

CHANGES TO PERMIT PROCESSES – COMMENCEMENT OF THE WATER AND SEWERAGE INDUSTRY ACT 2008

1 July 2009

PURPOSE

The purpose of this Building Regulation News Update is to advise Permit Authorities and plumbing and building practitioners of the commencement of the *Water and Sewerage Industry Act 2008* and consequential amendments to the *Building Act 2000*, *Building Regulations 2004* and the *Plumbing Regulations 2004*.

BACKGROUND

The *Water and Sewerage Industry Act 2008* commenced on 1 July 2009. It has changed the responsibility for the provision of water and sewerage services from local councils to the three new water and sewerage corporations ('relevant regulated entities') established under the new legislation. The processes for granting plumbing and building permits under the *Building and Plumbing Regulations* will now be slightly different.

CHANGES TO BUILDING AND PLUMBING PERMIT PROCESSES

One of the changes that Permit Authorities will now need to consider is that applicants for permits to carry out building or plumbing work may have to provide a certificate for certifiable work under the *Water and Sewerage Industry Act 2008*. The basic processes that Permit Authorities currently follow will not be changed; it is just that these new types of certificates may also need to be provided in circumstances where the interests of the new water and sewerage entities may be affected. Usually the interests of these entities will be considered when planning approval is granted. Sometimes however the only review of proposed work will be prior to the issue of plumbing or building permits by the Permit Authority, hence the need to change the regulations. The *Water and Sewerage Industry Act 2008* section 56TB provides the following procedures:

- A permit authority may not grant under section 72 of the *Building Act 2000* an application for a building permit for building work that consists in whole or in part of certifiable work, unless the relevant regulated entity has issued a certificate for certifiable work (building) in respect of the certifiable work.
- A permit authority may not grant under section 82 of the *Building Act 2000* an application for a plumbing permit, or a special plumbing permit, for plumbing work that consists in whole or in part of certifiable work, unless the relevant regulated entity has issued a certificate for certifiable work (plumbing) in respect of the certifiable work.

PLANNING, PLUMBING AND BUILDING APPLICATIONS AFTER 1 JULY 2009

From 1 July 2009, applicants for permits for building and plumbing work in reticulated areas will need to liaise with one of the three new local council owned corporations, Cradle Mountain Water, Ben Lomond Water or Southern Water.

Which council areas belong to which water corporation?

Customers of the new regional water corporations will include residents and businesses that are connected to or pay for town water and sewerage systems in the following council areas:

Cradle Mountain Water	Ben Lomond Water	Southern Water
Burnie City	Break O'Day	Brighton
Central Coast	Dorset	Central Highlands
Circular Head	Flinders Island	Clarence City
Devonport City	George Town	Derwent valley
Kentish	Launceston City	Glamorgan Spring Bay
King Island	Meander valley	Glenorchy City
Latrobe	Northern Midlands	Hobart City
Waratah-Wynyard	West Tamar	Huon Valley
West Coast		Kingborough
		Sorell
		Southern Midlands
		Tasman

Do people applying for a Planning Permit need to talk to their new regional water corporation?

Yes. Even though the local council will arrange for the water corporation to assess the planning permit for water and sewerage matters, it would be prudent to first discuss the matter with the relevant water corporation prior to lodging applications with the council's Permit Authority in order to be fully informed about the planning process. Any conditions issued by the water corporation will be included with the council's conditions on the planning permit.

What happens to Building and Plumbing Applications after 1 July?

From 1 July, all people seeking a building or plumbing permit will need to check if they're exempt from the need to have a Certificate for Certifiable Work before applying to their local council for a Building Permit or a Plumbing Permit.

For building applications, this should occur at the time a Certificate of Likely Compliance is sought from the building surveyor and before making an application for a permit to council's Permit Authority.

Is there a new process for completion of building and plumbing work?

Yes. If a Building or Plumbing Permit Application requires a Certificate for Certifiable Work, the corporation has to issue a Water and Sewerage Compliance Certificate under the *Water and Sewerage Industry Act 2008* before council can issue a Certificate of Completion (plumbing work) under s.113 of the *Building Act 2000* or a Certificate of Completion (Building work) under s.112 of the *Building Act 2000*.

WHAT TYPES OF PERMITS ARE AFFECTED?

For an application for a:

1. Building Permit;
2. Plumbing Permit or a Special Plumbing Permit;
3. Permit to Proceed or a Permit of Substantial Compliance -

the applicant may be required to produce a certificate for certifiable work (either building or plumbing) with the other specified documents required under the *Building Act 2000*. The *Director's Specified List* describes the documents that are to accompany an application for each type of permit. The List was amended and reissued on 30 June 2009 to provide for the addition of certificates for certifiable work under the *Water and Sewerage Industry Act 2008*. The amended List is available on the Workplace Standards Tasmania website www.wst.tas.gov.au/building

WHEN DOES AN APPLICANT HAVE TO PROVIDE THE NEW CERTIFICATES?

An owner of a building or land may apply to the relevant regulated entity for –

- a certificate for certifiable work (building) in respect of certifiable work; or
- a certificate for certifiable work (plumbing) in respect of certifiable work.

An application to a regulated entity is to be –

- in a form approved by the regulated entity; and
- accompanied by all documents or information required by the regulated entity.

Under the *Water and Sewerage Industry Act 2008*, "certifiable work", for building work or plumbing work, means so much of the work as is water or sewerage related work.

"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 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.

TRADE WASTE CONNECTIONS AFTER 1 JULY 2009

Who will now manage the discharge of trade waste to the regulated entity's sewerage system?

From 1 July, responsibility for trade waste permits and the management of trade waste will transfer from council's Permit Authority to the three new regional water corporations.

Is a new consent form required in order to discharge trade waste?

From 1 July, there will be a new form for trade waste customers to apply for Consent to Discharge. The form will be available on the individual regional corporation's websites which you can access via www.mywatertas.com.au

Click on the map to choose the relevant water entity and then look for 'policies'.

Should I speak to a trade waste expert?

If you are changing the strength or volume of trade waste generated, starting a new business, building or installing new infrastructure, it is a good idea to speak to a trade waste expert within your regional water corporation to ensure a smooth transition.

What are the references to the new water and sewerage legislation?

- *Water and Sewerage Industry Act 2008 (No. 13 of 2008)*
- *Water and Sewerage Corporations Act 2008 (No. 12 of 2008)*
- *Water and Sewerage Industry Amendment Act 2008 (No. 51 of 2008)*
- *Water and Sewerage Industry (Consequential and Transitional) Amendment Act 2009 (No. 20 of 2009)*
- *Water and Sewerage Industry (General) Regulations 2009 (S.R. 2009, No. 67)*
- *Water and Sewerage Industry Exemption Order 2009 (S.R. 2009, No. 70)*

FURTHER INFORMATION

Contact for enquiries:

For further details about the new certificates (*Certificate for Certifiable Work* (building/ or plumbing); or the *Water and Sewerage Compliance Certificate*) please contact the relevant regional water corporation on 13MYWATER (13 6992).

See also the attached WATER AND SEWERAGE FACT SHEETS.

For details about the *Building Act 2000*, *Building Regulations 2004* *Plumbing Regulations 2004* and building and plumbing legislation contact the Workplace Standards Tasmanian Helpline:

Phone: (in Tasmania) 1300 366 322 | Phone: (outside Tasmania) (03) 6233 7657 | Fax: (03) 6233 8338

Email: wstinfo@justice.tas.gov.au Website: www.wst.tas.gov.au/building

Address: PO Box 56, Rosny Park TAS 7018

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