

SHIRE OF YILGARN

Customer Service Charter for Wastewater Services

for the Southern Cross and Marvel Loch Townsite Sewerage Schemes



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1.0 Introduction

The Shire of Yilgarn invested in a reticulated deep sewer scheme for the Southern Cross townsite in 1983 with stage two completed in 1984 and stage three completed in 1986. At the conclusion of this work most properties within the townsite were able to be connected to the new scheme except for properties along and east of Polaris Street (except for the Southern Cross District Hospital and the Southern Cross Caravan Park which were connected to the scheme during stage three work), and most industrial properties located along and north of Arcturus Street. The deep sewer scheme consists of 14.795 Kms of combined gravity mains and rising mains reticulated sewage pipes, three collection and pump stations (one location off Arcturus Street (PS1), one located east end of Achernar Street (PS2), and one located in the Southern Cross Caravan Park site off Great Eastern Highway (PS3), plus a series of 4 evaporation ponds located north of town off the Koolyanobbing-Southern Cross Road.

In 1985 the Shire of Yilgarn installed a semi-deep sewer or effluent disposal scheme in the Marvel Loch townsite which enabled most properties to connect to the scheme while also using on-site septic tanks on each property. The effluent disposal scheme consists of 5.691 Kms of combined gravity mains and rising mains reticulated sewage pipes, two collection and pump stations (one located on Lenneberg Street (PS1) and the other is located on Overington Street (PS2)), plus a series of three evaporation ponds located north of the townsite off the Old Marvel Loch Road.

An alternative treatment system was installed at the Southern Cross Sewer Ponds site in 2007-8 but was not commissioned until 2009 due to various problems with what was effectively a pro-type system and there was a period where there was no resident local plumber in town. The system only treats a portion of the total of wastewater discharged at the sewer ponds site. Residents were not affected by the installation of this new system.

1.1 The Role of this Charter

This Charter sets out the broad philosophy of the Shire of Yilgarn in supplying sewerage services to the townsites of Southern Cross and Marvel Loch in accordance with the Licence issued to the Shire of Yilgarn by the Economic Regulation Authority (the Authority) under the *Water Services Licensing Act 1995*. This Charter is subject to relevant provisions in the *Water Acts*¹, the *Health Act 1911* and the *Local Government Act 1995*.

This Charter is to be reviewed every 3 years. The Shire of Yilgarn may amend the Charter at the time of the review or at anytime provided the changes are approved by the Authority.

The Charter informs you, the customers of the Shire of Yilgarn, of your rights in accordance with the provisions of the licence, including service interruptions, levels of service, and complaints procedures.

1.5 Emergency Assistance

The Shire of Yilgarn maintains a 24-hour emergency contact service for emergency events, such as an overflow from a sewer connection.

Telephone calls to the emergency number shall be answered promptly and advise of action to be taken and timing given within one hour of receiving your call.

The emergency customer service telephone number is (08) 9049 1001 during normal office working hours or for all **AFTER HOURS** emergencies please call **0407 491 027**.

2.0 Your Basic Rights

2.1 Your Rights to Wastewater Services

Subject to the *Water Services Licensing Act 1995* and the *Health Act 1911*, the Shire of Yilgarn shall provide a service for the removal, treatment and disposal of wastewater under the terms set out in this Charter and the Operating Licence. In certain circumstances, the Shire of Yilgarn may supply water for other than drinking purposes (eg treated effluent) to irrigate the sports oval and Constellation Park in Southern Cross, and the sports oval in Marvel Loch, in accordance with the conditions imposed by the Department of Health WA.

The Shire of Yilgarn shall treat and dispose of wastewater in an environmentally responsible manner. All wastewater treatment plants shall operate in accordance with the licence conditions set by, and/or agreements with, the Department of Environment and Conservation and the Department of Water.

