

## APPROVAL OF BUILDING WORK OVER EASEMENTS

### Purpose

The purpose of this Newsflash is to alert building certifiers to the need to sight the consent of the registered interests in any easement, prior to the issue of a development permit for any building work within the easement area.

There have been a number of instances where buildings and swimming pools have been constructed over electrical works easements without the consent of the authority having a registered interest in the easement. Pools in particular pose a possible safety hazard.

### Background

Newsflash Issue 39 of 4/10/99 included contact details of electricity distribution authorities Energex and Ergon Energy. BCQ has since been advised that in addition to those distributors, Powerlink Queensland is the corporation responsible for the transmission of high-voltage electricity from both State owned and privately owned power stations, located throughout Queensland. Powerlink Queensland own and operate the high-voltage network of transmission lines that deliver power from the generators to the distribution authorities, i.e. Energex & Ergon. Where building work is proposed near any major powerlines, which may be contained within easements, building certifiers need to sight the consent of any authority that has a registered interest in the easement.

This amended Newsflash incorporates the previous advice, amended as appropriate, together with the contact details for Powerlink Queensland.

### Building certifier's responsibility

Building certifiers must assess building work development for compliance with the *Standard Building Regulation 1993* (SBR) section 11. A development application for building work over land in an easement must not be approved unless the registered interests in the easement consent to the building work (SBR s 58). The consent must be in writing.

It is the applicant's responsibility to provide information on the presence of any easements, including any required consent of registered interests. However, the Building Services Authority code of conduct requires building certifiers to ascertain all available facts relevant to the performance of their duties. Building certifiers are therefore required to check on the existence of any easements. Acting in a way contrary to a duty under the Building Act, or contravening the code of conduct, is professional misconduct.

### **Easement information**

Restrictive conditions apply to easements reserved for electrical works purposes. In addition to restrictions on the erection or encroachment of buildings and structures, these conditions may typically restrict activities such as the laying of pipes & cables, alteration of existing ground levels, temporary or long-term stockpiling of materials, and the erection of lighting bollards or masts, within the easement. This list is not exhaustive; therefore it is recommended building certifiers inform applicants of the need to obtain the consent of the easement owner (Powerlink Queensland, Energex, or Ergon), to any such works not covered by their development permit.

Information on easements will not always be available from the local government, in which case it will be necessary for the information to be obtained from other sources. The most reliable source is the Titles Office, as all registered easements will be recorded on the land title.

Also, where there is physical evidence as to the likelihood of the existence of an easement, eg overhead power transmission lines, the authority in question can be contacted directly.

### **Contacts for information on location of power easements**

Areas served by Energex: -

Property Portfolio Manager (07) 3407 4469

Areas served by Ergon Energy:

Capricornia	Mr Peter Lukin	(07) 4931 2726
Far North	Mr Ross Hicks	(07) 4050 2793
Mackay	Mr Bob Brown	(07) 4957 1376
North Queensland	Ms Carol Slattery	(07) 4727 6245
South West	Mr Bryan Lambert	(07) 4669 0277
Wide Bay-Burnett	Ms Ann Willett	(07) 4121 9515

Queensland Statewide:

Powerlink Queensland

PO Box 1193

VIRGINIA Q 4014.

Attn.: Team Leader Property Services

Telephone: 1800 635 369 Ask for Property Services Group