

LOCAL APPROVALS – Retail Water Supply Policy

Approved by Council: xx/xx/xxxx

This policy outlines the (1) exemptions (if any), (2) assessment criteria, and (3) other matters relating to approvals under section 68 of the *Local Government Act* for retail water supply activities.

Background

1. Rous County Council ('Rous') operates a network of trunk water mains and associated infrastructure across parts of the Northern Rivers region in order to provide water in bulk to Ballina, Byron, Lismore, and Richmond Valley Councils (collectively referred to as 'Constituent Councils') in accordance with its statutory functions under the *Local Government Act 1993* ('LG Act') and *Water Management Act 2000*.
2. In areas not serviced by water reticulation networks owned by the Constituent Councils, individual property owners and proponents of new developments ('retail customers') may make application to Rous under [section 68](#) of the LG Act for approval to connect directly to, and draw water from, its trunk water main network. Direct connection of a retail customer to a trunk water supply main is not desirable and creates challenges around managing that trunk main network, however these applications may be considered by Rous, at its discretion, provided compliance with the following can be demonstrated –
 - A. Applicable regulatory requirements,¹
 - B. Provisions of this policy, and
 - C. Principles of ecologically sustainable development (ESD).²

Application and Interpretation

3. This policy –
 - 3.1.1. Applies to retail customers required to seek, maintain, and comply with the conditions of approval from Rous for water supply activities identified in Part B of the Table in section 68 of the LG Act,
 - 3.1.2. Is made in accordance with Division 3, Part 1, Chapter 7 of the LG Act and is comprised of three parts –
 - Part 1 - Exemptions (if any) from obtaining approval from Rous,
 - Part 2 - Criteria for granting or refusing approval, and
 - Part 3 - Other matters relating to approvals such as forms, fees, objections, and enforcement.
 - 3.1.3 Will be automatically revoked at the expiration of twelve months following an ordinary Local Government election unless re-adopted by resolution of Rous's governing body within that twelve (12) month period, and
 - 3.1.4 Supplements the regulatory requirements and principles of ESD applicable to the activity requiring the approval.

¹ Refer to [Division 3, Part 2](#) and [Part 2, Schedule 1](#) of the *Local Government (General) Regulation 2021*.

² [Section 89](#) *Local Government Act 1993*.

Part 1 – Exemptions from obtaining approval

4. An employee of Rous acting in the course of their employment may draw water from a water supply system or standpipe without the prior approval of Rous.³

Part 2 – Criteria for assessing approval for water supply applications

5. An application for approval for water supply will be considered where the applicable regulatory requirements, principles of ESD and the criteria outlined below are met –
 - 5.1.1. The property cannot be connected to an existing reticulation network owned and operated by the relevant Constituent Council.
 - 5.1.2. The property has frontage to an existing Rous water pipeline or, the property is located in close proximity to a Rous supply main, being no further than 100m/equivalent tenement (ET) (capped at 1000m) from the proposed connection point.
 - 5.1.3. The water supply does not and will not rely on pressure from the Rous supply network for firefighting purposes.
 - 5.1.4. The network assessment of Rous's ability to service the proposed water supply connection and impact on its flows and pressures to existing bulk and other water supply demands is satisfactory.
 - 5.1.5. The water supply is subject to and meets, or is capable of meeting, the –
 - 5.1.5.1. *Standards and Conditions of Retail Water Supply* as amended; and
 - 5.1.5.2. Provisions of the relevant Development Servicing Plan (if applicable).
 - 5.1.6 The applicant of the section 68 water supply approval acknowledges and agrees to the *Standards and Conditions of Retail Water Supply*, as amended from time to time, as a condition of approval and undertakes to bring the *Standards and Conditions of Retail Water Supply* and any other condition/s of approval to the attention of any subsequent owner of the property having the benefit of the water supply approval.
6. Applications that involve subdivision, rezoning or substantial expansion of infrastructure and/or business activities on the property and has frontage or is located more than 100m/ET from the proposed connection point will be considered on case-by-case basis and may be subject to additional assessment criteria and require the approval of Rous's General Manager or governing body subject to the level of financial impact or risk to Rous.

Part 3 – Other matters

APPLICATION AND FEES

7. To apply for a water supply approval, the Water Service Application must be completed and lodged with Rous. For complex applications, the applicant may be required to provide additional information to enable assessment of the application.
8. Fees and charges are payable for water supply approvals including any works required to be undertaken. These are outlined in Rous's Revenue policy (<https://rous.nsw.gov.au/council-policies>).
9. Depending on the type of work or activity, these fees may be payable at the time of lodgement of the application form or at a later date as a condition of approval.

ASSESSMENT, OBJECTIONS, AND REVIEWS

10. Applications will be assessed within 28 days of receipt of the application (or date of receipt of any additional information required).
11. A notice will be issued following the assessment of the application confirming whether it has been approved (including any conditions of approval) or refused (the 'determination').
12. An applicant may –

³ Section 24 *Local Government (General) Regulation 2021*.

- 12.1. Object to the application of the regulations or provisions of this policy to the water supply activity the subject of their approval application if the objection is made in accordance with section 82 of the LG Act.
- 12.2. Amend or withdraw their application at any time prior to it being determined by Rous.
- 12.3. Request that Rous review its determination in respect of their application within 28 days of the date of the determination.⁴

ENFORCEMENT

13. An approval may be revoked or modified in any of the following circumstances –
 - 13.1. For any cause arising after the granting of the approval which, had it arisen before the approval was granted, would have caused Rous not to have granted the approval (or not to have granted in the same terms);
 - 13.2. For any failure to comply with a condition of the approval;
 - 13.3. If any of the circumstances outlined in section 144 of the *Local Government (General) Regulation 2021* are met.
 - 13.4. Rous also reserves the right to disconnect a customer from its water supply network where operational or strategic requirements dictate that water supply can no longer be provided to the property concerned. In these circumstances, Rous will consult with affected customers on the consequences of such a decision and possible alternate arrangements before making a final decision on whether to proceed with a disconnection.

Contact officer

Infrastructure Program Manager

Related documents

Policies

[Retail water customer account assistance policy](#)

[Revenue and Fees and Charges Policy](#)

Procedures

Water Service Application

Standards and Conditions of Retail Water Supply

Legislation

Local Government Act 1993 (NSW)

Local Government (General) Regulation 2021

Other

[Development Servicing Plan \(DSP\) for Retail Water Supply 2023](#)

Standard New Connection Template Letter

File No.:		Next review date: [2 years]	
Version	Purpose and description	Date adopted by Council	Resolution No.
0.1	Development of a policy governing exemptions, assessment criteria, and other requirements for retail water supply approvals.		

⁴ [Section 100](#) of the *Local Government Act 1993*.