



Gladstone Regional Council

Council Policy

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| Title | BUILDING OVER OR ADJACENT TO COUNCIL INFRASTRUCTURE |
| Policy Number | P-2015/36 |
| Responsible Directorate | ENGINEERING SERVICES |
| Responsible Officer | WATER SERVICES MANAGER |
| Date of Adoption | 17 NOVEMBER 2015 |
| Resolution Number | G/15/2646 |
| Date Review Due | 17 NOVEMBER 2018 |

1.0 PURPOSE:

The purpose of this policy is to:-

- a. Ensure protection is provided to Council for potential effects on Council Infrastructure from works and activities undertaken over or adjacent to existing Council Infrastructure;
- b. Ensure access is maintained for future maintenance, replacement or upgrade of existing Council Infrastructure;
- c. Prevent or minimise damage to structures arising from construction works, maintenance activities on existing Council Infrastructure or potential subsidence or undermining of such structures arising from damaged Council Infrastructure.
- d. Prevent future costs to Council that could be incurred by having to remove and then replace structures that have been allowed to be built over or adjacent to Council Infrastructure.
- e. Provide clear guidance for owners, prospective owners, developers and designers in relation to allowable activities in the vicinity of Council Infrastructure.

2.0 SCOPE:

This policy applies to:-

- a. The construction of a new Building or other Structure;
- b. The rebuilding or alteration/addition of any Building or other Structure;
- c. Fill or Excavation of any material;

where such activities are on property (whether freehold or reserve land) that contains, or is adjacent to a lot that contains, Council Infrastructure that may be affected by such activities.

To remove doubt this Policy does not apply to privately owned plumbing including: sanitary drainage, internal property water supply pipes and internal property stormwater drain pipes.

3.0 RELATED LEGISLATION:

- Building Act 1975
- Water Supply (Safety and Reliability) Act 2008
- Queensland Development Code, MP1.4 - Building over or near relevant infrastructure
- Capricorn Municipal Development Guidelines (CMDG)

4.0 RELATED DOCUMENTS:

- Building Over or Adjacent Council's Infrastructure Application Form
- Deed for the 'Provision of Indemnity for Structures Built Over Council Controlled Infrastructure'.

5.0 DEFINITIONS:

To assist in interpretation of this policy the following definitions apply:

- **Access cover** means a removable cover that allows access to infrastructure for cleaning, repairing or inspecting the infrastructure.

- **BCA** means see the Building Act 1975.

- **Building** means a "building" or "structure" as defined in the Building Act 1975, schedule 2 and, where the context requires, the act of constructing or installing same.

- **Centerline** means a notional line running through the center of the infrastructure along its length

- **Clear Zone** means the three dimensional space with a height of 2.4m measured from the surface level, free of overhanging parts of a building or structure, and other objects that would impede access to Council's Infrastructure. - Figure 1 provides an illustration of the clear zone.

- **Connection Point** means the point of connection to a service provider's infrastructure.

- **Council** means Gladstone Regional Council.

- **Council Infrastructure** includes sewers, stormwater drains, water mains, cables, pipelines, tunnels, footpaths, road reserves and associated structures.

- **Excavation** means the act of digging to remove earth or the like from an area, for example, during the construction of a driveway.

- **Fill** means a material used to build up the level of land.

- **Invert level** means the lowest point of the internal surface of a pipe or channel at any cross section.

- **Policy** – means this Policy - Gladstone Regional Council Building over or adjacent to Council Infrastructure Policy.

- **RPEQ** means Registered Professional Engineer of Queensland under the Professional Engineers Act 2002

- **Sewer** means a pipeline, other than for drainage, for carrying sewerage from premises including sanitary drain jump-ups and capped slope junctions and manholes.

- **Strip footing** means a continuous strip of concrete that serves to spread the weight of a load-bearing wall across an area.

- **Stormwater Drain** means a pipe (other than a sewer, sanitary drain, soil pipe or waste pipe) for carrying off stormwater runoff from and through multiple allotments, under or through roads and watercourses.

