

Sanitary Drainage Policy

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Responsible Officer	Manager Water and Waste	Date Approved:	20/05/2020
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Author:	Senior Compliance Officer	Commencement:	20/05/2020

1. PURPOSE

To delineate responsibility for Council sewerage infrastructure (**Council sewerage network**) and private property sewerage infrastructure (**sanitary drain**) as applies to the occurrence of sewerage blockages.

2. SCOPE

This policy applies to all sewerage **service areas** within the Mareeba Shire Council local government jurisdiction. This policy does not apply to non-service areas. This policy should be read in conjunction with Council's *Sewerage Connection Policy*.

3. POLICY STATEMENT

RESPONSIBILITY—SANITARY DRAINS AND COUNCIL SEWERAGE NETWORK

Single sanitary drains

Property owners are responsible for the sanitary drain servicing their properties up to the service **connection point**. The connection point is the point at which the sanitary drain connects with the Council sewerage network. The specific location of the connection point may vary in relation to the boundary of a property. The connection point may be located inside or outside a property boundary or may be located some distance away from the property (see Figure 1 example). Owners are additionally responsible for all ancillary sanitary drain connections on their property such as overflow relief gully (ORG) fittings designed to overflow outside a dwelling to prevent overflows occurring inside the dwelling.

Combined sanitary drains

A **combined sanitary drain** refers to a sanitary drain that services more than one property. Examples may include:

- a combined sanitary drain in an apartment complex comprised of multiple dwellings or units in a community or strata title property. Combined sanitary drains of this type are the responsibility of the relevant body corporate

Human Rights Compatibility Statement

The *Human Rights Act 2019* (Qld) (HR Act) came into effect on 1 January 2020 and will mean fairer laws, policies and practices by public entities when dealing with the community on a day-to-day basis. This policy has been drafted to accord with sections 15-37 as aligned with s 8 of the HR Act.

- a combined sanitary drain that services two (2) or more separately owned adjacent properties. These types of combined sanitary drains are the collective responsibility of the relevant property owners.

Property owners are responsible for maintaining the proper function of any sanitary drain servicing their property and penalties may apply for failure to maintain a sanitary drain.¹

Council is responsible for the operation and maintenance of the main (public) sewerage network up to the connection point including the **property service**. To remove doubt, Council is **not** responsible for maintenance or operation of **sanitary drains of any type**.

