

# FACT SHEET

## WATER AND SEWERAGE LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL 2009

- In progressing the detailed implementation of water and sewerage reform, it has become evident that a small number of issues would require further heads of power and some additional consequential and transitional amendments. This has led to the drafting of the *Water and Sewerage (Miscellaneous Amendments) Bill 2009*.
- The Bill is split into a number of parts. Firstly, the Bill amends the *Water and Sewerage Industry Amendment Act 2008* to require a person to seek the new water and sewerage corporations' consent for building or plumbing works which impact on the corporations' infrastructure or service delivery.
- The Bill includes the ability for corporations to limit the number of consent applications it assesses by allowing it to develop a policy which exempts certain types of building and plumbing work from requiring the corporation's consent in circumstances where the works are not likely to have a detrimental effect on the corporations' infrastructure or service delivery. This will provide the corporations with the ability to significantly reduce the number of consent applications it has to assess and to focus its efforts on those applications of relevance to its operations.
- The Bill also makes a small number of consequential amendments to existing legislation. These changes relate to the *Building Act 2000*, the *Local Government (Building and Miscellaneous Provisions) Act 1993* and the *Water Management Act 1999*.
- To enable this new interface, amendment is required to the Building Act. While retaining the existing permit approval function for councils as permit authorities, the permit approval process is varied only so as to accommodate the corporations' views on their ability to supply water and sewerage services to relevant permit applications.
- These changes will not typically vary the current timelines faced by developers.
- A minor amendment to the Local Government (Building and Miscellaneous Provisions) Act is also required to ensure that in the future a corporation may advise a council it is unable to service a certain block and the council can continue to require that this information be added to the plan of subdivision for that block. This amendment will maintain an important discovery mechanism for property buyers, as plans of subdivision are added to the finalised title for a block.

- The Bill also ensures that water licences to be transferred to the new corporations are deemed to have been appropriately granted. This overcomes an issue recently discovered by the Department of Primary Industries and Water regarding the functioning of the savings provisions in the Water Management Act which required addressing.
- The Bill also proposes an amendment to the *Water and Sewerage Corporations Act 2008* to improve the process for the transfer of interests in part, or parts, of land under that Act.
- This amendment will enable the transfer of appropriately sized individual land holdings to the new water and sewerage corporations that reflect the agreed position between councils and the new water and sewerage corporations. Without this amendment, councils will only be able to transfer entire land holdings and not just the parts specifically involved in water and sewerage activities.
- The last part of the Bill provides for a number of transitional provisions. These provisions deal largely with existing planning, building and plumbing permit applications that have entered the system, but which as of 1 July 2009 are yet to be processed. Provisions have been drafted to ensure the new corporations are adequately consulted on such applications and that the corporations and permit holders honour already approved permit and agreement conditions relating to water and sewerage.