

INDUSTRY UPDATE – INFRASTRUCTURE EASEMENTS

DID YOU KNOW THAT COUNCILS AND DISTRIBUTOR-RETAILERS IN SEQ ARE REQUIRING EASEMENTS ON PRIVATE PROPERTY FOR THEIR INFRASTRUCTURE?

Recent policy change in SEQ now means that easements can be required on private property for a range of infrastructure and services, including:

- Reticulated sewerage;
- Water supply; and
- Stormwater infrastructure.

WHAT IMPACT DOES AN EASEMENT HAVE ON MY LAND?

An **easement** is a note on title granting an entity other than the landholder certain rights to the land (or a part thereof). In Queensland, the creation and registration of easements is regulated by Division 4 of the *Land Title Act 1994*. While the landholder still retains ownership of the land, the beneficiary can impose **easement conditions** which restrict and/or allow certain activities within the easement area. For example, an easement may be required over a sewerage main in favour of an infrastructure provider. The associated easement conditions can then allow the provider to enter the property in order to undertake maintenance or repairs as required.

WHO IS RESPONSIBLE FOR INFRASTRUCTURE PROVISION IN SEQ?

There are several different infrastructure providers responsible for the provision of services within SEQ. For the provision of **sewerage infrastructure** and **water supply**, these providers operate across two levels of government as demonstrated below:

SEQWATER

State Government Statutory Authority responsible for the catchment, storage, transport and treatment of South East Queensland's water supply.

QUU

Brisbane, Ipswich, Lockyer Valley, Scenic Rim & Somerset Council areas

UNITYWATER

Sunshine Coast Regional & Moreton Bay Regional Council areas

COUNCILS

Redland City Council, Gold Coast City Council & Logan City Council areas

In contrast, each Local Council is responsible for the planning, provision and maintenance of their own **stormwater infrastructure**.

WHEN ARE EASEMENTS REQUIRED FOR INFRASTRUCTURE?

Easements for infrastructure can be required as a statutory condition of a development approval. Easements for sewer and water supply are regulated by the *SEQ Water Supply and Sewerage Design and Construction Code* and are required for new or existing infrastructure located on private property.

For sewerage infrastructure, easements are required for gravity mains with a diameter of 300mm or greater:

- 300-600mm (max. depth 5m) = 3.0m wide easement
- 300-600mm (min. depth 5m) = 6.0m wide easement
- >300mm (min. depth 5m) = 10.0m wide easement.

Sewer rising mains require a 6.0m wide easement. Where a manhole is located on private property, a 1.0m easement is required along the length of the side boundary irrespective of the size of the associated main.

For water supply, easements are required for any main located on private property. A 6.0m wide easement is required for a reticulation main (a diameter of 300mm or less) and a 10.0m easement is required for a trunk main.

The easement requirements for stormwater differ between Council areas. For example, it is generally accepted that Brisbane City Council require an easement over any stormwater pipe exceeding 225mm in diameter.

If you would like to enquire about any potential easement requirements on your property, feel free to contact our Town Planners.

WANT TO KNOW MORE ABOUT INFRASTRUCTURE AND EASEMENTS? CALL OUR OFFICE ON (07) 3876 0533

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