POLICY 10.05

Community Facilities & Services

Code for Establishing & Applying Property Units for Community Wastewater Management Systems

Version: 3 | Next Review: August 2030

DISTRICT COUNCIL of TUMBY BAY

1. INTRODUCTION

The District Council of Tumby Bay (the Council) provides Community Wastewater Management Systems (CWMS) to support public health, environmental protection, and sustainable community development within its area.

To ensure that the costs associated with the provision, operation, maintenance, and future renewal of CWMS infrastructure are recovered in a fair and equitable manner, Council applies a system of property units. This approach enables differentiation between property types based on their demand on the wastewater system.

This Policy establishes how property units are determined and applied for CWMS charging purposes, consistent with relevant legislation and guidance issued by the Local Government Association of South Australia (LGASA). It provides transparency and consistency in Council's rating approach and ensures that all landowners are charged equitably relative to their use of the CWMS.

2. POLICY OBJECTIVE

The objectives of this Policy are to:

2.1 ensure equity and fairness in the allocation of CWMS service charges by applying a consistent and rational methodology based on property units.

2.2 align Council's charging practices with the *Local Government Act 1999* (the Act) and associated Regulations, as amended from time to time, including the permissible use of differential factors for service charges.

2.3 promote transparency and accountability in how CWMS charges are determined and applied.

2.4 support financial sustainability by enabling appropriate cost recovery for CWMS infrastructure, operations, maintenance, and renewal.

2.5 provide flexibility to accommodate different property uses and wastewater generation characteristics, and

2.6 encourage environmentally responsible practices, including the use of approved on-site wastewater treatment systems where appropriate.

This Policy applies to all land within the Council area that is connected to, or has access to, a Council operated CWMS.

3. LEGISLATIVE REQUIREMENTS

Section 155 of the *Local Government Act 1999* (the Act) provides that a Council may impose a service rate, an annual service charge, or a combination of both on land to which it provides, or makes available, a prescribed service. A 'prescribed service' includes the collection, treatment or disposal (including by recycling) of waste.

Accordingly, Section 155 enables Council to recover the costs associated with the provision of a CWMS, including the costs of establishing, operating, maintaining, improving and replacing

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the service, through the imposition of a service rate or annual service charge on land to which the service is provided or made available.

Section 155(3)(b) of the Act provides that a service rate or annual service charge may vary according to a factor prescribed by regulation and applied by the Council. Further, section 155(8) provides that an annual service charge may be based on any factor that applies under Section 155(3).

Regulation 12 of the *Local Government (General) Regulations 2013* prescribes, for the purposes of Section 155(3)(b), that the number of property units applicable to land, determined in accordance with the CWMS Property Units Code, may be used as a factor by which a service rate or annual service charge varies.

Regulation 12 also adopts the *Code for Establishing and Applying Property Units as a Factor for the Imposition of Annual Service Charges for Community Wastewater Management Systems* (CWMS Property Units Code), published by the Local Government Association of South Australia (LGASA), as a recognised methodology for determining property units.

In applying this framework, Council must ensure that Council's CWMS charging methodology is equitable and consistent with legislative requirements.

4. ESTABLISHING PROPERTY UNITS FOR CWMS

Regulation 12 of the *Local Government (General) Regulations 2013* adopts the CWMS Property Units Code and prescribes the number of property units as a factor for the purposes of section 155(3)(b) of the Act.

The code sets out the rationale for defining a 'property unit' and the basis for application of the 'property unit' concept to the broad range of properties likely to be connected to a CWMS. This forms the basis for charging differentially between the full range of properties having access to a CWMS. While most councils use the code it does not have mandatory force. A council may use other methods for charging CWMS users but must ensure that their charging regime is equitable.

Note that the CWMS Code does not specify the amount to charge.

The CWMS Property Units Code is adopted by the Regulations, however, its application by Council must remain equitable and consistent with legislative requirements.

The Council adopts the *LGASA Code for Establishing and Applying Property Units as a Factor for the Impositions of Annual Service Charges for Community Wastewater Management Systems* as the basis for Council's CWMS service charges (refer Appendix A).

While the LGASA CWMS Property Units Code is adopted as the primary basis for determining property units, Council reserves the right to determine property unit allocations where local circumstances warrant deviation, provided that such determinations remain equitable, evidence-based, and consistent with legislative requirements.

5. APPLICATION OF THE CWMS PROPERTY UNITS CODE

Council does not apply fractional property units. Where a calculation results in a fraction, the number of property units will be rounded up to the next whole unit to ensure simplicity in administration and to support cost recovery.

6. CWMS RATE DISCOUNTS

This Policy also provides CWMS rate discounts when approved private Wastewater Treatment Plants are installed on properties.

6.1 Approved on-site wastewater treatment plants installed and operated in accordance with manufacturer's specifications shall be eligible for annual discounts on CWMS unit rates, as determined by Council's annual budget and rating processes, provided that:

a) the treatment system is approved under relevant legislation,

b) the system is maintained and operated in accordance with manufacturer specifications and regulatory requirements, and

c) the property remains connected to the Council CWMS (where applicable).

Discounts will apply as follows:

i) Treatment plants that are connected to the Council's CWMS and require desludging (four yearly cycle) will receive a reduction on their annual CWMS service charge; and

ii) Treatment plants that are connected to the Council's CWMS but do not require desludging will receive a larger reduction on their annual CWMS service charge.

6.2 Council reserves the right to withdraw or amend discounts where compliance is not demonstrated.

6.3 Council may review the discount amounts annually as part of its annual budget process to ensure they remain appropriate and financially sustainable.

7. REVIEW OF PROPERTY UNIT ALLOCATIONS

Council may review and adjust the number of property units assigned to a property where:

7.1 there is a change in land use or development intensity,

7.2 additional information becomes available regarding wastewater generation, and/or

7.3 an error in assessment is identified.

Property owners may request a review of their property unit allocation in writing, supported by relevant evidence.

8. POLICY REVIEW

This Policy will be reviewed every four (4) years. The Council has the right to review this policy at any time, if considered desirable.

9. AVAILABILITY OF THIS POLICY

This Policy will be available for inspection at the Council's Office during ordinary business hours and via the Council's website, www.tumbybay.sa.gov.au. Copies will also be provided to the public upon request and upon payment of a fee in accordance with the Council's Schedule of Fees and Charges.

10. FURTHER INFORMATION

File reference	R26/10743
Responsibility	General Manager Works & Infrastructure
Version	3
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Minutes reference	8c/82026
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Applicable Legislation	*Local Government Act 1999* *Local Government (General) Regulations 2013* *South Australian Public Health Act 2011* *Local Government (Financial Management) Regulations 2011*
Related Policies	
Related Procedures	

AUTHORITY:	Adopted by Council:	10/10/2011	{Motion 19c/102011}
	Amended by Council:	25/05/2012	{*legislative change as published by the LGASA*}
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	Adopted by Council:	11/08/2026	{Motion 8c/82026}

SIGNED: ………….

Responsible Officer

APPENDIX A

LGASA Code for Establishing and Applying Property Units as a Factor for the Impositions of Annual Service Charges for Community Wastewater Management Systems