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Water and Sewerage Industry

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WATER AND SEWERAGE INDUSTRY (GENERAL) AMENDMENT REGULATIONS 2020

STATUTORY RULES 2020, No. 79

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WATER AND SEWERAGE INDUSTRY (GENERAL) AMENDMENT REGULATIONS 2020

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the *Water and Sewerage Industry Act 2008*.

Dated 19 November 2020.

C. WARNER
Governor

By Her Excellency's Command,

GUY BARNETT
Minister for Primary Industries and Water

1. Short title

These regulations may be cited as the *Water and Sewerage Industry (General) Amendment Regulations 2020*.

2. Commencement

These regulations take effect on the day on which their making is notified in the *Gazette*.

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3. Principal Regulations

In these regulations, the *Water and Sewerage Industry (General) Regulations 2019** are referred to as the Principal Regulations.

4. Part 2A inserted

After regulation 9 of the Principal Regulations, the following Part is inserted:

PART 2A – SERVICE STANDARDS

9A. Interpretation of Part 2A

In this Part –

average sewage rate means the average rate, as determined by the relevant entity, of sewage discharge under dry weather flows;

average water rate means the average rate, as determined by the relevant entity, of water usage;

certificate for certifiable work (building) has the same meaning as in section 56TA of the Act;

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certificate for certifiable work (plumbing) has the same meaning as in section 56TA of the Act;

equivalent tenement means an average single residential house on a standard residential lot;

final acceptance, in relation to water and sewerage assets, means the acceptance by a relevant entity, after the end of the defect liability period in relation to the water and sewerage assets, of the water and sewerage assets as being complete and without defects;

large development means –

- (a) a subdivision, or a proposed subdivision, in relation to which works for the purposes of more than 10 lots are to be required; and
- (b) a development, of a building to be used for commercial or industrial purposes, that a relevant entity considers to be a development in relation to which the average water rate, or average sewage rate, is likely to be greater

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than the average water rate, or average sewage rate, for 10 equivalent tenements;

relevant entity means the person holding a licence, or an interim licence, granted under the Act;

small development means –

- (a) a subdivision, or a proposed subdivision, in relation to which works for the purposes of 10 or fewer lots are to be required; and
- (b) a development, of a building to be used for commercial or industrial purposes, that a relevant entity considers to be a development in relation to which the average water rate, or average sewage rate, is likely to be greater than the average water rate, or average sewage rate, for 10 or fewer equivalent tenements;

water and sewerage assets means –

- (a) sewerage infrastructure; and

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(b) water infrastructure.

9B. Service standards

- (1) If a relevant entity receives from a person a request to provide to the person information in relation to a small development, or the construction of water and sewerage assets for a small development, the relevant entity is to –
 - (a) if the relevant entity requires further information from the person before the relevant entity provides the information to which the request relates – within 5 business days of receiving the request from the person, by notice in writing request the person to provide to the relevant entity the information specified in the notice; and
 - (b) within 10 business days of receiving the request from the person, provide to the person the information to which the request relates.
- (2) If a relevant entity receives from a person a request to provide to the person information in relation to a large development, or the construction of water and sewerage assets for a large development, the relevant entity is to –

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- (a) if the relevant entity requires further information from the person before the relevant entity provides the information to which the request relates – within 10 business days of receiving the request from the person, by notice in writing request the person to provide to the relevant entity the information specified in the notice; and
 - (b) within 20 business days of receiving the request from the person, provide to the person the information to which the request relates.
- (3) If a relevant entity receives a request from a person (including a planning authority) to issue the relevant entity's consent to the sealing or registration of a plan or document that imposes or creates obligations or rights, the relevant entity is to –
 - (a) if the relevant entity requires further information from the person before the relevant entity may consent to the sealing or registration of the plan or document – within 5 business days of receiving the request from the person, by notice in writing request the person to

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- provide to the relevant entity the information specified in the notice; and
- (b) within 10 business days of receiving the request from the person, consent to the sealing or registration of the plan or document or refuse to consent to the sealing or registration of the plan or document.
- (4) If a relevant entity receives from a person a request for approval of the engineering design of a small development, or of water and sewerage assets, of a small development, that are to be transferred to the relevant entity, the relevant entity is to –
- (a) if the relevant entity requires further information from the person before the relevant entity approves, or refuses to approve, the engineering design of the development or assets – within 5 business days of receiving the request from the person, by notice in writing request the person to provide to the relevant entity the information specified in the notice; and
- (b) within 10 business days of receiving the request from the

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person, approve, or refuse to approve, the engineering design of the development or assets.

