to its original condition; or
- b) The adjoining landowner or owner of the building to develop an easement over the road reserve at the cost of the land or building owner.

6.4 Temporary structures, encroachments and occupation

Business owners and residents can over time assume occupation of the road reserve (e.g. by using the road or verge outside their property to park business vehicles and plant). This can happen as owner occupied houses become rentals or as home or backyard businesses grow. Temporary parking structures such as concrete or gravel pads tend to be erected within the road reserve to accommodate these vehicles.

- a) In these instances, Council will require (in order of preference):
That the encroachment, structure or vehicles be removed and reinstate the road reserve to its original condition; or
- b) The adjoining landowner or owner of the vehicles enter into one of the following arrangements:
 - If the structure or occupation is short term (i.e. part of road, building or property works for a finite period of time): a licence under Section 138 of the Roads Act, or
 - If the structure or occupation is long term: a licence or lease under Division 2 of the Roads Act.

7. Supporting Documents

Leeton Shire Council Fees and Charges

8. Legislation

Local Government Act 1993
Roads Act 1993
Water Management Act 2000

9. Policy Procedure

9.1 Issuing Leases and Licences over Council Public Roads

There are two types of Lease or Licence that Council as Road Authority can authorise under the Roads Act. Leases and Licences are granted subject to terms and conditions that are set out in the licence agreement and will be subject to the payment of rental. Council cannot grant any Lease or Licence without approval over a road which is a TfNSW road or Crown road.

1. Licence under Section 138 of the Roads Act

A Licence under Section 138 is issued for works and structures on or over a public road and or road reserve. Council cannot issue a Lease for exclusive use under S138 of the Roads Act.

Council will issue a Licence after receipt of an approved S138 application. The S138 application is annexed to the Licence and forms part of the Licence document. Notification and other provisions that are contained under S152 of the Roads Act do not apply to S138 Licences.

2. Lease or Licence under Division 2 – Short-term leases of unused Public Roads Clauses 152-157

A lease or licence under this section of the Act is issued to grant an exclusive or non-exclusive right to occupy and use a road.

The lease or licence under this division must adhere to the following conditions:

- a. Issued only to the owner or lessee adjoining the public road, if in Council's opinion it is not being used by the public.
- b. The term of the lease or licence together with any optional extension period must not exceed 5 years.
- c. State that it may be terminated at any time by the roads authority (Council).
- d. A report should be prepared and Council approval sought for the issue of the Lease/Licence.
- e. Public notice must be published in a newspaper and served on the owner of each parcel of land adjoining the public road.
- f. The notice must give a period for submissions of at least 28 days.
- g. Council may grant the lease or licence only after submissions have been received and the granting of the Lease/Licence must be published in a local newspaper.
- h. Structures cannot be erected or works done under this Lease or Licence. A separate licence under S138 must be issued.

9.2 Closing and Purchasing Council Road Reserves

Councils may close road reserves that are not required as:

- a road for public use (for present or future needs)
- to provide continuity for the road network
- to provide vehicular access to land and another lawful and reasonably practicable access exists

Council recognises that road closures are important where the benefit of incorporating the road within a redevelopment of adjoining land is considered to outweigh the benefit of the public to access the road and public authorities to place and operate infrastructure within the road.

The process for closing a public road reserve is as follows:

1. Confirmation of road status

Before proceeding with the closure process Council requires evidence that the road to be

closed has been gazetted as a Council road. Council outsources this status search to a qualified title searcher who reviews records at Land & Property information. Landholders may engage a title searcher of your choice. If the road is not a Council road or has not been maintained, the closure will be a Crown Land process.

2. Council approval by resolution to close the road reserve

Landholders must submit details of the proposal and evidence of ownership of all adjoining parcels of land. Council will require a map that details ownership and lot and deposited plan numbers for these parcels. If the closure relates to a rationalisation of Murrumbidgee Irrigation (MI) assets a supporting letter from MI will be required to accompany the Council report. A Council Report will then be prepared for Council resolution.

3. Public notification/advertisement of proposed road closure

Once approved by Council notification is sent to adjoining landholders that may be affected by the closure. A notice advising the public of the proposed closing of the public road is published in a local newspaper as a minimum. The notice gives the public and adjoining owners 28 days to respond.

Council must also notify all public authorities of the proposed closure. The response from authorities may take longer than the 28-day period for example Crown Lands will assess the proposal which will take a minimum of 60 days.