Occasionally some odours occur from the treatment plants, and these may affect nearby residents. The Shire of Yilgarn shall respond to complaints of odours by investigating the report and advising the customer of the outcome within one day.

2.2 Your Rights to Industrial and Commercial Wastewater Services

Industrial and commercial wastewater may be accepted for discharge into the Shire of Yilgarn's wastewater system subject to compliance with the Shire's requirements. An agreement with a customer for industrial and commercial wastewater services to be provided by the Shire shall be documented in an industrial waste permit issued by the Shire of Yilgarn.

2.3 Your Rights in Relation to Sewage Spills

If a sewer overflow occurs on your property due to failure of the Shire of Yilgarn's assets, representatives of the Shire of Yilgarn shall be on site as soon as possible, or within two hours of being notified. Action shall be taken to restore the service, clean up the affected area and minimise any damage or inconvenience.

2.4 Your Rights to Consultation and Information

The Shire of Yilgarn is committed to involving its customers on issues relating to its programmes and services. Community involvement in the Shire of Yilgarn's service planning and decision-making processes will be sought through forums such as focus

groups and customer surveys. The Shire of Yilgarn will use local media bulletins to advise customers of any system change that may result in significant variation in its service levels.

The Shire of Yilgarn will publish and make available at its premises information on matters relating to its wastewater services and on other aspects such as charging and complaints handling. Information regarding these matters can be obtained from the Shire of Yilgarn's business office.

The Shire of Yilgarn's representatives will provide identification, their name and section, when engaged in business discussions with customers.

2.5 Your Rights to Assistance, Redress and Compensation

If the Shire of Yilgarn's activities have caused damage to your property or disruption to you, such as a sewer overflow, the Shire of Yilgarn shall deal with the matter in a fair and business-like manner, whether or not a complaint is received. The Shire of Yilgarn may rectify any damage and, as necessary and reasonable, refer any compensation claims immediately to the Shire's insurers for assessment and necessary action.

2.6 Charges and Accounts

Charges for services to customers shall comply with the relevant provisions and regulations of the *Health Act 1911* and the *Local Government Act 1995*.

If an error is made resulting in the customer paying more than the correct amount, the excess amount shall be held in credit for future charges, or refunded, at the discretion of the customer.

The Shire of Yilgarn has the discretion to make refunds, adjustments and waive or defer payments.

The Shire of Yilgarn can make special financial arrangements to assist customers experiencing hardship in the payment of their accounts. Information on these options is available from the Shire of Yilgarn office or by calling the telephone number shown on your account.

Statements of account for outstanding charges are issued on a regular basis. In addition, the Shire of Yilgarn shall supply additional statements of account on request. A fee applies for this service.

Utility service availability and other charges are made against the owner of the land to which services are available or supplied and are the responsibility of the property owner. A property owner is responsible for payment of the charges set by the Shire of Yilgarn as applicable to the property.

An account shall be regarded as having been delivered when it is transmitted to a property owner at the address given to the Shire of Yilgarn by the property owner or the property owner's agent. It is the property owner's responsibility to notify the Shire of Yilgarn of any change of address.

The Shire of Yilgarn will charge interest on overdue accounts as prescribed in the *Local Government Act 1995* by forwarding an account for the interest to the property owner. Also, if a customer's cheque is not honoured for any reason, the Shire of Yilgarn may pass on any costs incurred.

If an error is made in the charge that results in the customer paying less than the correct amount, the customer may be required to pay the correct amount upon request.

Please refer to your Rate Notice or ask for the sewer service charges from the Shire administration office staff.

2.7 Connecting to Our Services

Applications for wastewater service connections should be made at the Shire of Yilgarn's administration office. These applications must be accompanied by the related building plans. Single and multiple applications for approval shall be processed on receipt at the Shire of Yilgarn's administration office.

