



## Development Services

City of Albany  
Information Sheet

# Drainage Easement Information

# Drainage Easement Information

## Purpose of Drainage Easements

Drainage easements provide a designated portion of land for drainage infrastructure and gives the beneficiary (generally the City of Albany or a neighbouring property) rights to maintain and install infrastructure within. They generally require the burdened property owner to give up certain rights, such as building permanent structures within the easement to allow for proper function of the system and unimpeded maintenance access.

Easements and utilities are almost always located close to lot boundaries and within building setbacks where development of a building or ancillary structure is already restricted or limited under urban planning codes and regulations.

## Negotiating Private Easements

In order to meet requirements of safe stormwater management, an upstream neighbour may need to construct a drainage line through an existing property in order to remedy an issue or develop the land. Albany has predominantly challenging conditions for drainage and on-site infiltration is often impossible. However, older subdivisions do not always have adequate infrastructure to facilitate this without an easement and construction of drainage facilities through the property.

It is reasonable to request the neighbour provide some financial compensation. It is also reasonable to expect that the yard is left in a tidy condition with adequate repair and reinstatement of existing features.

The upstream neighbour is liable for all costs of construction, administration and compensation. Guidelines and laws regulating subdivision and construction consider it a right for the downstream neighbour to be free from nuisance stormwater. It is only acceptable to seek a contribution if the line will be shared. Stormwater lines installed in the neighbouring property are to be of good quality, adequate capacity and maintain or improve the quality of the outflowing water.

## Restrictions Regarding Drainage Easements

Sewer, grey-water and septics cannot legally be connected to a stormwater line. By the same token, it is not permitted that stormwater is connected to the sewer system even though the

consequences are lesser than the reverse situation. Septic systems will need to be offset within manufacturer specifications where there is no reticulated sewer service.

Property owners are responsible for routine grounds maintenance such as grass mowing and rubbish/debris removal, and should ensure that systems are kept free of yard waste such as grass clippings, tree trimmings and leaves that may block the flow of water. Gardens need to incorporate plants that will not impede the performance of the drain with their roots, hinder maintenance or cause damage.

Where a driveway is constructed in the easement, any manhole or house connection pit is to be constructed to a trafficable standard. Sufficient soil cover needs to be maintained on driveways and grading still needs to be compliant with AS 2890 (parking standards) to ensure regular cars can comfortably navigate it.

A habitable room or outbuilding cannot be constructed over a drainage easement.

## Permitted Structures

These guidelines apply to any proposal to erect, construct or place any building, wall, fence or obstruction within an easement that is the responsibility of the City of Albany, on private land.

The following structures and activities will be permitted within a drainage easement subject to conditions 1-7 as detailed below.

- Pergolas.
- Demountable above ground swimming pools and spas.
- Any framed structure, with or without cast-in-situ concrete floors, that has a total area of 40m<sup>2</sup> or less and is one of the following:
  - *An attached or freestanding carport, residential garage or patio addition.*
  - *An outbuilding (i.e. not attached to the main building)*
  - *A carport or garage under the main roof that is assessed as not being potentially habitable.*
- Special purpose buildings that are intended for transformers, tanks, fixed plant and the like, are not permitted.
- Garden walls/fences less than 1.8 metres in height. The height being the distance between finished ground level and the top of the wall or fence, not including the height of any supporting retaining wall.
- Garden walls/fences that are designed for dismantling, such as post and rail, sheeting and precast interlocking components, 1.8 metres in height (the wall may, or may not, support an exempted structure). The wall height is the distance between the finished ground level at the base of the wall and the top of the wall.
- Retaining wall of less than 1.2 metre height or, for precast interlocking components, 1.8 meter in height (the wall may or may not, support an exempted structure). The wall height is the distance between the finished ground level at the base of the wall and the top of the wall.

- Surface treatments. These are typically concrete, bitumen, paving, block work or gravel.
- Earthworks and landscaping, barbecues, domestic fishponds and domestic fountains.
- **Other utility and private services. Although these are classed as exempt, all efforts should be made to avoid the placement of significant services within the zone of influence.**

Crossing should be made at right angles to the City of Albany's asset wherever possible.

**However, only where each of the following conditions is met:**

1. It does not provide structural support to a non-exempt structure.
2. Sufficient soil cover (minimum 600mm) is maintained over any City of Albany infrastructure.
3. The performance of the infrastructure is not inhibited.
4. A minimum of 2m clearance is maintained from any manhole.
5. The manholes are adjusted where necessary due to the changes in ground level.
6. Existing City of Albany infrastructure is to be upgraded where required.
7. All building and planning requirements are satisfied.

All costs of building over an easement are to be met by the landowner.