Members of the public, adjoining landowners and statutory authorities may object to the road closure. Council must consider all reasonable requests. E.g. adjoining landowners may insist on being granted an easement if it is necessary for their land as a result of the closure, or statutory authorities may require easements to be created over the land for any infrastructure contained within the road.

4. Preparation and registration of a plan of subdivision

Council will engage a surveyor to prepare a road closure plan of subdivision. The plan will identify the area of road to be closed and any easements which the adjoining owners and statutory authorities require. If necessary, Council's solicitors will draft a section 88B instrument to set out the easements required.

The plan of subdivision for the closure will be lodged by Council's Surveyor in conjunction with Council's solicitor. The registration of the plan will create a distinctive certificate of title for the former road. Council will then prepare a notice of the closure in the Government Gazette.

5. Issue of title, valuation and sale of land

Once the Gazette is published, Council must wait a period of 60 days for the Land and Environment appeals process to complete. Subject to no appeals being lodged, Council will then be able to apply for a Certificate of Title and then undertake the sale of the closed road to the landholder. Council will obtain a valuation for the land and instruct its solicitors to prepare a Contract for the Sale of the land at market value to the landholder.

10. Appendix 1 Specific Asset Scenarios

10.1 Fences and gates

Council does not typically support the construction of gates across roads due to the extensive complications which inevitably arise regarding their proper management.

In addition, Council has a responsibility under the Roads Act 1993 to ensure that members of the public can pass along a public road (whether on foot, in a vehicle or otherwise) and to drive stock or other animals along the public road.

10.2 Awnings

- Awnings of flexible material such as canvas are permitted within 450mm from the kerb and a minimum 2.4 metres above footpath level
- When in the fully opened position the retractable awning should be a minimum of 2.4 metres above footpath level.

10.3 Architectural features

- Should be certified as constructed of durable materials compatible with the surface structure to which it is fixed
- Should not reflect sunlight or other light onto the carriageway
- Signage
- Signage above front entry into a premise may project a maximum of 150mm at a minimum height of 2.4 metres above the surface of the footpath
- Signage not setback a minimum of 750mm from the adjacent face of kerb must be at a minimum height of 5 metres from the surface of the road or laneway
- Signage setback 750mm or more from the face of the kerb may be permitted to a minimum height of 2.6 metres above the surface of the footpath
- In a laneway with a narrow footpath, the setback of a sign may be reduced to 450mm from the face of the kerb at a height of 2.7 metres from the surface of the footpath
- The sign and supporting structure should not reflect sunlight or other light onto the carriageway.

10.4 Auto Teller Machines (ATMs)

- ATMs may be permitted to project 100mm maximum to a minimum height of 685mm from the surface of the footpath
- There must be no sharp edges
- The minimum footpath width at the ATM location should be 1.8 metres with a minimum pedestrian passageway of 1.5 metres at any local obstruction, such as a streetlight or tree
- The location of the ATM should be as far as possible away from a street corner (minimum of 3 metres).

10.5 Exhaust ducts and service pipes

- Exhaust ducts and service pipes are not permitted to project beyond the street alignment below 2.7 metres above the footpath surface
- Exhaust ducts and service pipes must be setback a minimum of 450mm from the face of the adjacent kerb, or where located directly over a road or laneway when there is no footpath, the exhaust duct or service pipe is not to protrude more than 300mm
- Exhaust outlets should have a minimum horizontal clearance of 6 metres to any adjoining window or air intake grille above the base of the exhaust grille or outlet.

10.6 Handrails to stairs or ramps

- Handrails must be rounded with no sharp edges
- Handrails must comply with the requirements of Australian Standard (AS) 1428.1. 'Design for Access and Mobility, Part 1: General Requirements for Access – New Building Work.'

10.7 Cladding

- The cladding is adequately drained to a legal point of discharge
- The cladding does not project over the street alignment below a height of 2.5 metres above the footpath
- Above this height the cladding does not project more than 50mm beyond the street alignment
- The cladding does not reflect sunlight or other light at eye level of pedestrians or drivers of vehicles
- Council may approve applications to re-clad existing buildings from ground level where the new cladding projects a maximum of 50mm beyond the street alignment.