Where a Shire of Yilgarn wastewater reticulation main is available to your land and has the capacity for the required service, the Shire of Yilgarn shall, on application by you, approve connection to the wastewater system, under the terms and conditions set out in this Charter, the Licence and the *Water Services Licensing Act 1995*. Generally a property connection point will be installed to the main wastewater drainage line within 7 working days or as soon as possible after this time.

Where the Shire of Yilgarn wastewater reticulation main is not already available to a property, any application received to connect to the system must be evaluated and assessed. It is expected that the assessment process will take no more than 14 days to complete. Following the assessment the Shire will advise the applicant as to whether connection is possible or not. Where an extension of the main wastewater drainage line is possible due to drainage levels, ground conditions, and costs are reasonable for carrying out this work, the extension of the main drainage line will be installed within 30 days from the application being approved.

If the Shire of Yilgarn's wastewater system is available to a property, which produces or has capacity to produce wastewater, it is a requirement for the property owner to connect to the system in accordance with section 72 of the *Health Act 1911*.

The application form for a wastewater service connection is found in Appendix 1.

2.8 Disconnection

If the wastewater service is no longer required by you, a disconnection from the Shire of Yilgarn's service may be approved provided that:

- the Shire of Yilgarn is first notified of the intention, and
- a fee is paid to the Shire of Yilgarn which shall arrange the disconnection, and
- the property has no further wastewater disposal requirement.

In most circumstances, disconnection of a wastewater service does not terminate this Charter. The Shire of Yilgarn is required under the Water Acts and Licence to levy a service availability charge to the owner of land (including vacant land) where wastewater services are available for connection to a property. The Charter is void if there were no services available and no charges levied.

The Shire of Yilgarn shall reconnect its service upon your request and on compliance with the terms and conditions of this Charter. A reconnection fee shall apply.

The application form requesting disconnection of a wastewater service is found in Appendix 2.

2.9 Enquiries, Suggestions, Complaints and Disputes

The Shire of Yilgarn values your enquiries and suggestions on ways it can improve its services. If you have an enquiry you can telephone the Shire of Yilgarn on (08) 9049 1001 during business hours. You will receive prompt, courteous and helpful replies and will be told who is handling your enquiry.

Telephone calls to the emergency numbers shall be answered promptly and advice of action to be taken and timing given within eight hours of your call. General written correspondence will be replied to as soon as possible within 5 business days. Over the counter and telephone enquiries will be responded to within 8 hours

When you lodge a complaint (either in writing or verbally), the Shire of Yilgarn shall address the issue in a timely and efficient manner. A representative of the Shire shall respond in person within 1 business day of a complaint being lodged. Where this response advises the need for further assessment you shall receive a written reply within 5 business days.

If you are not satisfied with a solution offered or action taken on a complaint, you may seek referral to the Shire of Yilgarn's Chief Executive Officer, who shall investigate the complaint, assess the appropriateness of the response and either confirm or amend the proposed solution or action.

If the matter has not been resolved to your satisfaction within 21 days, you may refer the matter to the Department of Water at the following address:

Department of Water
The Atrium 168 St George's Terrace
PERTH WA 6000
Phone Number: (08) 6364 7600
Fax Number: (08) 6364 6520
Website address: www.water.wa.gov.au
Email address: reception@water.wa.gov.au

The Department of Water will seek a detailed explanation of the nature of the complaint, the solutions or actions offered by the Shire of Yilgarn and the reasons why these are not acceptable to you. The Department of Water will respond with its opinion on the matter and suggest a solution to the parties involved.

If you remain dissatisfied with the outcome, you may submit the matter to arbitration by an Arbitrator selected by you from a list prepared by the Department of Water. The Arbitrator's decision, including award of costs, will be binding on both parties and will preclude further action on the matter. You may elect to bypass the arbitration process and take legal action to resolve the matter.

The form to be filled out to submit a complaint, enquiry, or suggestion to the Shire is found in Appendix 3.

