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Pr9691 - Building Over and Adjacent to Assets - Unitywater Assessment Manual

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Document Owner	Head of Development Services
References	*Water Supply (Safety & Reliability) Act 2008* (Qld) *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009* (Qld) Queensland Government Development Code (QDC) OP9692 - Building Over and Adjacent to Assets (BOAA) Policy Pr9660 - Netserv Plan Part A Pr9688 - BOAA Technical Standard Category A – *Guidelines for the Assessment of proposed building or structure works over and adjacent to Unitywater's Sewers on private properties (not Roads)* Pr9689 - BOAA Technical Standard Category B – *Guidelines for the assessment of proposed structures/works over and adjacent to Unitywater's pressure mains up to and including 250mm internal diameter (water mains/recycled water mains/rising mains)*

1. Introduction

Water supply (potable or recycled) and sewerage are essential services vital to the health and wellbeing of the community and to protecting the environment.

Unitywater manages water supply and sewerage infrastructure (assets) that is generally located underground on both private properties and within public roads. Any damage to these assets during construction by another party over or near these assets could interrupt Unitywater's service and/or cause harm to persons, property and the environment to which Unitywater has to respond. Litigation and repair costs could further impact the community as these costs may need to be passed on.

Protection of these assets is therefore critical to Unitywater as a business. This is also supported by legislated provisions of the *Water Supply (Safety & Reliability) Act 2008* (Part 7, s.192) and the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009* (Part 3, s.53BU):

> ***192 Interfering with service provider's infrastructure***
>
> *(1) A person must not, without the written consent of a service provider, interfere with a service provider's infrastructure.*
>
> *(Maximum penalty – 1000 penalty units)*
>
> *(2) A person must not, without the written consent of a service provider, build over, interfere with access to, increase or reduce the cover over, or change the surface of land in a way causing ponding of water over an access chamber for, a service provider's infrastructure.*
>
> *(Maximum penalty – 500 penalty units)*
>
> **53 BU *Requirement to consult if water infrastructure affected***
>
> *(1) The public entity must give the distributor-retailer a notice stating:*
> *(a) details of the proposed public entity work; and*
> *(b) that the distributor-retailer may, within a stated period, make written submissions to the entity about that proposal.*
>
> *(2) The stated period must not end before 30 business days after the notice is given.*
>
> *(3) Before deciding to make the change, the entity must consider any written submission made by the distributor-retailer within the stated period.*

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Protection of the service provider's assets should not prohibit developers or home owners from building or carrying out improvements on their properties.

The State government has introduced the Queensland Development Code Mandatory Part 1.4 – Building over or near relevant infrastructure (QDC MP1.4) to support decisions about building over and adjacent to a service provider's infrastructure (assets). The QDC MP1.4 has been designed to facilitate a consistent approach to and criteria for obtaining consent for such work whilst reducing red tape and costs for building applicants.

It is therefore now mandatory that a Private Certifier or RPEQ accredited building certifier use the QDC MP 1.4 to assess applications for building works over and adjacent to a service provider's asset in the first instance.

The QDC MP 1.4 can be found at https://www.housing.qld.gov.au/

However, where building work proposed within Unitywater's service region does not comply with an acceptable solution under the QDC MP1.4 or the proposed work will not maintain clearances between the work and Unitywater infrastructure outlined in the QDC MP1.4, the proposal will need to be referred to Unitywater for concurrence assessment.

Unitywater's BOAA Policy underpins the assessment framework that allows homeowners, developers, other proponents and (public) entities to build or carry out improvements on their properties without damaging Unitywater's infrastructure or restricting the operation or access of that infrastructure.

Unitywater will instigate legal proceedings, in accordance with the above relevant clauses of the *Water Supply (Safety & Reliability) Act 2008* and the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009* where:

- Works being constructed is not consistent with the approved plans and/or conditions.
- Unitywater's infrastructure has been damaged during construction.
- Private Certifier or the Registered Professional Engineer Queensland (RPEQ) not complying with the Queensland Development Code (QDC) MP 1.4 – Building over or near relevant asset.

Unitywater has developed two specific guidelines for the assessment of such applications to address diversity in the type and location of its infrastructure and the corresponding solution for protecting that infrastructure whilst allowing building works:

- Pr9688 - BOAA Technical Standard Category A – Guidelines for the Assessment of proposed building or structures/ works over and adjacent to Unitywater's Sewers on private properties (not Roads) (up to and including 225 mm) on Private Properties (not Roads).
- Pr9689 - BOAA Technical Standard Category B – Guidelines for the assessment of proposed structures/works over and adjacent to Unitywater's pressure mains up to and including 250mm internal diameter (water mains/recycled water mains/rising mains) on Private Properties (not Roads).