10.8 Gas heaters

- The gas heaters may be permitted to project 300mm maximum at a minimum height of 2.4 metres from the surface of the footpath
- Minimum setback from the adjacent face of kerb must be 750mm
- Where no footpath exists or the footway is less than 1050mm wide, the minimum clearance from the surface of the roadway shall be 5.0 metres

10.9 Banners, decoration, and artwork hung over public places

Please contact Council prior to design and construction of any banner, decoration or artwork that will be hung over a public place to discuss material, finish, colour and reflectivity requirements.

The wire or banner has a minimum clearance from the road surface of 5.5 metres at its lowest point and the wire must be removed if not supporting decorations

- The fixings to buildings are to the approval of the building owner and a civil or structural engineer
- The banner is designed by an engineer for the appropriate wind loads
- Any hanging objects do not have hard or sharp edges.

10.10 Temporary structures

Temporary Structures such as road arches, scaffolds, gantries, fences and gates, hoardings or the like require a completed S138 Road Opening/Activity Permit Application.

10.11 Boundary traps

Council requires sewer boundary traps for new buildings to be located within the property boundary. Architects and engineers should be made aware of this requirement so that modifications are made at the planning stage.

Should the building cover the whole of the site, a recess shall be provided in a wall of the building in accordance with the requirements of the relevant sewer authority so the boundary trap can be accessed at all times.

Council will agree to boundary traps being located within the road reserve for buildings undergoing refurbishment, where the shell of the building is to remain intact and where the boundary trap is already within the road reserve.

10.12 Water and fire services

Except in the case of a private fire service, all other valves and branches must be located within the property boundary except for a single valve at the main.

Only isolated stop valves are permitted in the road reserve. All other valves, branches and meters must be located within the property boundary.

The above applies to all new buildings and where reasonably practicable to all new services installed in an existing building.

10.13 Tactile indicators

The tactile indicator requirements can be well adapted to new buildings, as a setback to any proposed stairway, escalator, travelator and ramp can be easily accommodated in the design. However, for existing buildings, where the stairway, escalator, travelator or ramp begins at the street alignment, the retro fitting of tactile indicators will involve the installation of tactile indicators on Council's footpaths.

Council insists on a uniform approach to the installation of ground surface tactile indicators in the road space across the municipality. As such the installation of tactiles will only be approved when they comply with Council's specifications:

- The layout of tactiles must be site specific and mindful of the visual impact of the tactiles in the road reserve
- The tactiles must be designed and installed in accordance with AS1428 Design for Access and Mobility.

10.14 Trees/lawns

Refer to Council's Tree Management Policy.

10.15 Driveways

A completed S138 Road Opening/Activity Permit Application is required to install or remove a driveway

- Driveways must be constructed in accordance with Council's standard drawings. Refer to Council's Engineering Guidelines for Subdivisions and Development Standards.
- The property owner benefiting from a driveway must maintain and keep in good repair the driveway and undertake and bear all costs of any works required.
- The property owner must arrange and pay for the cost of relocation or modification to any service such as telecommunications pits, water valve pits, covers, etc.

10.16 Garbage Bins

Council requires garbage facilities for all new buildings are located within the property boundary. Architects and engineers should be made aware of this requirement so modifications are made at the planning stage.

Should the building cover the whole of the site, a suitable space inside the building must be provided to facilitate the storage of garbage consistent with the property use.

Council may agree to garbage facilities being located within the road reserve where necessary, for buildings undergoing refurbishment or change of use and where the shell of the building is to remain intact. Any such approval are subject to the following:

- Where bins cannot be practically accommodated within the property boundary the property owner/occupier must seek approval from Council's Operations department and complete a S138 Road Opening/Activity Permit Application

10.17 Plant/Sub-station/Cabinet Doors

Doors for personnel entry and egress must not open into the road reserve.

Doors for access to plant/substation areas may be permitted to open into the road reserve if the doors:

- Are self-closing and can be held fully open against the building wall for the time personnel are occupying the facility
- Have a minimum clearance of 150mm from the footpath surface
- Open onto a footpath with a minimum width of 1500mm
- The doors must be kept locked when not in use with the keys made available to approved personnel only.

10.18 Access pits/hatches

Generally only public utility/service authority pits are permitted within the Road Reserve.

Licensed premises with existing hatches for the delivery of kegs to basements must conform with the following:

- It is the building owner's responsibility to maintain and keep in good repair all hatches
- Hatches and frames must comply with AS3996 Access Covers and Grates Requirements
- A S138 Road Opening/Activity Permit Application is required for removal of hatches
- If permanently removed the hatch and supporting structure must be removed for a depth of 750mm and a new structural slab or plate cast satisfying minimum imposed loads as above
- The surfaces must be rendered waterproof and damp-proof to prevent any dampness in the basement.