3.0 Our Powers

3.1 Entry to Your Property

The circumstances in which the Shire of Yilgarn representatives may enter your property to carry out investigations and/or work on the Shire of Yilgarn wastewater system, are set out in the *Water Services Licensing Act 1995*. Any such entry shall normally occur during business hours, except in cases of emergency. For planned work within a property, the Shire of Yilgarn shall advise the occupier in advance. In cases of emergency, the occupier, if present, shall be informed of the repairs to be undertaken and the anticipated length of time for the work.

3.2 Rectifying Defective Work

If the Shire of Yilgarn becomes aware of the presence of any defective or improper work forming part of your wastewater pipes and fittings which may impair the effective operation of the Shire of Yilgarn's sewerage system, it may serve a notice requiring you to remedy any such defect or improper work within a specified time.

If the terms of the notice are not followed, the Shire of Yilgarn may enter the customer's property to remedy the defective or improper work. This action, if taken, shall be in accordance with the relevant legislation and the full cost of any remedial work shall be charged to the customer.

3.3 Service Interruptions

The Shire of Yilgarn wastewater services are designed to be available 24 hours a day. However, the Shire of Yilgarn may interrupt, postpone or limit its wastewater services to customers:

- if any part of the works is damaged, for example, by bursting, blockage or breakdown; or
- if it is necessary to inspect, maintain, repair or replace any part of the works; or
- for connection of new works or services; or
- if an event occurs beyond the Shire of Yilgarn's control, including acts by others, sabotage, flood, earthquake, power or water shortage or industrial action.

Except in emergencies, the Shire of Yilgarn shall give notice to you of its intention to interrupt, postpone or limit the supply of services for the purpose of regular maintenance or planned works programs. Unless interruptions are limited to a few minutes, notification shall be given to domestic customers - at least 4 hours prior, and for commercial and industrial customers - at least 2 days prior or by agreement.

3.4 Maintenance

The Shire of Yilgarn's wastewater services are provided from the point where the pipes serving your property connect to the Shire of Yilgarn's wastewater reticulation main.

Wastewater reticulation mains (sewers) and associated fittings remain the property of the Shire of Yilgarn whether or not they are located within private property. The location of these structures can be obtained from the Shire of Yilgarn's office. You are required to ensure that the Shire of Yilgarn's pipelines and structures are reasonably accessible, are not interfered with, covered, built close to, built over, or damaged.

Prior to undertaking building or construction activity on land connected or capable of being connected, it is a requirement to gain the Shire of Yilgarn's approval. In the first instance, you should contact the Shire of Yilgarn's office. Unauthorised property improvements that interfere with the Shire of Yilgarn's assets may be required to be removed at your cost.

The Shire of Yilgarn is responsible for the maintenance of property sewer connections where they are unable to be cleared or repaired from the inspection shaft - provided that the depth of the repair job is 2.5 metres or more, and/or the fault in the property connection is outside the property concerned.

You are responsible for all plumbing, pipes and fixtures on or serving your property to the point where pipes connect to the Shire of Yilgarn's property sewer connection. Where the property sewer connection is at a depth of less than 2.5 metres and is situated within the property boundary, you are responsible for maintenance of that property sewer connection.

3.5 Discharge of Unauthorised Substances

It is your responsibility to ensure that stormwater (including roof runoff) and other unauthorised substances are not discharged into the Shire of Yilgarn's sewers. Certain waste products are not suitable for disposal in the Shire of Yilgarn's wastewater system because of their nature and ability to pollute.

