

## Maintenance of watercourses and drainage easements within private properties

### Head of Power

*Local Government Act 2009*

### Objective

The objectives of this policy are to outline Moreton Bay Regional Council's policy position on:

- (a) Council's maintenance responsibilities within watercourses and drainage easements on private property;
- (b) Circumstances when Council will enter private property and undertake maintenance of watercourses and drainage easements.

### Definitions

**Easement** means an easement is a section, portion or parcel of land registered on a property title, which gives someone the right to use the land for a specific purpose even though they are not the land owner. An example is a drainage easement for the purpose of stormwater drainage.

**Private property** for the purposes of this policy, refers to all tangible real properties owned by persons and non-government legal entities, whereby a legal relationship between persons and the State enforces a possessory interest or a legal title in that thing. Owners of real property have the right to sell, rent, mortgage, transfer, exchange or exclude others from entering their property.

**Watercourse** means:

1. A natural or artificial channel through which water flows
2. A brook, stream, creek or river
3. The bed of a stream that flows only seasonally
4. Dams, detention basins and other similar infrastructure

### Application

This policy applies to all private properties within the Moreton Bay Region.

### Policy Statement

1. Council is not responsible for vegetation maintenance, including the clearing of weeds and trees or any other maintenance of overgrown vegetation, to watercourses or easements located within private property.
2. Council is responsible for maintenance and repair of Council-owned infrastructure located within a watercourse or easement. Council may, from time to time, need to undertake maintenance of a watercourse or easement for catchment management purposes on private property.
3. Where an easement exists, Council has right of access. However it is customary for consultation to be carried out and permission to enter received from the property owner/s, prior to the commencement of work.
4. Where no easement exists, Council has no rights or obligations to undertake construction works or maintenance activities to the watercourse located within private property.

*Policy 2150-068 - Maintenance of watercourses and drainage easements within private properties*

**Review and evaluation**

This policy will be reviewed for applicability, effectiveness, and consistency with relevant legislation, Council resolutions, and other Council documents. Reviews of this policy will occur as required, or at least once every four years.

**Responsibility**

This policy is to be:

- (1) implemented by the Manager Asset Maintenance.
- (2) reviewed and amended in accordance with the "Review Triggers" by the Director Engineering, Construction & Maintenance.

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