11. Appendix 2 – Assets Not Permitted

- Balconies
- Canopies and verandas
- Air conditioning units
- Flagpoles/antennae
- Street furniture
- Bollards
- Pavement lights
- Monuments
- Post boxes
- Real estate signage
- Retaining walls
- Entry Steps/Ramps



LEETON
SHIRE COUNCIL

OBSOLETE

**WATER ALLOCATION ACCESS
POLICY**

AUGUST 2022

DOCUMENT CONTROL

RESPONSIBLE OFFICER:	Manager Water and Wastewater General Manager				
REVIEWED BY:	Senior Management Team				
LINK TO CSP/DELIVERY PROGRAM/OPERATIONAL PLAN:					
DATE ADOPTED:					
ADOPTED BY:	Council				
RESOLUTION NO: (IF RELEVANT):					
FOR PUBLICATION:	<input type="checkbox"/> INTRANET <input type="checkbox"/> COUNCIL WEBSITE <input checked="" type="checkbox"/> BOTH				
REVIEW DUE DATE:	2025				
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PREVIOUS VERSIONS:	DATE	DESCRIPTION OF AMENDMENTS	AUTHOR/EDITOR	REVIEW/SIGN OFF	MINUTE NO (IF RELEVANT)
	27/01/10				10/022
1	26/06/13				13/136
	10/07/22	Policy content transferred to new policy template. No amendments made.	Manager WWW		

REVIEW OF THIS POLICY

This document will be reviewed every 4 years or as required in the event of legislative changes or operational requirements.

Any major amendments to the document must be made by way of a Council Resolution. Minor amendments such as corrections to spelling, changes to wording for improved clarity, formatting and updates to the Appendixes may be made without approval from the Council.

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1. Purpose

Council is facing new challenges with a reduction in the availability of water for town use. Over recent years water allocations have significantly reduced and this has placed stress on residents with the implementation of water restrictions.

The Federal and State Governments have identified that water availability is a significant issue. The State Government established the 'Inquiry into secure and sustainable urban water supply and sewerage services for non metropolitan New South Wales' in an attempt to evaluate and improve the provision of water utilities in this state.

In an attempt to evaluate the viability of water services provided by Leeton Shire Council an 'Integrated Water Cycle Management Plan' has been completed. This plan was adopted by Council in April 2009.

This policy allows Council to establish a process for assessing requests from other organisations and institutions to access Council's Water Allocation.

This policy will provide a systematic approach to assessing these requests in a consistent manner.

This policy ensures that all of council water resources are utilised in a sustainable way to ensure the long term viability of the available resource.

2. Scope

This policy document applies to all elected representatives and Council employees, including contactors and volunteer. This policy extends to all permanent and temporary residents and business operators within the Leeton Shire.

3. Council Water Allocation

Leeton Shire Council, Integrated Water Cycle Management Plan
Leeton Shire Council, Water Conservation and Demand Management Strategy Leeton Shire Council, Asset Management, Preliminary Strategic Implementation Plan Leeton Shire Council, Drought Contingency and Emergency Response Plan

Leeton Shire Council has a water entitlement of;

Town Water	4097ML
High Security	971ML
General Security	558ML

However, these amounts are subject to water allocations. In 2008/09 and 2009/10 the initial allocations for Town Water and High Security was 50%, General Security was 0%.

