

LETTER OF EVIDENCE GUIDELINES

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Version control/updates

V1.0	Creation of document	M Turner	Mar 2021

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Phone 07 3432 2200

Terms, acronyms and definitions

TERM	DEFINITION
Access easement	An easement that gives access to a lot from a road.
Change in Demand	Refers to a change in the number of dwellings, lots or gross floor area. For Urban Utilities, demand is not considered in terms of plumbing fixtures.
Change in Use	Refers to a change in development category, for example, a change from residential land use to commercial land use
Connection Certificate	Certificate issued by Urban Utilities which confirms all conditions of a Water Approval have been met.
Combined sanitary drain	Privately owned and maintained sewer drain servicing more than one property; not part of a community title scheme and connected to a single point on the reticulated sewer network. For further information, refer to the Combined Drains Guidelines .
Development Approval (DA)	A Development Approval is a permit issued by a local council for development works. Where a Development Approval is required (e.g. reconfiguration of a lot/subdivision, or material change of use), a Water Approval is also typically required.
Gross floor area (GFA)	Gross floor area refers to the total floor area contained within the building.
Infrastructure charges	Infrastructure charges are legislated charges payable where new development is proposed. Infrastructure charges received by Urban Utilities are applied to enable us to fund the cost of providing new or upgraded trunk infrastructure.
Infrastructure charges notice (ICN)	The Infrastructure Charges Notice sets out the amount of Infrastructure Charges payable by the property owner. An ICN issued by Urban Utilities is separate to any local council ICN.
Letter of Evidence (LOE)	A Letter of Evidence is an advice issued by Urban Utilities confirming that a Water Approval is not required in relation to a specific Council Development Approval.
Material change of use (MCU)	Material change of use occurs when the current use or purpose of a lot is changed to another use or purpose.
Property connection (sewer)	A short length of sewer, owned and operated by Urban Utilities, connecting the main sewer and the customer's sanitary drain. This comprises of a junction on the main sewer, connected to pipes which end within the lot to be serviced. Refer to the SEQ Code for more information.
Property service (water)	A section of water pipe, under the control of Urban Utilities, that supplies water from the water reticulation main to the customer and generally terminates at the property boundary. Refer to the SEQ Code and Standard Water Meter Arrangement Drawings for more information.
Reconfiguration of a lot (ROL)	Reconfiguring a lot is often referred to as subdividing a lot, but it can also include subdividing a lot into 2 or more lots, re-arranging the boundaries of a lot, creating an easement to allow access from a road and some survey activities or lease-term agreements.

TERM	DEFINITION
Reconfiguration of a lot by lease	Dividing land into parts by agreement, such as by leasing part of a lot for a period exceeding 10 years.
SEQ Code	The South East Queensland Water Supply and Sewerage Design and Construction Code provides a consolidated set of design and construction standards for new retail water supply and sewerage reticulation infrastructure in participating south-east Queensland local government areas. http://www.seqcode.com.au
Volumetric subdivision	Subdividing the land by using space above or below the land.
Water Approval	Urban Utilities is the assessment authority for the water supply and sewerage aspects of development within our service area. Assessments are undertaken in accordance with a legislated Water Approval process. A Water Approval is required where the demand on the water or wastewater network changes as a result of development activities (new connections or disconnections), or where an existing connection is altered in some way (alterations).

Urban Utilities links

Information about Urban Utilities documents can be found by following the links in this document, or going to:

Our website - <https://urbanutilities.com.au/development>

Fees and charges - <https://urbanutilities.com.au/development/help-and-advice/fees-and-services>

Forms - <https://urbanutilities.com.au/development/help-and-advice/development-forms>

Guidelines - <https://urbanutilities.com.au/development/help-and-advice/standards-and-guidelines>

Infrastructure Charges - <https://urbanutilities.com.au/development/help-and-advice/fees-and-services/infrastructure-charges-and-agreements>

Urban Utilities Water Approval process - <https://urbanutilities.com.au/development/our-services/water-approval-process>

Letter of Evidence

What is a Letter of Evidence?

