

Policy

Council Utilities - Work in Proximity

Version 1.4

Adopted by Council at its meeting on 15 February 2018

Division:
Section:
File Reference:
Historical Reference:

Engineering
Water and Wastewater – Business & Assets
Council Policies/Protocols/Procedures
See Version Control

THIS PAGE IS BLANK

Council Utilities - Work in Proximity

Policy Objective

This policy details the requirements for performing construction activities in proximity to Council Utilities in various circumstances.

Definitions

Council Utilities – publically owned sewerage, water supply and stormwater pipelines and appurtenances.

Policy Background

Council has the power to enter private property and construct and maintain Council Utilities, irrespective of protective easements being placed on titles.

Parties working on public and private property have an obligation to protect such Council Utilities from accidental damage and Council may recover costs of repair. Deliberate damage or unauthorised interference with a Council Utility is an offence under the Local Government Act.

Policy

Development in Proximity to Council Utilities must provide sufficient access for possible ground excavation to enable maintenance, repair and/or possible replacement in perpetuity. Caution must be exercised when working nearby or altering the cover to existing Council Utilities to ensure protection of the Utility.

- **Building Over Council Utilities**

Council requires reasonable access to Council Utilities both by manholes and possible ground excavation to enable maintenance, repair and/or possible replacement in perpetuity. This precludes the construction of enclosed buildings, inground swimming pools, and major retaining walls directly over Council Utilities. Minor variations to this blanket exclusion may be permitted subject to the approval of the Director of Engineering.

- **Building Near Council Utilities**

Council Utilities in new subdivisions are generally located outside the building envelope or within easements. However many areas have Council Utilities which intrude into the possible building envelope where no easement exists.

The minimum distance horizontally from a buried or above ground structural element shall be 1.0 metres from the collar of the Council Utility.

- **Relocating Council Utilities**

Where an owner desires to exploit part of a site near or over a Council Utility they may elect to relocate the Council Utility at his own cost, subject to the approval of the Director of Engineering.

- **Non-Habitable Buildings and Structures Over Council Utilities**

In the case of unenclosed buildings and other civil construction, certain building over the Council Utility may be permitted if it is not located within an easement. Examples may include carports, driveways, cantilevered verandas, open workbays, small retaining walls, portable garden sheds, breezeways and so forth.

Works in Proximity Specifications

Council shall maintain Works in Proximity Specifications based on current engineering design and practice as well as industry specifications to further detail requirements in line with this Policy. These Specifications shall be issued by the Director of Engineering and may be amended periodically to remain current.

Related Legislation

Local Government Act (1993)
Water Management Act (2000)
Works in Proximity Specifications (2017)

Compliance

Failure to abide by Council's policy may incur the penalties allowed by the Local Government Act plus costs of restitution. In cases of danger to public health or safety, Council may perform the work itself immediately and recover the costs from the delinquent party.

Forms

Application to Carry out Water Supply or Sewerage Work

Review Period

This policy will be reviewed within 12 months of the election of each new Council or more frequently in the event of any legislative changes or change in circumstances.

Useful Links

- [Tweed Shire Council website](#)

Version Control:

Version History		
Version #	Summary of changes made	Date changes made
1.0	Policy adopted by Council	15 December 2004
1.1	Amended and adopted by Council	13 November 2007
1.1	Reviewed as part of Policies Review and no changes required.	21 July 2009
1.2	Incorporated into new policy template	20 June 2013
1.3	Policy name change from Sewer to Council Utilities and details now referred to within Works in Proximity Specifications.	11 September 2017
1.3	Adopted by Council - Minute Number 44	15 February 2018
1.4	Reviewed as part of Policies Review and no changes required.	16 June 2022