- (5) If a relevant entity receives from a person a request for approval of the engineering design of a large development, or of water and sewerage assets, for a large development, that are to be transferred to the relevant entity, the relevant entity is to –
- (a) if the relevant entity requires further information from the person before the relevant entity approves, or refuses to approve, the engineering design of the development or assets – within 10 business days of receiving the request from the person, by notice in writing request the person to provide to the relevant entity the information specified in the notice; and
 - (b) within 20 business days of receiving the request from the person, approve, or refuse to approve, the engineering design of the development or assets.
- (6) If a relevant entity receives from a planning authority a request to provide to the planning authority the relevant entity's opinion in relation to a proposed

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amendment, under section 56 of the *Land Use Planning and Approvals Act 1993*, of a permit within the meaning of that Act, the relevant entity is to –

- (a) if the relevant entity requires further information from the planning authority before the relevant entity provides to the planning authority the relevant entity's opinion in relation to the proposed amendment – within 7 business days of receiving the request from the planning authority, by notice in writing request the planning authority to provide to the relevant entity the information specified in the notice; and
 - (b) within 10 business days of receiving the request from the planning authority, provide, or refuse to provide, to the planning authority the relevant entity's opinion in relation to the proposed amendment.
- (7) If a relevant entity receives from a person a request for an amendment of a certificate for certifiable work (plumbing) or of a certificate for certifiable work (building), the relevant entity is to –

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- (a) if the relevant entity requires information from the person before the relevant entity amends the certificate or refuses to amend the certificate – within 5 business days of receiving the request from the person, by notice in writing request the person to provide to the relevant entity the information specified in the notice; and
 - (b) within 10 business days of receiving the request from the person, amend the certificate or refuse to amend the certificate.
- (8) If a relevant entity receives from a person a request for a permit to construct water and sewerage assets that are to be transferred to the relevant entity, the relevant entity is to –
 - (a) if the relevant entity requires information from the person before the relevant entity determines the request from the person – within 5 business days of receiving the request from the person, by notice in writing request the person to provide to the relevant entity the information specified in the notice; and

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- (b) within 10 business days of receiving the request from the person, issue, or refuse to issue, the permit to construct.
- (9) If a relevant entity receives from a person a request to inspect, at a site, water and sewerage assets in relation to a development, the relevant entity is to –
 - (a) within 7 business days of receiving the request, conduct the inspection at the site; and
 - (b) within 5 business days of conducting the inspection, provide to the person a document indicating the decision of the relevant entity, in relation to the assets, as a result of the inspection.
- (10) If a relevant entity receives from a person a request to issue a certificate of practical completion, the relevant entity is to –
 - (a) if the relevant entity requires information from the person before the relevant entity determines the request – within 15 business days of receiving the request from the person, by notice in writing request the person to provide to the relevant entity the

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information specified in the notice; and

- (b) within 15 business days of receiving the request from the person, issue, or refuse to issue, to the person a certificate of practical completion.
- (11) If a relevant entity receives from a person a request for final acceptance of all water and sewerage assets in relation to a development, all inspections of the assets have been completed and all documents that the person is required to provide to the relevant entity have been provided to the relevant entity, the relevant entity is to –
- (a) if the relevant entity requires information from the person before the relevant entity determines the request from the person – within 10 business days of receiving the request from the person, by notice in writing request the person to provide to the relevant entity the information specified in the notice; and
 - (b) within 10 business days of receiving the request from the person, notify the person of final acceptance of, or of the relevant entity's refusal to provide final

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acceptance of, the water and sewerage assets.

- (12) If a relevant entity receives from a person an application under section 56TD(3) of the Act to issue under section 56TD(4) a certificate in respect of certifiable work, the relevant entity is to –
- (a) if the relevant entity requires information from the person before the relevant entity determines the application – within 10 business days of receiving the application, by notice in writing request the person to provide to the relevant entity the information specified in the notice; and
 - (b) within 10 business days of receiving the application, issue the certificate or refuse to issue the certificate.

9C. Request for further information and calculation of periods for compliance with service standards

- (1) If a relevant entity has requested a person to provide information under a provision of regulation 9B or this subregulation, the relevant entity, if it is not satisfied with the information provided by the person pursuant to the request, is to,

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within 8 business days after receiving the information, give to the person a notice in writing specifying –

- (a) that the relevant entity is not satisfied with the information; and
 - (b) that the person is requested to provide to the relevant entity the further information specified in the notice.
- (2) If a relevant entity gives to a person a request under a paragraph of a subregulation in regulation 9B –
- (a) the period in which the relevant entity may give a request under the paragraph of a subregulation in regulation 9B does not run during the period beginning on the day on which the request is made and ending on whichever is the later of the following days:
 - (i) the day on which the information to which the request relates is provided to the relevant entity;
 - (ii) if a notice under subregulation (1) that relates to the request is given – the day on which further information is

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provided to the relevant entity in accordance with the notice under subregulation (1); and

- (b) the period in which the relevant entity is to take any other action referred to in another paragraph of the subregulation in regulation 9B does not run during the period beginning on the day on which the request is made under a paragraph of the subregulation and ending on whichever is the later of the following days:
- (i) the day on which the information, satisfactory to the relevant entity, to which the request relates, is provided to the relevant entity;
 - (ii) if a notice under subregulation (1) that relates to the request is given – the day on which further information, that is satisfactory to the relevant entity, is provided to the relevant entity in accordance with the notice under subregulation (1).

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Publication Act 1953*.

Notified in the *Gazette* on 30 November 2020.

These regulations are administered in the Department of
Primary Industries, Parks, Water and Environment.

EXPLANATORY NOTE

(This note is not part of the regulations)

These regulations provide for service standards by prescribing stages of certain processes to be carried out and the time by which they are to be completed by a person holding a licence or an interim licence under this Act.

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