- **Stormwater System** means infrastructure used to receive transport and manage stormwater runoff consisting of some or all the following:-

- a) Pipes;
- b) Open drains (concrete and/or unlined);
- c) Access covers;
- d) Gully pits;
- e) Headwalls, wing walls and aprons (inlets or outfalls);
- f) Works not mentioned in paragraphs (a) to (e) associated with management of stormwater.

- **Structure** means the meaning given by the Building Act, schedule 2 but also includes for the purposes of this part, a retaining wall, deck, pergola, swimming and spa pool, and water storage tank or the like.

- **Water Infrastructure** means a pipeline, culvert, manhole, pit, or reservoir etc that carries or stores water, stormwater, sewer.

- **Zone of influence**, of a building or structure means the area taken to be loaded by the footings or other loadbearing elements of the building or structure. The boundary of the zone of influence is nominally defined as a line projected at a 45° angle from the invert of the sewer to the natural surface. The actual boundary of the zone of influence may be affected by factors, including groundwater and soil type and must be calculated by a RPEQ. Regardless of the soil characteristics a maximum angle of 45° will apply. - Figure 2 provides an illustration of the approximate zone of influence.

6.0 POLICY STATEMENT:

6.1 Application Process

Council considers it highly undesirable for any Building or Structure to be constructed over or adjacent to Council Infrastructure and Fill or Excavation works to be carried out in the vicinity of Council Infrastructure. An application for works that complies with this policy (ie a minor structure over a sewer) can be made as follows:-

- Complete the 'Building Adjacent to and Over Council Infrastructure Application Form';

- Submit proposed drawings showing correct location of Council Infrastructure and proposed location of Buildings/ Structures or proposed extent of Fill or Excavation works the Application Form;
- Provide, design drawings with the application form; and
- Pay the required application fee in accordance with Gladstone Regional Council's Schedule of Adopted Fees and Charges.

The request will then be assessed against this Policy by Council. If the application is approved (whether with or without relevant conditions) the applicant will be asked to enter into a Deed for the 'Provision of Indemnity for Structures Built Over and Council Controlled Infrastructure'.

A fully executed Deed is required to be in place with Council prior to a development approval being issued for the proposed Building/Structure or the proposed Fill or Excavation works.

6.2 Survey

- 6.2.1 Where a conflict may occur between proposed works and Council Infrastructure, the owner shall obtain survey data (prepared by a Registered Surveyor in accordance with AS5488-2013 to Quality Level A) to evaluate the relationship between the proposed structure and the Council Infrastructure. All costs are at the applicant's expense.
- 6.2.2 In certain situations Council may request, at the applicant's expense, a condition assessment of the potentially conflicted Council Infrastructure by CCTV inspections.

6.3 Easements

- 6.3.1 No building footprint will be allowed within an existing easement registered for the purpose of Council Infrastructure and a clear zone must be maintained over said easement in accord with the requirements of that easement.
- 6.3.2 Where no easement exists over Council Infrastructure an easement must be created for the benefit of the Council for the Council infrastructure at the applicant's expense.
- 6.3.3 The easement width must be a minimum of 4 metres with Council Infrastructure located within a central zone in the easement which is to be at least 1 metre from the edge of the easement.
- 6.3.4 In order to achieve access for maintenance easements must achieve the following:-
- 6.3.3.1 For new developments:-
- a) For easements longer than 40 metres, access to a road reserve must be obtainable from either end of the easement area;
 - b) For easements longer than 100 metres, mid-easement access must also be provided to an Access Cover by means of an easement from the road reserve to the Access Cover.

- 6.3.3.2 Within existing developed areas:-

Depending on the impediments created by existing and/or proposed works in terms of access requirements for the Council Infrastructure as a whole, Council will require an arrangement in accordance with section 6.3.3.1.

Where this is not practical because of other property owners, as a minimum Council will require an easement to incorporate an access to a road reserve.

- 6.3.5 The applicant will be required to obtain the easement in Council's favour for the Council Infrastructure at their cost.

