



Bellingen Shire Council **POLICY**

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External Use

LEVYING OF WATER AND SEWER AVAILABILITY CHARGES FOLLOWING EXTENSION OF RETICULATED MAINS

Department: Corporate & Community Services

Responsible Officer: Deputy General Manager Corporate & Community

Contact Officer: Revenue Supervisor

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1.0 PURPOSE

To establish the legislative framework and criterion under which Council will apply charges for water and sewer availability following extension of a main of Council.

2.0 SCOPE

This policy is to:

- 2.1 Provide clear guidelines and procedures in relation to the levying of water and sewer availability charges following extension of a water and/or sewer main of council.
- 2.2 Ensure that the guidelines and procedures are implemented efficiently, effectively and equitably.
- 2.3 Provide staff with the authority to apply pro-rata water and sewer charges to rate assessments following extension to water and sewer services.

3.0 DEFINITIONS

In this Policy:

“**Council**” means the Bellingen Shire Council.

“**Rateable person**” means the owner/occupier of rateable land within Bellingen Shire Council liable for the payment of rates and charges on that land.

“**LGA**” means the *NSW Local Government Act 1993*.

“**Pro Rata**” means the levying of a charge proportionately based on the number of days the service is available for the financial year.

4.0 LEGISLATION

Section 501: For what services can a council impose an annual charge?

(1) A council may make an annual charge for any of the following services provided, or proposed to be provided, on an annual basis by the council:

- Water supply services
- Sewerage services
- Drainage services
- Waste Management Services (other than domestic waste management services)
- Any services prescribed by the Regulations

(2) A council may make a single charge for two or more such services.

(3) An annual charge may be levied on each parcel of rateable land for which the service is provided or proposed to be provided.

Section 552: What land may be subject to a water supply special rate or charge?

(1) A special rate or charge relating to water supply may be levied on:

(a) land that is supplied with water from a water pipe of the council, and

(b) land that is situated within 225 metres of a water pipe of the council whether the land has a frontage or not to the public road (if any) in which the water pipe is laid, and although the land is not actually supplied with water from any water pipe of the council.

(2) A special rate or charge relating to water supply may not be levied on land unless water could be supplied to some part of the land from a standpipe at least 1 metre in height from the ground level, if such a pipe were laid and connected to the council's mains.

(3) A special rate or charge relating to sewerage may be levied on all land except:

(a) land which is more than 75 metres from a sewer of the council and is not connected to the sewer, and

(b) land from which sewage could not be discharged into any sewer of the council.

(4) A special rate or charge relating to drainage may be levied on rateable land that is within the basin served by the drainage works.

Section 553: Time at which land becomes subject to a special rate or charge

Land does not become subject to a special rate or charge to which this Division applies by virtue of the extension by a council of a water pipe, sewer or drain:

(a) in the case of a special rate or charge relating to water supply-until 21 days after notice is given by the council in the Gazette of the extension of the water pipe or until the date on which the land is connected to the council's mains, whichever is the earlier, or

(b) in the case of a special rate or charge relating to sewerage-until 60 days after notice is given by the council in Gazette of the extension of the sewer or until the date on which the land is connected to the sewer, whichever is earlier, or

(c) in the case of a special rate or charge relating to drainage-until notice is given by the council in the Gazette of the extension of the drain.

Section 546: How is a rate or charge levied?

(1) A rate or charge is levied on the land specified in a rates and charges notice by the service of the notice.

(2) The notice may be served at any time after 1 July in the year for which the rate or charge is made or in a subsequent year.

(3) A notice that is required to effect an adjustment of rates or charges may be served in the year for which the rate or charge is made or a subsequent year.

(4) The notice may include more than one rate, more than one charge and more than one parcel of land.

(5) It is not necessary to specify the name of the rateable person or the person liable to pay the charge in the notice if the council does not know the person's name.

5.0 POLICY STATEMENT

Council will apply charges on a pro rata basis following extension of a water and/or sewer main of council, in a fair and consistent manner and in accordance with the provisions of the *NSW Local Government Act 1993* and *NSW Local Government (General) Regulations 2005*.

6.0 ROLES AND RESPONSIBILITIES

6.1 In accordance with Section 501 of the *NSW Local Government Act 1993* Council will levy annual charges for water and sewer on each parcel of rateable land for which the service is provided or proposed to be provided.

6.2 In accordance with Section 553 of the *NSW Local Government Act 1993* and 60 days after the Gazettal Notice of an extension to Council's sewer main, and 21 days after the Gazettal Notice of an extension to Council's water main, charges will be levied on a pro rata basis for those properties that are able to be connected to that main.

6.3 Water availability charges will be levied on land that is within 225 meters of a water pipe of the Council and able to be connected in accordance with Section 552 of *The Act*.

6.4 Sewer availability charges will be levied on land that is within 75 meters of a sewer main of the Council and able to be connected in accordance with Section 552 of *The Act*.

6.5 Water and/or sewer availability charges will be charged on a pro rata basis as determined in Council's Revenue Policy.

6.6 In accordance with Section 546 of the *NSW Local Government Act 1993*, a supplementary notice will issue to the rateable person following an adjustment to availability services in the year in which the adjustment is made.

6.7 Vacant and unoccupied land which are within the above criteria and not exempt under Sections 555 (What land is exempt from all rates?) and 556 (What land is exempt from all rates, other than water supply special rates and sewerage special rates?) of the *NSW Local Government Act 1993* can be levied on a pro rata basis for water and/or sewerage availability charges.

7.0 RELATED PROCEDURES

Processing Supplementary Levies

8.0 LEGAL PARAMETERS

Bellingen Shire Council delivers water and sewerage services under the authority of the *NSW Local Government Act 1993*, *NSW Local Government (General) Regulation 2005*, the *Water Management Act 2000* and *Water Management Amendment Act 2009*.

Bellingen Shire Council's Sewerage Asset Management Plan and Water Asset Management Plan formalises the process of providing the framework to guide the financial and physical requirements for the long term operational performance of council's water and sewerage infrastructure assets and systems.

These plans act as a tool to support the ability of Council to deliver well targeted, responsive and value for money maintenance and operational services for customers and the community as a whole.

9.0 ASSOCIATED DOCUMENTS

NSW Local Government Act 1993
NSW Local Government (General) Regulation 2005
Revenue Policy
Water Asset Management Plan 2012
Sewer Asset Management Plan 2012