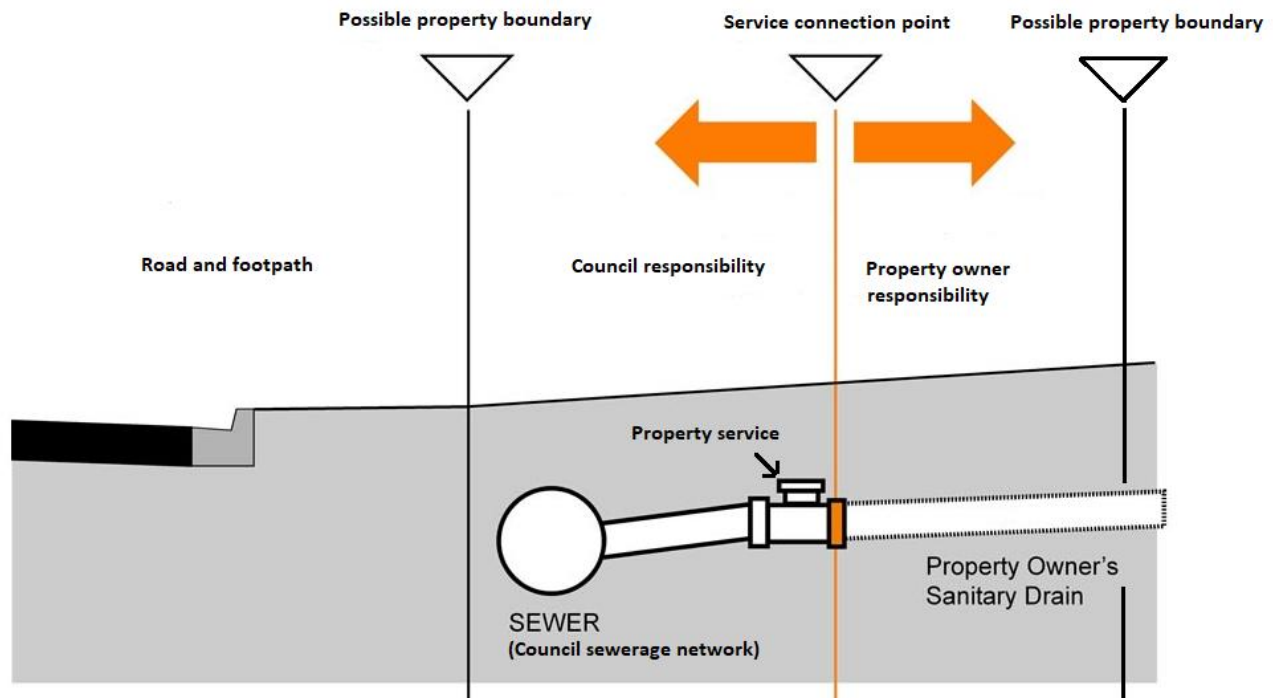


Figure 1. typical connection with responsibilities relative to service connection point and possible position of property boundaries.

BLOCKAGES

A sanitary drain blockage can occur as a result of:

- fats or food scraps being washed down the household sink
- wet wipes and other hygiene or sanitary products being flushed down the toilet
- tree roots entering and growing inside pipes, causing cracking
- other factors such as stormwater overloading the Council sewerage network.

Sanitary drain blockages may also occur due to improper stormwater connections from downpipes or water tanks which drain into the sanitary drain on a property.

Note that it is an offence to discharge prohibited substances such as surface water, sand or rock into the Council sewerage network.²

¹ See *Plumbing and Drainage Act 2018* (Qld) s 70.

² See *Water Supply (Safety and Reliability) Act 2008* (Qld) s 193.

RESPONSIBILITY—BLOCKAGES

In the event of a sanitary drain blockage, property owners should contact a licensed plumber. The following applies:

- Where a property owner engages a licensed plumber to clear a blocked sanitary drain, the property owner is responsible for payment of fees to the licensed plumber. Council will not be responsible for payment of fees to a licensed plumber.
- Where a property owner engages a licensed plumber to attend a property to clear a blocked sanitary drain and the licensed plumber subsequently determines that the blockage is located in the Council sewerage network, the plumber should cease work and the property owner should contact Council.
- Where a property owner has contacted Council to report a blockage in the Council sewerage network and it is subsequently determined that the blockage is in the property sanitary drain, Council will impose a standard call-out fee upon the property owner.
- Where a sanitary drain extends beyond the property boundary and blockage clearing works are required on the sanitary drain which require that the ground surface is excavated to access the drain, it is the responsibility of the relevant property owner to obtain any necessary approvals to carry out works on the land beyond the property boundary.
- Council will not clear sanitary drain blockages on commercial or industrial properties.

To remove doubt, Council is **not** responsible for clearing of sanitary drain blockages. Council is responsible for and will attend to the clearing of blockages only in the Council sewerage network. A property owner, licensed plumber or other persons must not undertake any works on Council's sewerage network without Council approval.³

State plumbing and drainage legislation assigns responsibility for clearing of blockages in combined sanitary drains to the relevant property owners and where owners cannot agree on suitable and fair arrangements and the blockage is impacting on the function of the Council sewerage network, Council may take action to clear the blockage and recover costs from the relevant property owners.⁴

Council's powers of entry and property owner consent

Council officers identified as **authorised persons** may enter a place (including a private property) at any time to inspect, assess and undertake **urgent** works to clear a blockage affecting the Council sewerage network. Where the works are not identified as urgent works, Council will enter a place only with the consent of the property owner or where Council has provided the owner with at least fourteen (14) days' notice⁵ and only for a purpose specific to conduct of works to restore function to the Council sewerage network. Determinations on urgency will have regard for the assessed level of risk to the community.

