

Fact Sheet: Easements and your property

Western Water easements are created for works such as upgrading or maintaining existing pipelines in order to continue to provide water and sewerage services to the community.

What is an easement?

Easements provide Western Water and/or local municipal councils with legal permission to access specific areas of land for installing and maintaining pipes or other assets. An easement may include the right to pass across the property, construct and maintain a roadway across the property, construct a pipeline under the land, or a power line over the land.

How do I know if I have an easement on my property?

Many properties have easements such as pipes running through them. If you have an easement on your property, it will be registered on your land title. It is likely to include Western Water owned assets, such as access shafts, manholes, water valves and water or sewer pipes.

What are my obligations if I have an easement on my property?

If there is an easement on your land, the area needs to be kept clear of any obstructions that may prevent access to the assets and underlying pipes. Manholes need to be kept free of garden fillers, such as gravel, sand and soil. In some cases manholes can be moved or raised with varying costs to the property owner. Any construction, or placement of a structure, over or within one metre of an easement such as a water main, sewerage pipe or manhole on your property requires written consent from Western Water before any work is commenced.

A *Build Over Easement Application* form will need to be filled out for any construction over Western Water's easements.

What happens when work is done within an easement?

A trench is dug in order to install or access sewer or water pipes in an easement. When works are completed, soil is backfilled and compacted around the pipe. However, during the soil compaction process it is almost impossible to remove all the air pockets between the small lumps or clods of soil in the trench. When it rains, water enters these small air pockets between the clods and dissolves the soil, causing the air pockets between the lumps of soil to shrink. This can result in visible subsidence on the surface.

What does subsidence mean?

The term 'subsidence' refers to earth that has flattened out and settled over time to form a hollow or depression in the ground.

How much ground subsidence can be expected after easement works?

When ground is disturbed by digging and then backfilled and compacted, some ground settlement or subsidence can be expected.

Ground subsidence may occur gradually over many years, or it may occur rapidly after heavy rainfall. It may take several years and plenty of heavy rainfall before the ground settles completely.

It is difficult to judge exactly how much subsidence will occur. This depends on the width and depth of the trench, the type of soil and the weather conditions prior to and during construction. The key is to remember to allow for the likelihood of ground subsidence along easements. Once subsidence has happened, further subsidence may occur in the future.

Easements are necessary to:

- protect Western Water's assets from damage
- ensure access to Western Water's sewer and water pipelines for upgrades and maintenance
- inform property owners that there is underground infrastructure on their property, and that special conditions apply to the use of a portion of their land

What does Western Water do to minimise the effects of subsidence?

Western Water contractors are required to adequately compact ground over works done in easements. The level of soil compaction is tested afterwards to ensure it is adequate.

Compaction, however, does not guarantee that the ground will maintain its original level, or that subsidence will be eliminated. The pressure required to achieve this could risk damaging the pipeline underneath.

Ground settlement or subsidence that occurs after repair or construction works cannot always be avoided by compaction because certain soil types, their consistency and weather conditions may actually encourage subsidence. For example, a heavy clay soil that is excavated in summer is more likely to subside than sandy soil excavated under similar conditions.

Techniques such as reinforcing and/or bridging design can be used to help reduce the risk of sinkage over an easement by allowing for ground settlement.

Is uneven ground in an easement the result of the excavation process?

Some soil types form natural rises and hollows. If these rises and hollows are not in the trench line or easement area, they are unlikely to be the result of excavations or work in the easement area. Even when ground is uneven in the trench line, this may be naturally occurring and not related to the excavation process.

What if I want to update the area of my backyard that contains an easement?

Easements in private backyards are generally located to minimise impact on surrounding buildings. Sheds, paths, driveways, edging and other landscaping are common improvements that are sometimes placed over easements. In each case, the design of your garden and any improvements need to allow for possible ground subsidence.

Generally, suitable coverage over an easement includes lawn, shrubs or trees. However, trees that develop vast and invasive root systems are not appropriate to plant over easements as they can crack and break pipes causing burst water mains or blocked sewers.

There is a fact sheet available from Western Water called *The Problem With Tree Roots*, which lists the types of trees to avoid planting over an easement containing pipes.

Can I landscape over an easement?

Yes, but you need to allow for potential subsidence. That means that it isn't practical to landscape using fixed structures, such as concrete or hard paving. A good solution may be to landscape an area over an easement with mulch or pebbles, which are easy to top up when or if subsidence occurs. Some property owners install railway sleeper edging that can easily be lifted rather than concrete that may crack if subsidence occurs.

Further information

For more information on the types of plants and shrubs suitable to plant over easements, speak to your local nursery or visit our website:

www.westernwater.com.au

If you would like to find out if you have an easement on your property, please call Western Water's Property Services Team during normal business hours on:

1300 650 425

Other Useful Contacts

Land Victoria

Customer Service: 03 8636 2010