4. Application Procedure

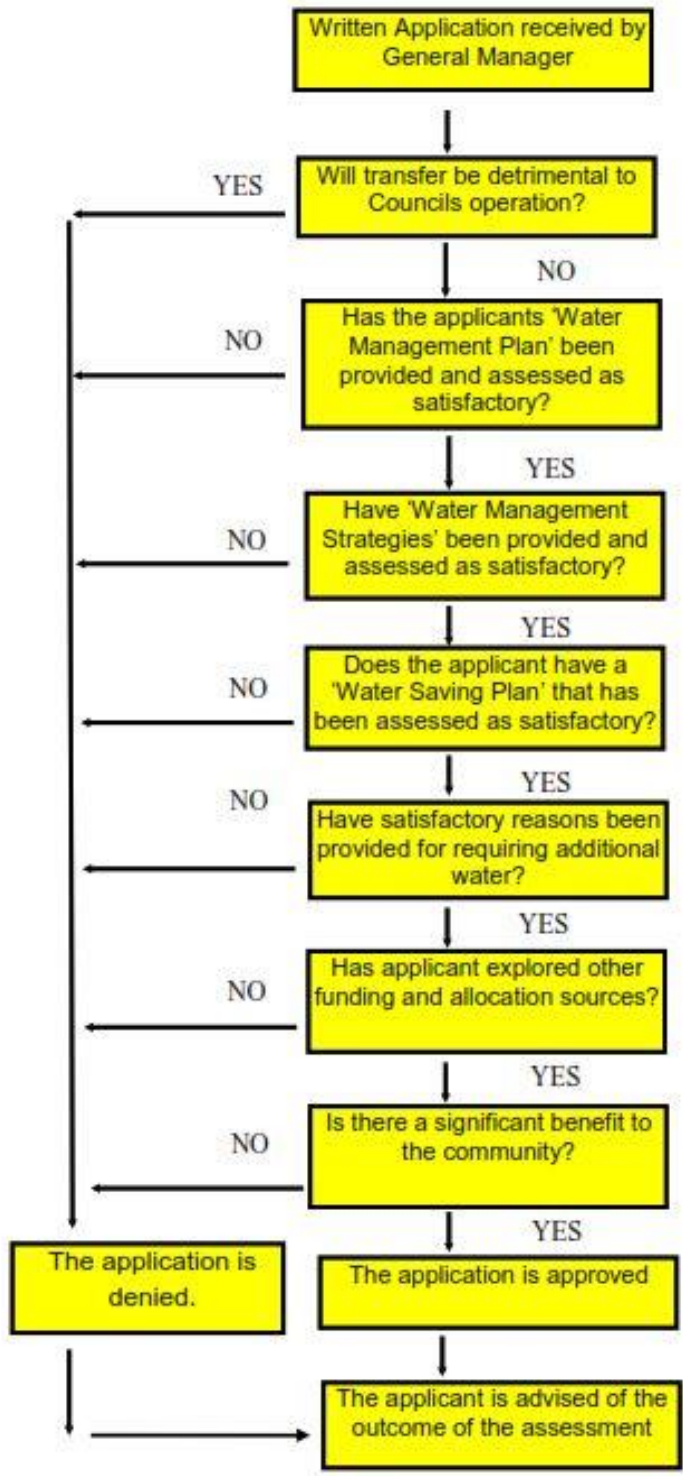
An application for accessing Council's Water Allocation is only to be considered where the application is made in writing and addressed to the General Manager.

5. Application Evaluation

When considering the merit of any application the following criteria must be met:

1. An application will not be considered if Council has assessed that such transfer of an allocation will have detrimental consequences to Council's operations.
2. Applications shall include a 'Water Management Plan' identifying how the applicant intended to manage their existing water allocation.
3. Applications are to be accompanied by a detail of 'Water Management Strategies' in place for optimising the usage of their current available water allocation demonstrating implementation of the Water Management Plan. This would include evidence of the construction of any water saving infrastructure.
4. Applicants are to submit a 'Water Saving Plan' that details future measures to be implemented in improving water usage efficiency, including milestones and targeted water usage.
5. Applicants are to indicate reasons for increased water requirements exceeding their current available allocation.
6. Applicants are to show evidence of having explored other funding and allocation sources for their long-term requirements, eg water transfers and/or water purchases.
7. An application will only be considered for approval where there is likely to be a significant benefit to the community.

6. Assessment Flowchart





LEETON
SHIRE COUNCIL

OBSOLETE
TREES (ISSUE OF VOUCHERS)
POLICY
AUGUST 2022

DOCUMENT CONTROL

RESPONSIBLE OFFICER:	Manager Planning, Building and Health and Manager Open Spaces and Recreation				
REVIEWED BY:	Senior Management Team				
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1	26/08/2008				08/307
2	26/06/2013				13/136
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REVIEW OF THIS DOCUMENT

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1. Policy Procedure

This policy allows Council to issue a voucher to purchase trees and/or shrubs to:

- a) residents of newly constructed homes; or
- b) purchasers of allotments in the Vance Industrial Estate.

A Tree Voucher to the value of \$38.50 (GST inclusive) will be issued per allotment for the Vance Industrial Estate and per newly constructed dwelling in other areas to contribute towards beautification of the neighbourhood.