

WATER AND SEWERAGE DECLARED SERVICE AREAS EXTENSION PROCEDURE

1. Scope

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

2. Purpose

The purpose of this Procedure is to:

- ensure Council complies with ch 2 pt 5 of the *Water Supply (Safety and Reliability) Act 2008*;
- provide direction on how to identify when the declared service areas will be amended; and
- document the process to amend the declared service areas.

3. Related Documents

Primary

Retail Water and Sewerage Service Provider - Management and Functions Policy

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 2-4, 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:

Council	Livingstone Shire Council.
Customer	As defined in the Act.
Owner	As defined in the Act.
Premises	As defined in the Act.
Declared Service Areas	The areas declared by Council (at its meeting on 9 September 2014) declared as a retail water service area and a sewerage service area pursuant to s 676(2) of the Act and any subsequent amendments pursuant to s 161(6).

Special Rates and Charges	As defined in s 92(3) of the <i>Local Government Act 2009</i> .
the Act	<i>Water Supply (Safety & Reliability) Act 2008</i> .
Trunk Infrastructure	As defined in the <i>Planning Act 2016</i> and identified in Livingstone Planning Scheme 2018 - Part 4 Local Government infrastructure plan at 4.5.
Water Supply or Sewerage Infrastructure	As per the definition of service provider's infrastructure in the Act.

5. Procedure

5.1 Declaration of Service Areas

In accordance with s 676(2) of the Act, Council made its declaration of the retail water service area and the sewerage service area at its 9 September 2014 Meeting.

5.2 Amending the Declared Service Areas

Pursuant to s 161(6) of the Act, the Manager Engineering Services may add or remove an area from the declared service areas, by obtaining a resolution of Council to amend its 9 September 2014 declaration in the following circumstances:

- 1) where there is an unacceptable risk to the health and wellbeing of the community;
- 2) upon the request of a customer;
- 3) to cater for new development;
- 4) when premises come into proximity of water or sewerage services due to extension of infrastructure; or
- 5) when physical limitations such as elevation or distance prevent Council from providing its standard level of service.

5.3 Declaration of Service Area - Maps and Notice

Notices required to be published under s 162 and maps required under s 163 of the Act must be placed on Council's website.

5.4 Connection to Council's Water Supply or Sewerage Infrastructure

Council may require the owner of premises in the declared service areas to carry out works to connect their premises to Council's water supply or sewerage infrastructure, if the Manager Engineering Services forms an opinion that:

- 1) the premises is able to connect to Council's water supply or sewerage infrastructure; and
- 2) it is in the best interests of Council, the community or the environment for that premises to do so.

5.5 Cost Recovery

Special Rates and Charges

- a) Pursuant to s 165 of the Act, Council is authorised to recover from a customer the reasonable cost of providing access to its water supply or sewerage infrastructure.

- b) The reasonable cost will be apportioned in an equitable and fair manner between the premises that have special access to Council's water supply or sewerage infrastructure and include actual construction costs and a contribution toward trunk infrastructure, the calculation of which is based on Part 3 and Part 4 of the Adopted Infrastructure Charges Resolution (No. 4) 2019.
- c) A report must 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 supply or sewerage Infrastructure.
- d) The report is to address the provisions of s 94 of the *Local Government Regulation 2012*.

6. Changes to this Procedure

This Procedure is to remain in force until otherwise amended/replaced by the Executive Director Infrastructure.

7. Repeals/Amendments

Version	Date	Action
1.0	15/03/2022	New Procedure - Approved
1.1	11/05/2022	Minor Amendments – amend definition and remove references to 'private works' – Approved by Executive Director

MICHAEL KRIEDEMANN
EXECUTIVE DIRECTOR INFRASTRUCTURE