

## EXTRACT FROM PLANNING LEGISLATION REGARDING EXEMPTIONS

Water and Sewerage Industry Amendment Act 2008

An Act to amend the Water and Sewerage Industry Act 2008

Royal Assent 4 December 2008

Proclamation 15 June 2009

### 560. Application to go to relevant regulated entity

(1) If a planning authority receives an application in relation to any matter that would –

- (a) increase the demand for water supplied by the relevant regulated entity; or
- (b) increase the amount of sewage or toxins that is to be removed by, or discharged into, the relevant regulated entity's sewerage infrastructure; or
- (c) damage or interfere with the relevant regulated entity's works; or
- (d) adversely affect the relevant regulated entity's operations –

the planning authority must, without delay, give the relevant regulated entity notice of the application, unless it is relieved from doing so under subsection (2).

(2) The planning authority is not required to give notice of the application –

- (a) if it decides to refuse to grant the application under section 57(2) of the Land Use Planning and Approvals Act 1993; or
- (b) if the application is one which is exempted by the regulations from the requirement for notice to be given of it to a regulated entity.

(3) The planning authority must, without delay, provide the relevant regulated entity –

- (a) with any additional information provided under section 43E or 54 of the Land Use Planning and Approvals Act 1993 in relation to an application that is the subject of a notice under subsection (1); and
- (b) with details of any amendments to an application that is the subject of a notice under subsection (1) unless the planning authority considers that the amendment to the application would not adversely affect the interests of the regulated entity.

## EXTRACT FROM A BILL REGARDING EXEMPTIONS IN RELATION TO PLUMBING AND BUILDING

WATER AND SEWERAGE LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL 2009
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Introduced by: Primary Industries, Water			
House of Assembly		Legislative Council	
First reading	27/05/2009	First reading	28/05/2009
Resumed		Resumed	
2nd Reading moved *	28/05/2009	2nd Reading moved *	9/06/2009
2nd Reading committed	28/05/2009	2nd Reading committed	
Committee	28/05/2009	Committee	9/06/2009
Reported	28/05/2009	Reported	9/06/2009
Amended #		Amended #	
Third reading	28/05/2009	Third reading	10/06/2009

**“water- or sewerage-related work”**, in relation to a building or land, means building work, or plumbing work, that, if carried out on the building or the land, is likely to –

- (a) increase the demand for water supplied by a regulated entity; or
- (b) increase or decrease the amount of sewage or toxins that is to *Water and Sewerage Legislation (Miscellaneous Amendments) Act 2009 Act No. of s. 4* Part 2 – Water and Sewerage Industry Amendment Act 2008 amended 10 be removed by, or discharged into, a regulated entity’s sewerage infrastructure; or
- (c) require a new connection, or a modification to an existing connection, to be made to a regulated entity’s infrastructure; or
- (d) damage or interfere with a regulated entity’s works; or
- (e) adversely affect a regulated entity’s operations – but does not include the regulated entity’s excluded works.

**EXTRACT FROM REGULATIONS REGARDING EXEMPTIONS IN RELATION TO PLANNING**

*Water and Sewerage Industry (General) Regulations 2009*

*Statutory Rules 2009, No. \_\_\_\_*

In force as of 1 July 2009

**12. When planning authority not required to notify regulated entity about planning application**

(1) For section 56O(2)(b) of the Act, an application is exempted from the requirement for notice to be given of it to a regulated entity if the application does not relate to a development that –

- (a) shows on a plan a structure 2 metres or less from any underground infrastructure of the regulated entity; or
- (b) involves non-residential, commercial, industrial or other processes that generate trade waste for discharge to a sewer; or
- (c) involves non-residential, commercial, industrial or other processes and that has, or will require, a connection to the reticulated water supply; or
- (d) is likely to increase the demand for water or sewerage services or will require an increase in the connection size for the property on which the development is to occur; or
- (e) involves work, in a water supply catchment, that may affect water quantity or quality; or
- (f) is within an area of land that the regulated entity has declared, by notice to the relevant planning authority, to be a buffer zone; or
- (g) includes, or will affect, infrastructure that crosses over, or will cross over, any of the entity's water infrastructure or sewerage infrastructure; or
- (h) consists of or includes a subdivision of land into 2 or more lots, the issue of 2 or more strata titles or a consolidation of 2 or more lots into one lot or 2 or more strata titles into one lot; or
- (i) involves rezoning or other amendments to a planning scheme under the *Land Use Planning and Approvals Act 1993*; or
- (j) involves demolition of a structure or works that are connected to a regulated entity's water infrastructure or sewerage infrastructure.