A Letter of Evidence (LOE) is a notice issued by Urban Utilities confirming that a Water Approval is not required in relation to a specific Council Development Approval (DA). The team that issues LOEs in Urban Utilities is Developer Services.

Types of Development Approvals where an LOE may be considered include:

- Realignment of a property boundary
- Volumetric subdivision
- Access easement
- Change in building format plan
- Reconfiguration of a Lot by lease
- New Council Development Approval after a Connection Certificate has been issued

***TIP:** If Council has issued an infrastructure charges notice (ICN), Urban Utilities will need to levy the corresponding charges for changes in the demand on the water and wastewater networks. This automatically excludes an application from the Letter of Evidence process and the application will need to go through the [Water Approval process](#).*

How do I apply?

Complete the [Letter of Evidence form](#) and email it, with the supporting information, to DevelopmentEnquiries@urbanutilities.com.au with the subject heading: **Letter of Evidence Request**.

The Developer Services team will upload your application into our system and forward you a charge notice for payment of the application fee. We will action your request within 20 business days, once your payment is received. Information on up-to-date fees is available on the [Urban Utilities website](#).

What supporting information do I need to provide?

To help us meet your expectation of a timely response, you must lodge all of the following information, together:

- Council Development Approval Decision Notice
- confirmation that the existing water and wastewater connections and network infrastructure is suitable to service the development
- confirmation that water and wastewater [infrastructure charges](#) are not applicable.

How is the Letter of Evidence application assessed?

Our team will assess your request within 20 business days of receipt of your payment to ensure the development:

- requires no changes to water and wastewater connections or network infrastructure, and
- has no outstanding water or wastewater infrastructure charges as a result of the development's change in demand on the network and/or the change in use.

If any of these conditions are not met, you may need to apply for a [Water Approval](#).

What if the Letter of Evidence application is refused?

The most common reason that a Letter of Evidence cannot be issued is because there is an increase in the demand on the water and wastewater connections and this requires the payment of [infrastructure charges](#). Infrastructure charges can only be issued via the [Water Approval process](#).

A Letter of Evidence can only be issued if the existing water and wastewater connections into your property and the network infrastructure are suitable to service the new development. In some cases, the property connection and/or the Urban Utilities network may need to be altered or relocated to be suitable to service the new development in accordance with the SEQ Code. For Material Change of Use developments, reuse of existing water and wastewater services requires assessment (via the [Water Approval process](#)) that the existing connections are suitable for the changed use and/or changed demand on the site. If the development relies on connections constructed under a previous Water Approval, a Connection Certificate must have been issued for this infrastructure before a Letter of Evidence can be considered.

The Development Assessment team will advise if a Letter of Evidence cannot be issued and will cancel and refund the application retaining an [administrative fee](#).

Table 1 below outlines when a Letter of Evidence can be considered and when its alternative, a Water Approval is required instead.

TIP: The Letter of Evidence must reference a specific council Development Approval (DA), therefore it can only be issued after council has issued a DA Decision Notice.

Table 1: Letter of Evidence eligibility criteria

DEVELOPMENT TYPE	LETTER OF EVIDENCE POSSIBLE *	WATER APPROVAL REQUIRED*
	<i>*All criteria must be met</i>	<i>*if any of the following apply</i>
Realignment of a property boundary	<ul style="list-style-type: none"> Water and wastewater infrastructure charges are not applicable Each lot has a suitably located water service and meter Each lot has a suitably located wastewater property connection Fire hydrant spacing meets requirements for realigned boundaries in accordance with SEQ Code 	<ul style="list-style-type: none"> Water and/or wastewater infrastructure charges are applicable Water and/or wastewater connection/s need relocating to be suitably located Redundant connection/s need to be removed New fire hydrant/s required to meet hydrant spacing standards Combined sanitary drain needs to be disestablished* <i>*Requirement may be relaxed for minor boundary realignments such as resolving encroachments</i>
Volumetric subdivision	<ul style="list-style-type: none"> Water and wastewater infrastructure charges are not applicable Proposed volumetric lot does not require separate water and wastewater connections Connection Certificate has been issued for relevant Material Change of Use development on the site 	<ul style="list-style-type: none"> Water and/or wastewater infrastructure charges are applicable Nature of proposed volumetric lot is such that separate (new) water and/or wastewater connections are required