³ See *Water Supply (Safety and Reliability) Act 2008* (Qld) s 192(1).

⁴ See *Plumbing and Drainage Act 2018* (Qld) s 70. See also *Plumbing and Drainage Regulation 2019* (Qld) s 107.

⁵ *Ibid* s 36.

Reimbursement of costs

Where a property owner has incurred costs for licensed plumbing fees to clear a blockage and it is determined that the blockage is located in the Council sewerage network, the property owner may submit a claim for reimbursement of costs for Council consideration. The following will apply:

- All claims must be lodged in the prescribed form accompanied by proof of prior payment of fees to the licensed plumber.
- Any reimbursement, in part or in full, will be at the discretion of Council and based upon an assessment of the facts and circumstances specific to each individual case.
- Council provides no assurance or guarantee of approval for reimbursement following Council assessment of a claim.
- Where a claim is approved by Council, the amount of reimbursement will be in accordance with Council's standard annually reviewable fees and charges. Any residual amount will be the responsibility of the relevant property owner.

Council will **not** consider:

- reimbursement of costs for clearing of a blockage by a person (including a licensed plumber) in the Council sewerage network where the works undertaken to clear the blockage have not been approved by Council
- reimbursement of plumbing fees arising from work conducted by unlicensed persons
- reimbursement of costs for CCTV sewerage inspections
- reimbursement of additional costs associated with the blockage clearing works such as removal of pavers or concrete to access a sanitary drain.

4. REPORTING

No additional reporting is required.

5. DEFINITIONS

Authorised person—means a person appointed by Council to perform a function under specific legislation.⁶

Combined sanitary drain—means a sanitary drain for receiving discharges from 2 or more neighbouring premises, other than a sanitary drain owned by Council for the premises.⁷

Connection point—means a point where the Council sewerage connects to a sanitary drain or sewer.

⁶ See *Local Government Act 2009* (Qld) s 202.

⁷ See *Plumbing and Drainage Regulation 2019* (Qld) sch 10.

Council—means the Mareeba Shire Council including all elected representatives, employees, contractors, volunteers, a Standing or Joint Standing Committee, committee members and any entity under direct Council ownership, management, sponsorship or financial control.

Council sewerage network—means the main sewerage infrastructure pipe network that services the entire town within the **service area**.

Property service—means a junction, bend, pipe, jump up or graded jump up required to connect a sanitary drain to Council sewerage.⁸

Sanitary drain—means a drain network used to carry sewage from individual premises (private property—property not owned by Council) to the Council sewerage network.⁹

Service area—means those areas within Council's jurisdiction declared by Council to be an area within which a sewerage service is provided to the entire community.¹⁰

Sewage—means waste water and excrement conveyed in sewerage pipes.¹¹

Sewerage—means a network of pipes existing for the purpose of carrying sewage.¹²

6. RELATED DOCUMENTS AND REFERENCES

Local Government Act 2009 (Qld)

Plumbing and Drainage Act 2018 (Qld)

Plumbing and Drainage Regulation 2019 (Qld)

Sewerage Connection Policy (MSC)

Water Supply (Safety and Reliability) Act 2008 (Qld)

7. REVIEW

It is the responsibility of the Manager Water and Waste to monitor the adequacy of this policy and implement and approve appropriate changes. This policy will be formally reviewed every four (4) years or as required by Council.

⁸ See *Water Supply (Safety and Reliability) Act 2008* (Qld) sch 3.

⁹ See *Plumbing and Drainage Act 2018* (Qld) sch 1. 'sanitary drain' and 'sanitary drainage' combined and modified for use in the context of this policy.

¹⁰ See *Water Supply (Safety and Reliability) Act 2008* (Qld) s 161.

¹¹ Ibid sch 3.

¹² Ibid.