6.4 Clearances

- 6.4.1 Where Council Infrastructure is located between the property boundary and a proposed Building/Structure, the horizontal distance from the Building/Structure to the boundary or another Building/Structure must be at least 2.4 metres;
- 6.4.2 Access Covers must have a clear area of 2 metres, measured outwards from the centre of the access cover in any horizontal direction; and
- 6.4.3 Council Infrastructure must have a minimum unobstructed vertical clearance of 2.4 metres from the finished service level above the Council Infrastructure to the underside on any overhead structure.

6.5 Buildings and Structures

- 6.5.1 Approved minor structures, (for example: open awnings, pergolas and single carports), may, except where not allowed by an easement, be permitted as encroachments over Council Infrastructure, on the condition that these structures are dismantled when requested by Council and such dismantling and reassembly is at the applicant's expense.
- 6.5.2 Concrete driveways and parking areas, in private property, are permitted over Council Infrastructure on the condition that these structures (or sections thereof) can be cut and removed by Council to allow access to Council Infrastructure. Reinstatement of the driveway and parking area will be undertaken at the applicant's expense.
- 6.5.3 Boundary fences are permitted over Council Infrastructure on the condition that these structures (or sections thereof) are dismantled when requested by Council and such dismantling and re-erection is at the applicant's expense.
- 6.5.4 Concrete encasement of Council Infrastructure will not be permitted.
- 6.5.5 No Building or Structure shall be designed to be closer than 1 metre to the near side from any underground Council Infrastructure.
- 6.5.6 Where Council Infrastructure is less than 1.5 metres deep, a Building or Structure may be built 1 metre from the Council Infrastructure, providing the footings of the Building or Structure are supported by piers to the invert level of the Council Infrastructure. The piers must support the footings for a distance away from the Council Infrastructure equal to the depth of Council Infrastructure (for example: Council infrastructure is 1 metre deep therefore the piers must be at least 1 metre deep also).

- 6.5.7 Where Council Infrastructure is more than 1.5 metres deep, a Building or Structure may be built no closer than 2 metres from the near side of the Council Infrastructure, providing the footings for the Building or Structure are supported by piers to the invert level of the Council Infrastructure. The piers must support the footings for a distance away from the Council Infrastructure equal to the depth of the Council Infrastructure. (i.e.: Council infrastructure is 2 metres deep therefore the piers must be at least 2 metres deep also).
- 6.5.8 A corner of a Building or Structure may be allowed to within 0.5 metres of Council Infrastructure if the corner is cantilevered on footings to meet the criteria above.
- 6.5.9 Awnings over the footpath
- 6.5.9.1 New Awnings over footpaths must meet the following criteria to obtain Council approval:-
- a) No Structure will be built above the awning for useable floor space;
 - b) Awnings within the Gladstone CBD must comply with the Gladstone Regional Council Planning Scheme Section 6.2.6 Principal Centre (PO21);
 - c) The awning or any protrusion from the awning shall not extend any closer than 600mm inside a vertical line drawn from the face of the kerb;
 - d) Any sign attached beneath the awning shall provide a minimum clear height of 2.9 metres from the footpath;
 - e) The awning is supported by Structures outside the road reserve, for example by cantilevered construction;
 - f) There must be a physical barrier between the awning and the carriageway (for example: a kerb between building and the carriageway) and where there is a footpath;
 - g) The roof covering must be of weather resistant material and if the awning drains away from the building, be provided with gutters and down pipes. Down pipes are to be located adjacent to the building;
 - h) The ceiling must be lined with material compatible with adjacent buildings (material and colour);
 - i) A minimum lighting level of 5 lux under the awning will be required to provide a level of safety to pedestrians after dark;
- 6.5.9.2 Council will not otherwise approve encroachments of buildings into the air space above road reserves for any purpose. This includes, but not limited to; architectural features, balconies, oriel windows, egress facilities, building service plants or for increasing additional building floor space.
- 6.5.9.3 This policy does not apply to existing awnings that overhang Council road reserves, however, any alterations/changes must comply with this policy, such as:-

- a) If a Building with an existing overhanging Structure is to be renovated and that renovation includes the overhanging Structure, then no increase in the usable floor space of that overhanging Structure will be permitted, and
- b) If a Building with an existing overhanging Structure is wholly or substantially demolished,.