Specialised procedures for disposal are required for substances such as:

- **cooking oil and grease - these should be placed in a container or wrapped and placed in the rubbish bin;**
- **paint, paint thinners, dry cleaning fluids, engine oil, solvents, acids, alkalis, laboratory chemicals, kerosene, garden poisons, polishes or cleaning products - such substances should be recycled through the Industrial Waste Exchange (the Office of Waste Management, Environmental Protection Authority) or be deposited at a local council collection point for these materials; and**
- **products like disposable nappies, panty hose, sanitary napkins, tampons, cotton buds, syringes, toilet deodorant packs and razors - these should be wrapped and placed in the rubbish bin.**

3.6 Limitation or Withdrawal of Services

The Shire of Yilgarn may discontinue its wastewater services in the following circumstances:

- if you do not comply with the terms and conditions of this Charter; or
- if there is a public health, environmental and/or safety risk to the Shire of Yilgarn's services from your service connection (eg backflow risk or unauthorised industrial waste discharge); or
- if you do not pay, or make arrangements to pay, overdue charges for the services.

If there is a health and safety risk the Shire of Yilgarn shall discontinue your service immediately. In all other cases, the Shire of Yilgarn shall provide 48 hours notice in writing of its intention to refuse or alter or restrict its services.

The Shire of Yilgarn shall reinstate its supply of services at your request and on compliance with the terms and conditions of this Charter. A fee applies for this service.

3.7 Liability

The Shire of Yilgarn is liable for any loss or damage that you may suffer:

- as a result of a breach of this Charter by the Shire of Yilgarn, its servants or agents; or
- as the result of a negligent act or omission by the Shire, its servants or agents; or
- as a result of the failure to meet standards prescribed by its Operating Licence or regulations (if any).

The Shire of Yilgarn's liability is limited as follows:

Section 35 of the *Water Services Licensing Act 1995* allows the Shire of Yilgarn to interrupt, suspend or restrict the provision of a water service (including sewerage, drainage, and irrigation) if in the Shire of Yilgarn's opinion it is necessary to do so because of an accident, emergency, potential danger or other unavoidable cause. The Shire of Yilgarn is not liable for any loss or damage that arises from any such interruption, suspension or restriction unless the customer has an agreement with the Shire of Yilgarn that expressly states that the Shire of Yilgarn is, to the extent that the agreement states, liable in those circumstances.

The Shire of Yilgarn's liability under breach of this Charter is limited to the rights of compensation and redress set out in this Charter. The Shire of Yilgarn's liability for failure to meet prescribed standards is limited to the amount prescribed as a penalty in its Operating Licence or regulations (if any).

APPENDIX 1

Clause 2.7

SHIRE OF YILGARN

Application to Connect to Wastewater Service

Applicant's Name: _____

Applicant's Address: _____

Property to be connected to wastewater service:

Lot No: _____ House No: _____ Street: _____

Town: _____

Property occupied: yes / no (please circle)

If occupied, please state name and telephone contact details:

Applicant's Signature: _____

Date: _____

NB: Site plan showing all existing and proposed buildings must accompany this application.

Date Approved: _____

Approved By: _____

APPENDIX 2

Clause 2.8

Shire of Yilgarn

Request Disconnection of Wastewater Service

Applicant's Name: _____

Applicant's Address: _____

Property to be disconnected from Shire's wastewater service:

Lot No: _____ House No: _____ Street: _____

Town: _____

State reason for disconnection: _____

NB: Disconnection fee to be paid prior to disconnection being authorized and following inspection of property by Shire officers.

Fee Payable: \$ _____

Payment Date: _____

Authorising Officer: _____

Date: _____

APPENDIX 3

Clause 2.9

Shire of Yilgarn

Complaint, Enquiry, and Suggestion Form

Complaint / Enquiry / Suggestion (please circle which is appropriate)

Name of person: _____

Person's contact details: _____

Location of fault: _____

Description of the fault: _____

State enquiry or suggestion: _____

Signature of person: _____

Date & Time: _____

Authorised person to deal with this form: _____

Actions to be taken: _____

Work completed: yes / no (circle one) Date: _____

Authorised person's signature: _____

APPENDIX 4

Fees and Charges

As per Council's published list of fees and charges (as amended from year to year) copies of which are available at the Shire administration office front desk.