

WATER AND SEWERAGE DECLARED SERVICE AREAS EXTENSION POLICY

(COMMUNITY POLICY)

1. Scope

The Water and Sewerage Declared Service Areas Extension Policy (this 'Policy') applies to premises outside the Declared Service Areas that are able to connect to Council's water or sewerage infrastructure.

2. Purpose

The purpose of this Policy is to:

- 1) Provide direction on how to identify:
 - a) When premises outside the Declared Service Areas are able to connect to Council's water or sewerage infrastructure; and
 - b) When the Declared Service Areas will be amended by adding or removing areas.
- 2) Document repayment principles.

3. References (legislation/related documents)

Legislative reference

Local Government Act 2009 ch 4 pt 1

Local Government Regulation 2012 s 94

Water Supply (Safety and Reliability) Act 2008 ch 2 pt 5 divs 2-3, s 676

Related documents

Adopted Infrastructure Charges Resolution (No. 4) 2019

Local Government Infrastructure Plan

4. Definitions

To assist in interpretation, the following definitions shall apply:

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| Council | Livingstone Shire Council. |
| Customer | Has the same meaning as customer in the Act. |
| Premises | Has the same meaning as premises in the Act. |
| Declared Service Areas | The area declared by Council at its 9 September 2014 Meeting and subsequently amended by resolution for either a reticulated water service or sewerage service pursuant to s 676(2) and s 161(6) of the Act. |
| Special Rates and Charges | As defined in s 92(3) of the <i>Local Government Act 2009</i> . |

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| the Act | <i>Water Supply (Safety & Reliability) Act 2008.</i> |
| Trunk Infrastructure | Refer to cl 7.4 of the Adopted Infrastructure Charges Resolution (No. 4) 2019. |
| Water or Sewerage Infrastructure | Has the same meaning as service provider's infrastructure in the Act. |

5. Policy Statement

By way of publication in the Queensland Government Gazette on 17 January 2014, Council is a registered service provider (SPID 556) of water services and sewerage services under the Act and has an obligation to ensure that community health and the environment are not compromised.

Where a premises located outside the Declared Service Areas is able to connect to Council's water or sewerage infrastructure it is often in the best interests of Council, the community and the environment for that premises to do so.

5.1 Declaration of Service Areas

In accordance with s 676(2) of the Act, Council made its declaration of the Reticulated Water Service Area and the Sewerage Service Area at its 9 September 2014 Meeting.

5.2 Amending the Declared Service Areas

Subject to Council's Desired Standards of Service as detailed in cl 4.4 of the Local Government Infrastructure Plan being achieved, pursuant to s 161(6) of the Act, Council may by resolution amend its 9 September 2014 declaration by:

- 1) Adding an area to the Declared Service Areas in the following circumstances:
 - a) Where there is an unacceptable risk to the health and wellbeing of the community;
 - b) Upon the request of a customer; or
 - c) When there is an extension to Council's water or sewerage infrastructure and it comes into proximity to a premises.
- 2) By removing an area from the Declared Service Areas when there are physical limitations that prevent Council from providing its standard level of service such as elevation or distance restrictions.

5.3 Connection to Council's Water or Sewerage Infrastructure and Cost Recovery

Section 164 of the Act requires Council, to the greatest practicable extent, to ensure that all premises in the Declared Service Areas are able to be connected directly and separately to its infrastructure for the area and that the infrastructure can deal with the service requirements of all premises in the service area.

After Council has resolved to amend its Declared Service Areas, the Executive Director Infrastructure or the Manager Water and Waste Operations may, by notice given to the customer of premises in the Declared Service Areas, require the customer to carry out works for connecting the premises to Council's water or sewerage infrastructure within a reasonable period.

Section 165 of the Act authorises Council to recover from a customer the reasonable cost of providing access to its water or sewerage infrastructure for that customer's premises. The reasonable cost of Council complying with s 164 of the

Act will be apportioned in an equitable and fair manner between the premises that have special access to Council's water or sewerage infrastructure.

The reasonable cost of providing access to Council's water or sewerage Infrastructure includes:

- a) The actual construction costs; and
- b) A contribution toward trunk infrastructure, the calculation of which is to be based on cl 3.0 of the Adopted Infrastructure Charges Resolution (No. 4) 2019.

A report is to be presented to Council seeking a resolution pursuant to ch 4 pt 1 of the *Local Government Act 2009* regarding the levying of special rates and charges on premises that have special access to Council's water or sewerage Infrastructure. The report is to address the provisions of s 94 of the *Local Government Regulation 2012*.

6. Changes to this Policy

This Policy is to remain in force until any of the following occur:

- 1) The related information is amended/replaced; or
- 2) Other circumstances as determined from time to time by the Council.

7. Repeals/Amendments

This Policy repeals Livingstone Shire Council Policy titled 'Water and Sewerage Service Area Extension Policy (v2)'.

| Version | Date | Action |
|---------|------------|--|
| 1 | 09/12/2014 | Adopted |
| 1.1 | 23/10/2018 | Administrative Amendments – reflect organisational restructure and update of Chief Executive Officer |
| 2 | 16/04/2019 | Amended Policy Adopted |
| 3 | 18/02/2020 | Amended Policy Adopted |

CHRIS MURDOCH
CHIEF EXECUTIVE OFFICER