

8.3 PLANNING SCHEME POLICY 3 – DECKS, BOARDWALKS AND PONTOONS OVER CANALS

This Planning Scheme Policy includes:

- 8.3.1 Decks and Boardwalks over canals
- 8.3.2 Design and Location Requirements;
- 8.3.3 General Requirements;
- 8.3.4 Public Liability Insurance Requirements; and
- 8.3.5 Approval Procedure
- 8.3.6 Construction of Pontoons
- 8.3.7 Canals – Pile Supported Pontoons.

8.3.1 DECKS AND BOARDWALKS OVER CANALS

A DECK or BOARDWALK provides recreational space extending beyond the real property boundary over the canal of a canal frontage property may be permitted where all of the following criteria are satisfied. (Whilst the term DECK is used, the requirements apply equally to BOARDWALKS).

8.3.2 DESIGN AND LOCATION REQUIREMENTS

- 1) A deck shall not extend more than three (3) metres from the real property boundary to the waterway.
- 2) The deck shall be a minimum clear distance of three (3) metres from all common side property boundaries and their projection and any boundaries between defined water areas adjoining the properties. The defined water area to a property has boundaries which subtend the quay line for the property.
- 3) Notwithstanding condition (2) above, a deck abutting a property which has an embayment on its waterfront boundary (such as a canal cul-de-sac) will be considered on its merits but may not be supported by Council for sanction if the adjacent properties are considered to be significantly affected.
- 4) Only cantilevered decks will be permitted. A deck is not to be supported by piles or bracing elements forward of the revetment wall. No vertical enclosure between the deck and the canal bank will be permitted.
- 5) No load from the proposed structure shall be imposed on the existing revetment wall or kerb unless permitted by Council subject to the provision of certification by a Registered Professional Engineer Queensland.
- 6) The design and construction of the deck shall be such that it allows remedial work to the bank, foreshore, revetment wall, retaining wall or other structures as applicable to be undertaken. Alternatively, the deck shall be of a demountable construction such that it can be dismantled and reassembled at the property owner's cost to enable the above mentioned remedial works to be undertaken.
- 7) No roofed structures, whether sheeted or open, shall be constructed on the deck. No spas or other such fixed structures shall be constructed on the deck

- 8) The deck shall be of a design such that its type of construction, appearance and materials are of a standard consistent with other development in the general area.
- 9) The deck shall be surrounded by a balustrade when the height to the adjacent area below is greater than 1000 mm. The balustrade shall be of a non-solid or clear type such as swimming pool fencing.
- 10) To avoid a potentially unsightly area under the deck, the finished surface level of the deck shall be a maximum of 500mm, and a minimum of 300mm above the top of the existing revetment wall or kerb to provide consistent sight lines. A clear space of 50mm (minimum) shall also be maintained between the underside of the deck structure and the top of the existing revetment wall or kerb.
- 11) If a property has been filled above the level of the revetment wall or kerb and the owner wishes to construct a deck to match this fill level, the applicant shall provide certification from a suitable geotechnical consultant regarding the adequacy of the fill and deck loading with regard to canal bank stability. The application shall then be referred to Council in determining the maximum height above the revetment wall or kerb in these circumstances.
- 12) The surface level of the deck shall be 100 mm (minimum) above the highest recorded tide level of R.L. 1.86m AHD and also comply with Condition (10) above.
- 13) The applicant or deck owner shall be advised by way of a note on any building approval issued by Council that tidal surges may occur in the future above the highest recorded tide level (RL 1.86mAHD) and that Council is not responsible for any damage to or loss sustained by the structure or any items placed on the deck in this event.
- 14) A note shall be added to the Council's property database to advise all future owners of the property that tidal surges may occur in the future above the highest recorded tide level of RL 1.86mAHD and that Council is not responsible for any damage to or loss sustained by the structure or any items placed on the deck in this event.
- 15) No equipment or machinery, such as pool filters, shall be permitted on the area of deck extending beyond the property boundary.
- 16) The provision of any fixed lighting to the deck area shall comply with all relevant codes and environmental practices such that a nuisance is not caused to any surrounding property.
- 17) No water supply outlet shall be installed on the area of the deck extending beyond the property boundary.
- 18) The deck design shall not cause any stormwater run-off to be concentrated such that scour occurs on the canal bank under or beside the structure.