Access easement	<ul style="list-style-type: none"> Water and wastewater servicing arrangements have not changed Water and wastewater infrastructure charges are not applicable 	<ul style="list-style-type: none"> Relocation of water and/or wastewater connection is required Water and/or wastewater infrastructure charges are applicable
Change in building format plan	<ul style="list-style-type: none"> Water and wastewater infrastructure charges are not applicable No changes to water and wastewater servicing requirement 	<ul style="list-style-type: none"> Water and/or wastewater infrastructure charges are applicable Water and/or wastewater servicing requirements have changed
Reconfiguration of a lot by lease	<ul style="list-style-type: none"> Water and wastewater infrastructure charges are not applicable Divided lots do not require separate water and wastewater services. 	<ul style="list-style-type: none"> Water and/or wastewater infrastructure charges are applicable Water and/or wastewater servicing requirements have changed
New Council Development Approval after a Connection Certificate has been issued	<ul style="list-style-type: none"> Connection Certificate has already been issued for development but references an earlier Council Development Approval Development type and demand has not changed Water and wastewater servicing requirements have not changed <p>TIP: <i>If the new Council Development Approval was issued before the Connection Certificate was issued, in the first instance please contact development.compliance@urbanutilities.com.au to enquire if the Connection Certificate can be amended.</i></p>	<ul style="list-style-type: none"> Development type and/or demand has changed requiring a new infrastructure charges notice to be issued Water and/or wastewater servicing requirements have changed
Material change of use	<ul style="list-style-type: none"> Letter of Evidence is not applicable 	<ul style="list-style-type: none"> Water Approval is required to assess water and wastewater servicing requirements, including reuse of existing services Water and/or wastewater infrastructure charges may be applicable for the change in use, even if total GFA has not changed
Reconfiguration of a lot	<ul style="list-style-type: none"> Letter of Evidence is not applicable unless reconfiguration is considered a boundary realignment 	<ul style="list-style-type: none"> Water Approval is required to assess water and wastewater servicing requirements Water and/or wastewater infrastructure charges are applicable
Response to Council plumbing information request for a Water Approval	<ul style="list-style-type: none"> A Letter of Evidence only refers to a Council Development Approval and not a plumbing application reference number. Letter of Evidence is not applicable. 	<ul style="list-style-type: none"> Assessment of water and/or wastewater servicing is required Water and/or wastewater infrastructure charges are applicable

Other	<p>There are rare exceptions when a Letter of Evidence can be issued outside the categories listed above. Please enquire before making an application and provide all relevant information.</p> <p>Exceptions where a Letter of Evidence can be considered include:</p> <ul style="list-style-type: none"> • confirmation that a site is not in the Urban Utilities water or wastewater connection area • old Development Approval where services are existing and infrastructure charges have been paid to Council prior to Urban Utilities becoming assessment authority for water and wastewater (1 July 2014) • water and wastewater servicing requirements and infrastructure charges are captured in existing Water Approval/s for which the Connection Certificate/s has already been issued • The building works do not trigger a Council Development Approval or changes to water and wastewater infrastructure, but Council has specifically requested confirmation that a Water Approval is not required. Formal evidence is required that the building works do not trigger a Council Development Approval. 	<ul style="list-style-type: none"> • Water and/or wastewater infrastructure charges are applicable • Changes to water and/or wastewater connections and/or network infrastructure are required
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