

## **5.2. REQUEST TO HAVE SITE REMOVED FROM DECLARED SEWER SERVICE AREA - 82-90 MITRE STREET, CRAIGLIE**

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### **RECOMMENDATION**

**That Council resolves to remove 82–90 Mitre Street Craiglie, formally described as Lot 901 on SP274759 from the declared sewer service area under the Water (Safety & Reliability Act) 2008 in order to facilitate the installation of an onsite wastewater treatment plant to service one dwelling.**

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### **EXECUTIVE SUMMARY**

For quite some time, the owners of 82–90 Mitre Street Craiglie have been seeking ways in which connection can be made to Council's reticulated sewer network in order to develop the land for a house.

The land owner has been unsuccessful in negotiating access to the sewer line on the other side of Mitre Street and located in private property.

Connection was also explored to Council's pump station located further to the north down Mitre Street.

An Operational Works approval for the connection to the pump station was obtained in February 2018. The cost of making connection was considered too onerous by the Applicant and the Applicant sought legal advice in February 2019 with the view of making Council provide a sewer connection to the property via the existing sewer line located in private freehold land on the other side of Mitre Street.

No ability exists for an approval to issue for onsite effluent disposal system while the site is considered to fall within a declared sewer service area for the purpose of the Water Supply (Safety and Reliability) Act 2008.

There is no lawful ability to provide a sewer connection to the property. However, in order to assist the Applicant with their desire to develop a house on the land, the Applicant was advised to make a request to have the land removed from a declared sewer service area in order to allow approval to issue for an onsite effluent system for one dwelling.

Such request has been made and it is the purpose of this report to gain a Council Resolution to have the site considered outside of a declared sewer service area in order to finalise this matter.

Support of the request is recommended.

## PROPOSAL & DISCUSSION

The site is a large allotment that was previously contained within the Residential 1 zone under the previous Planning Scheme and is now contained within the Environmental Management zone under the 2018 Planning Scheme.

Building Approval for a residential dwelling was issued by a Private Certifier and has subsequently been constructed. However, the property is yet to connect to Council's reticulated sewer network as the cost of connection is considered too onerous by the Applicant and therefore the use is yet to commence. The Applicant has been unsuccessful in negotiating access to the sewer in private property.

Despite claims by the Applicant, there is no lawful ability for Council to make changes to the existing sewer infrastructure on the opposite side of Mitre Street to provide for connection to the subject land which will be for the sole benefit of one land owner. Such work is not planned capital work and is not for the benefit of the broader community. The Applicant has the ability to negotiate with the owners of the property to achieve access however this has been unsuccessful to date.

The Applicant has been advised that no ability exists for Council to provide connection. However, as an alternative, the Applicant was advised to make a formal request to have the land removed from the declared sewer service area in order to allow the approval on an onsite effluent system to service a dwelling on the site.

The Applicant has been advised that such a request would be supported at Officer level given the isolated nature of the block of land and the inability for surrounding land to be developed for urban purposes. The block of land effectively forms the "book-end" of properties along the eastern side of Mitre Street. It is on this basis, in addition to the limited development opportunities afforded to the site by the Environmental Management zone, that the request is supported.

The image below identifies the sewer infrastructure located on the opposite side of Mitre Street in addition to the existing pump station located on the eastern side of Mitre Street to the north of the site.



Figure 1. - Image illustrating sewer infrastructure proximate to the site

## FINANCIAL/RESOURCE IMPLICATIONS

No financial or resource implications are identified.

## RISK MANAGEMENT IMPLICATIONS

The request to have the site removed from a declared sewer service area is supported on the basis that it is for one dwelling. This determination will not preclude Council's ability to condition and future development be connected to Council's reticulated sewer network.

There is no identified risk management implications identified with supporting the request.

## SUSTAINABILITY IMPLICATIONS

**Economic:** Support of the request will greatly assist the Applicant with the ability to use the site for residential purposes without expending significant costs to make the connection.

**Environmental:** The Applicant will be required to undertake the necessary investigations to demonstrate the site is suitable for the disposal of effluent onsite as part of the plumbing approval process. It is anticipated that an advanced secondary wastewater system will be required. No concerns are raised in this regard.

**Social:** No social implications are identified.

## COUNCIL'S ROLE

Council can play a number of different roles in certain circumstances and it is important to be clear about which role is appropriate for a specific purpose or circumstance. The implementation of actions will be a collective effort and Council's involvement will vary from information only through to full responsibility for delivery.

The following areas outline where Council has a clear responsibility to act:

**Asset-Owner** Meeting the responsibilities associated with owning or being the custodian of assets such as infrastructure.

## CONSULTATION

**Internal:** Discussions with the Manager of Water & Wastewater and Council's Plumbing Inspector.

**External:** Not Applicable

## COMMUNITY ENGAGEMENT

No community engagement is necessary in determining the request.

## ATTACHMENTS

Nil