

Moreton Bay Regional Council

Planning Scheme Policy for *PineRiversPlan*

PSP40 Clearance to Council Infrastructure

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ADOPTION

Moreton Bay Regional Council adopted this planning scheme policy on 18 November 2008.

COMMENCEMENT

This planning scheme policy took effect from 15 December 2008.

I, John Rauber, Chief Executive Officer, of the Moreton Bay Regional Council, hereby certify that this document is a true copy of the original.



John Rauber
Chief Executive Officer

PSP40 – CLEARANCE TO COUNCIL INFRASTRUCTURE

HEAD OF POWER

This policy is a document that supports the *PineRiversPlan* and has been made by Council using the process prescribed in the *Integrated Planning Act 1997*.

OBJECTIVE

The purpose of this policy is to prescribe development standards and outline information that would be required in order for Council to properly assess a proposal for development which involves work within an easement issued in favour of Council or within the zone of influence to Council maintained stormwater infrastructure. Proposals for development within such an easement or zone of influence will need to demonstrate that the proposed development:-

- (1) is likely to have no or only minimal adverse impact on any Council stormwater infrastructure, including Council's ability to access and maintain that infrastructure; and
- (2) is not likely to unduly prevent Council from fully utilising the rights available to it under the terms of any existing easement document over that land.

DEFINITIONS/APPLICATION

Application

This policy applies to all development involving work in any of the following locations:-

- (1) on land within or over the zone of influence to Council maintained stormwater infrastructure; or
- (2) on land covered by an easement issued in favour of Council.

Definition

Unless otherwise indicated in this policy, all terms used have the meaning prescribed in the *PineRiversPlan*.

POLICY STATEMENT

Council does not support the carrying out of earthworks or building substantial structures within any easement issued in its favour or over any stormwater pipe for which it has maintenance obligations. However, Council is prepared to consider any reasonable proposal for works in such areas.

General Information Requirements

Where requesting written Council consent to carry out works in a Council easement or near Council stormwater infrastructure, development proponents are to provide Council with the following:-

- the prescribed fee in the current schedule of fees and charges;
- photographs if requested by Council;
- plan views, elevations and critical sectional views showing existing and/or proposed elements such as location, size, and depth of pipe and manholes; structure clearances; foundation details, etc;
- if a drainage easement is present, the development proponent must supply a copy of the survey plan, easement documents and certificate of title showing the extent and terms of the easement. (The development proponent can obtain that information from the Land Interests and Titling Office, Queensland Department of Natural Resources and Mines.); and
- any additional information requested by Council.

Additional Information Requirements

At any time during the assessment of a request to allow work to be undertaken within a Council easement or within the zone of influence to a Council maintained storm water pipe, the assessing officer may require the development proponent to supply additional or more accurate details of the proposal and other information relevant to the scale and context of the work. Such details may include:-

- (1) a written assessment by a suitably qualified and experienced Registered Professional Engineer in Queensland (RPEQ) to demonstrate that the development would have minimal adverse effects on the Council infrastructure; and
- (2) a CCTV inspection, video and a Defects and Features Report.

Conditions on Approvals

Any approval issued by Council may be subject to conditions which must be fulfilled for the approval to have on-going effect. For example, following assessment of the pre construction pipe survey information, Council may require the applicant to carry out remedial or preventative work beyond what was originally envisaged and to put in place monitoring and reporting procedures.

Where damage to Council infrastructure has occurred as a result of the works, Council may require the proponent to replace the infrastructure or to pay a complete or partial financial contribution towards the replacement costs of the damaged infrastructure.

Specific Exclusions

Under no circumstances will Council allow the following:-

- (1) any bored or excavated footing system that is within 1 metre (edge to edge distance) of the stormwater infrastructure;
- (2) any driven or vibrated or jacked footing system that is within 3 metres (edge to edge distance) of the stormwater infrastructure;
- (3) any tunnel bored footing system that is within 1m (edge to edge distance) of the stormwater infrastructure; or
- (4) the proposed use of rock bolt or ground anchors within 1 metre (edge to edge distance) of the stormwater infrastructure.