6.6 Retaining Walls

- 6.6.1 All retaining walls within the zone of influence of Council Infrastructure must be free standing retaining walls supported by a strip footing and piers. No gravity walls which depend on its mass to resist pressure from behind the wall are allowed (for example: retaining walls such as a boulder wall) will be permitted over Council Infrastructure.
- 6.6.2 Where the retaining wall crosses Council Infrastructure the strip footing shall be constructed to bridge the Council Infrastructure and be supported on concrete piers at least 1 metre from the sides and invert of Council Infrastructure.
- 6.6.3 Where a retaining wall is proposed to be constructed parallel to Council Infrastructure, the strip footing along the length of the retaining wall must be supported by concrete piers to the invert level of the Council Infrastructure. Similar to Buildings/Structures, allowable clearance between the Council Infrastructure and the retaining wall will vary with the depth of the Council Infrastructure (Section 6.5.6 & 6.5.7)

6.7 Works

- 6.7.1 In situations where the position of Council Infrastructure is seen to unduly encumber the building envelope, the applicant may make special application to Council to realign the Council Infrastructure. Any works required to be carried out on Council Infrastructure must be carried out by Council or a contractor approved by Council, under Council supervision. All cost associated with these works and supervision are to be met by the applicant
- 6.7.2 Adequate measures shall be taken to ensure Council Infrastructure is protected from damage at all times. In particular, heavy earthmoving equipment and driven piles shall not be used, and earth or other materials shall not be stockpiled, in the Zone of Influence of Council Infrastructure. In the event that Council Infrastructure is damaged, Council must be notified immediately. The cost of any repairs will be met by the entity that damaged the Council Infrastructure.
- 6.7.3 All filling and exaction works shall maintain depths over Council Infrastructure as per Councils Engineering Standards, with the following minimum and maximums being achieved:--
 - a) The minimum depth, measured from obvert level to finished ground level, shall be not less than 600mm.
 - b) The maximum depth of, measured from invert level to finished ground level, shall not be more than 3.5 metres after filling.

6.7.4 No material shall be placed over or in the vicinity of an Access Cover so as to place the Access Cover below the finished surface level or restrict access to the Access Cover. Upon completion of any work the area needs to be free draining and no ponding in the vicinity of Access Covers is allowed. In the event that an Access Cover requires raising or lowering the applicant must make application to Council to have the Access Cover raised or lowered at the applicant's expense.

6.8 Certification

6.8.1 The design of any works within the Zone of Influence of Council Infrastructure must be certified by an RPEQ and submitted to Council for consideration and acceptance prior to commencement of works. The RPEQ Certification must state:

"As a RPEQ I certify that these works have been designed to comply with the requirements of the current version of Council's Building Over or Adjacent to Council Infrastructure Policy and will not have a detrimental effect on the integrity of Council Infrastructure."

7.0 ATTACHMENTS:

Figure 1 - Clear Zone
 Figure 2 - Zone of Influence

8.0 REVIEW TRIGGER:

This policy will be reviewed when any of the following occur:

1. The related legislation/documents are amended or replaced.
2. Other circumstances as determined from time to time by a resolution of Council.
3. Periodic Review – 3 years from date of adoption.

| TABLE OF AMENDMENTS | | |
|---------------------|-------------------------------|---|
| Originally Adopted | 3 DECEMBER 2013 | G/13/1819 (formerly Policy No. P-2013/29) |
| Amendment 1 | 17 November 2015 | G/15/2646 |
| Amendment 2 | <INSERT DATE COUNCIL MEETING> | <INSERT RESOLUTION NUMBER> |
| Amendment 3 | <INSERT DATE COUNCIL MEETING> | <INSERT RESOLUTION NUMBER> |