8.3.3 GENERAL REQUIREMENTS

- 1) The applicant shall provide drawings prepared by a Registered Professional Engineer Queensland (RPEQ) for the proposed deck.
- 2) The applicant shall provide a letter from an RPEQ certifying that the proposed deck has been designed to sustain the loads to which it may be subjected.

- 3) The property owner shall at all times maintain the structure in good and serviceable condition. Should the structure fall into disrepair, Council reserves the right, after a statutory notification period, to effect any repairs to make the structure safe for the general public using the adjacent canal area. Any costs incurred by Council shall be due and payable by the property owners.
- 4) The property owner shall allow Council employees or it's agents to inspect the structure from time to time as considered reasonably necessary.
- 5) The property owner shall allow Council employees or it's agents to access the canal bank area under the structure at any reasonable time to inspect and/or undertake any necessary maintenance activities which are Council responsibility.

8.3.4 PUBLIC LIABILITY INSURANCE REQUIREMENTS

- 1) The owner of the property shall effect and maintain at all times, public liability insurance in the sum of not less than ten million dollars (\$10,000,000) in the name of the owner, the Redcliffe City Council, the Minister for Natural Resources and Mines for the State of Queensland and the Crown in the Right of the State of Queensland for their respective rights and interests. Such policy and each renewal receipt in respect thereof shall be produced to the Council for noting within fourteen (14) days from the issuing of the Building Approval or relevant renewal date as the case may require.
- 2) The property owner shall, if so requested by Council, increase the maximum sum of indemnity and vary the terms of the policy of insurance every five (5) years or as the Council may reasonably require.
- 3) The Council shall place a note on the property database to advise any future owner of the property to which the deck is attached of their obligation in maintaining the nominated public liability.

8.3.5 PROCESS

The following steps will be followed in submitting and assessing applications and the construction of these structures:

- 1) The applicant engages a Registered Professional Engineer Queensland to prepare a design and necessary certification.
- 2) The applicant obtains a letter of consent for the proposal from the Department of Natural Resources and Mines as owners of the land over which the structure is proposed.
- 3) The applicant shall submit the necessary design drawings, certification and consent letter together with a completed IDAS application form and fees seeking a building approval.
- 4) The applicant shall be advised that the development application for building work will not be processed until such time as Sanction under Section 86 of the Harbours Act is obtained from the Environmental Protection Agency (EPA).
- 5) Council shall examine the proposal and if considered that compliance with the policy provisions is achieved, provide a letter to the applicant advising that Council offers no objection to the proposal. Such a letter may be subject to reasonable and relevant conditions and advises the applicant to now make application to the EPA for Section 86

approval. Should the proposal be outside the provisions of the policy, the applicant is advised accordingly.

- 6) Once Section 86 sanction has been granted the Development Application for building work can now be processed and released.

8.3.6 CONSTRUCTION OF PONTOONS

- 1) Building approvals will be granted for the construction of a pontoon associated with residential land situated adjacent to a canal for private use only.

8.3.7 CANALS – PILE SUPPORTED PONTOONS

That the construction of jetty, pontoon and mooring structures within a canal is subject to the following requirements:

- 1) outrigger piles are permitted on sand or gravel beaches, subject to a clear distance of 5.0 metres being maintained between the pile and the property boundary; and
- 2) single or double point mooring piles are located within the area formed by the quay line and the projected side boundaries of allotments with canal frontages; and
- 3) the first span of any jetty or pontoon structure erected over a sand or gravel beach is removable to provide a clear distance of 5.0 metres over the beach from the property boundary or between piles as the case may be, the first pile being placed as close as possible to the revetment wall, and
- 4) all permanent pontoon abutments or bracing cable anchors to pontoons are located within the private property and structurally independent of the revetment wall or kerb. Where this is not possible, due to bends in the rear property boundary, it may be acceptable to position these features on the beach area such that the outer face is no further than 0.5m from the property boundary.

Alternatively, anchor points may be treated as piles and positioned so that a clear distance of 3m to 5m exists between the anchor and the property boundary and the tops of these features are located at the greater of 0.3m above design beach / rock level or 0.1m above highest astronomical tide; and

- 5) where rock faced canal frontages exist, the pontoon abutment and bracing cable anchor points are placed within the private property and structurally independent of the revetment wall or kerb. However, it is permitted to have these features external to the property at a maximum of 2.0m from the boundary and maintained at all times by the property owner.