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2. Outline of Process

The following process outline provides information to the applicant about making application for and gaining consent to build over and adjacent to Unitywater's assets when an applicant, Building Certifier or RPEQ accredited consultant considers that referral to Unitywater is required.

2.1. Establish Asset Type and Location

The applicant must first establish the type and location of Unitywater's asset to be either built over or adjacent to. The categories are as follows:

- sewer mains
- pressure mains of any size.

It is the applicant's responsibility to confirm the in-situ location of the Unitywater asset. Sometimes a land surveyor may need to be engaged to carry out this function.

For basic information on the location of all utility assets, both internal and external of the property boundaries, contact 'Before You Dig Australia'.

For information about the services where 'Before You Dig Australia' information is not available and/or to apply for Detailed Infrastructure Plan Request please contact Unitywater's Customer Contact Centre.

2.2. Statement of Reasons

The application MUST include a 'Statement of Reasons' why the application is not assessable under Queensland Development Code (QDC) MP 1.4 – Building over or near relevant asset (i.e. a statement about why the application is being referred to Unitywater).

2.3. Information to be submitted to Unitywater

The applicant or representative (building certifier or RPEQ engineer) must submit at least the following documentation to Unitywater as part of the application for consent to build over and adjacent to the Unitywater's assets:

- complete the Unitywater's' Building over and adjacent to Unitywater asset application available on Development Portal, which can be accessed via the Unitywater website
- site plan including Unitywater asset location
- foundation/footing design with dimensioned location in respect to Unitywater's asset
- all relevant plans
- a Statement of Reasons
- a RPEQ certification reports and plans
- the application fee.

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2.4. Unitywater's Consent

If Unitywater finds that the application is complete, the application will be assessed and consent to build over and adjacent to Unitywater asset may be granted if the proposed solution(s) for protecting the integrity of Unitywater's infrastructure, allowing operation without adverse effect and facilitating on-going maintenance satisfies Unitywater requirements.

It shall be noted that Unitywater reserve the right to undertake compliance inspections of the completed works to ensure that works have been carried out in accordance with Unitywater's consent.

Deliberate or false information supplied in support of an application, by the applicant, Certifier, or by a RPEQ, may result in a refusal and a possible complaint to the relevant governing authority of the professional involved.

The consent of Unitywater will be issued with conditions.

2.5. Cost of Works

Any works (re-alignment, relocation, replacement, lowering or increasing cover etc.) of existing Unitywater's assets that are necessary to comply with the requirements of the BOAA Policy and associated assessment framework has to be carried out by an authorised Unitywater representative. This may require a Connections Application to be made to Unitywater in accordance with Unitywater Connections Policy (within Pr9660 - Netserv Plan Part A) and the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009.*

The owner shall be responsible for ALL costs associated with any identified works.

2.6. Damage to Unitywater's Infrastructure

Any damage to Unitywater's infrastructure should be made safe and immediately reported to Unitywater's Contact Centre.

Repairs to Unitywater's infrastructure may only be undertaken by an authorised Unitywater representative.

Unitywater reserve the right to pursue recovery action against any relevant persons with respect to repair and related costs incurred in making good damages. Dependent upon the cause of the damage, this may include recovery action against the Assessor who approved the building over and adjacent to Unitywater asset.

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3. Roles and Responsibilities

Position title	Roles and responsibilities
Head of Development Services	As Document Owner responsible for: • Conducting and/or delegating regular reviews to ensure this manual and related resources (e.g. forms, website content) remain fit for purpose, consistent and current. • Approving this manual for publication. • Ensuring all relevant stakeholders and team members have been consulted and feedback is captured and actioned (where applicable). • Ensuring appropriate communication and/or training is provided to relevant team members when implementing a new, amended or obsolete document (where applicable). • Monitoring compliance with internal/external requirements (e.g. monitor legislation changes and assess/update this manual when required).
Team members	• Working in accordance with this manual. • Advising the Document Owner if this manual is not consistent with current practices. • Where possible, minimise printing and/or avoid creating duplicate copies of this manual. Ensure current versions are sourced from the Document Centre.

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