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STUART RANDLE
 CHIEF EXECUTIVE OFFICER

Figure 1 - Clear Zone
(Extraction from QDC MP1.4)

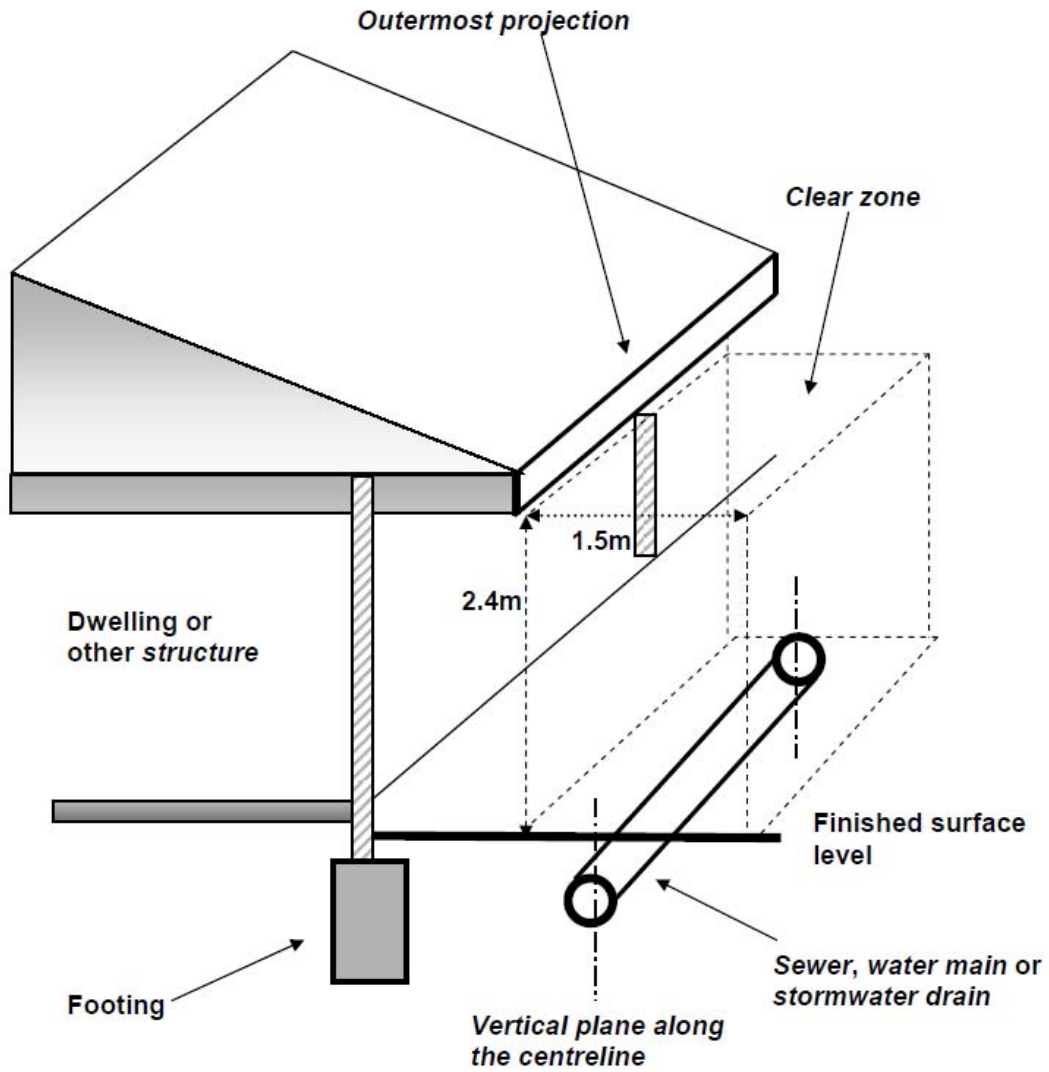


Figure 2 - Zone of Influence
(Extraction from QDC MP1.4)