Earthworks within an Easement or within the Zone of Influence to Council Maintained Stormwater Infrastructure

Council will generally not allow earthworks which would result in any of the following:-

- (1) a reduction in cover over a **Council** maintained service to less than 600mm; or
- (2) an increase in finished surface grade over, or within 1.5m on each side of, a Council maintained service beyond that which existed prior to the earthworks being undertaken; or
- (3) an increase or reduction in the height of the finished ground over, or adjacent to, any Council maintained infrastructure;

unless it can be sufficiently demonstrated to the satisfaction of Council that the proposed earthworks would result in minimal adverse effects on the infrastructure and Council's ability to access and maintain that infrastructure.

Building Work within an Easement or within the Zone of Influence to Council Maintained Infrastructure

Building Work for Lightweight Fences

Council will generally not allow the support posts of lightweight fences to be located within 900mm horizontal distance from any Council maintained stormwater infrastructure unless it can be sufficiently demonstrated to the satisfaction of Council that the support posts of the proposed fence would result in minimal adverse effects to the infrastructure.

Note: Fences which are not considered to be 'lightweight fences' as defined under the *PineRiversPlan* will require development approval if proposed within a Council easement or within the zone of influence to Council stormwater infrastructure.

Building Work for Other Structures and Buildings (other than Lightweight Fences)

Council will generally not allow other structures or buildings to be located within a Council easement or the zone of influence of any Council maintained stormwater infrastructure unless it can be sufficiently demonstrated to the satisfaction of Council that the building work would result in minimal adverse effects to the infrastructure or Council's ability to access and maintain the infrastructure.

Assessment

In considering requests to locate works within an easement or the zone of influence of any Council stormwater infrastructure, Council will have regard to, but is not limited to having regard to, the following:-

- the existing condition of the Council infrastructure;

- whether the proposed development would enable sufficient vertical clearance for Council maintenance machinery to access the infrastructure;
- whether the proposed development would enable sufficient horizontal clearance for Council maintenance machinery to access the infrastructure;
- whether the proposed development would place undue loading on the Council infrastructure;
- whether the footings of any proposed structure will be founded to a sufficient depth so as to have minimal adverse effects on the Council maintained infrastructure and Council's ability to safely access and maintain that infrastructure;
- whether the development would in any way obstruct access by trucks, vehicles and other plant used in any routine maintenance or future replacement of Council stormwater infrastructure;
- whether the development would in any way adversely affect overland flow or backwater flow in and around the infrastructure;
- whether the development would adversely restrict use of land covered by an easement for the specific purpose of which the easement was taken.

Development near Water and Sewer Mains

This planning scheme policy does not apply to Development near Water and Sewer Mains as:-

- (1) Building work near Water and Sewer Mains will generally require the service provider's written approval under the *Water Act 2000*; and
- (2) It is an offence under the *Water Act 2000* to interfere with a service provider's infrastructure (eg. Council water or sewer infrastructure).

Note: Development proponents should contact the service provider prior to undertaking development near the service provider's infrastructure, so as to ensure the service provider does not consider the development to be 'interfering' with their infrastructure.

Reference List

- (1) Subdivision and Development Guidelines. 2008, *Stormwater Drainage*, City Policy and Strategy Division, Brisbane City Council.

REVIEW TRIGGERS

This policy is reviewed internally for applicability, continuing effect and consistency with planning scheme and other legislative provisions when any of the following occurs:-

- (1) the planning scheme is amended;
- (2) the planning scheme is replaced by a new planning scheme;
- (3) amendments which affect the allowable scope and effect of a planning scheme policy are made to the *Integrated Planning Act 1997*; and
- (4) other circumstances as determined from time to time by a resolution of Council.

RESPONSIBILITY

This policy is to be:-

- (1) implemented by the Senior Manager, Development Services; and
- (2) reviewed and amended in accordance with the "review Triggers" by the Senior Manager, Regional and Environmental in consultation with the Senior Manager, Development Services.