



TasWater Legislation, Standards & Expectations

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Today's presentation

- Increase understanding of TasWater's requirements
- Reduce time delays for customers by ensuring all information is provided upfront and all processes are understood and followed.
- Reduce re-work & double handling of requests
- The Water and Sewer Industry Act & Regulations:
Understanding the link
- Responsibilities and procedures; Water and Sewer in Tasmania

Agenda

- **Planning**
 - *How applications come to TasWater*
- **Building & Plumbing (CCW)**
 - *Certifiable Works and TasWater Conditions*
- **Water and Sewerage Industry Act & Regulations**
 - *What governs TasWater and how we work*
- **Engineering Design Approval**
 - *Engineering Standards and TasWater requirements*
- **Compliance**
 - *The Compliance process and completions*



Planning

How Planning Applications get referred to TasWater

At Development Application (DA) stage, TasWater does not accept any applications directly. Every application is referred to us by a Planning Authority (Council).

Water and Sewerage Industry Act 2008 S.56O

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

In the case of Water and Sewer, TasWater are the regulated entity and Councils refer applications to us for assessment.

Tasmanian Planning Scheme

When applicants submit a DA to Council, at a minimum the application must include a number of documents:

- (a) a signed application form;*
- (b) any written permission and declaration of notification required under s.52 of the Act and, if any document is signed by the delegate, a copy of the delegation;*
- (c) details of the location of the proposed use or development;*
- (d) a copy of the current certificate of title for all land to which the permit sought is to relate, including the title plan; and*
- (e) a full description of the proposed use or development.*

In accordance with the Tasmanian Planning Scheme, Councils also have the ability to request additional information in order to enable it to consider an application, things like contours and vegetation removal plans. Relevant for TasWater, they can also request;

- (vii) the location and capacity and connection point of any existing services and proposed services;*

Compliance with Planning Scheme

TasWater legislation does not require anyone to connect to our infrastructure.

While we have an *Obligation to Connect* under the Water and Sewer Industry Act upon request and where certain criteria are met, it is up to Council to determine if connection to our assets is mandatory for a development.

- *Servicing requirements are driven by the planning scheme(s).*
- *Councils (as statutory Planning Authorities) are responsible for interpretation of planning scheme provisions, not TasWater. E.G. must a lot be connected to water and/or sewer?*
- *Whether a development requires connection to a reticulated service is not for TasWater to determine, we will condition if Council/Scheme mandates.*



Building & Plumbing (CCW)


taswater

What are Certifiable Works?

For TasWater, Certifiable Works are those activities that will impact our infrastructure and/or delivery and removal capacity. When works like that occur, our legislation grants us the ability to place conditions on the development.

Conditions are provided to the applicant via a Certificate for Certifiable Works (CCW).

Water and Sewerage Industry Act 2008 S.56TA

- **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 –

When are works *NOT* Certifiable?

Even when works are not Certifiable, there may be other approvals needed such as a S. 56W Consent (Build Over or Working in Close Proximity to our Infrastructure).

In order for no conditions, consents, permits or any other approvals to be applied to a development, they must meet a number of criteria:

- *The works will not increase the demand for water supplied by TasWater*
- *The works will not increase or decrease the amount of sewage or toxins that is to be removed by, or discharged into, TasWater's sewerage infrastructure*
- *The works will not require a new connection, or a modification to an existing connection, to be made to TasWater's infrastructure*
- *The works will not damage or interfere with TasWater's works*
- *The works will not adversely affect TasWater's operations*
- *Are not within 2m of TasWater's infrastructure and are outside any TasWater easement*
- *LIST Map has been checked to confirm the location of TasWater infrastructure*
- *A water meter is in place, or has been applied for to TasWater, for the subject property*

If a development meets all of the above requirements, a CCW is not needed.

What about *Excluded* works?

Further, TasWater have identified works that fall within the definition of **Certifiable Work** under the *Water and Sewerage Industry Act 2008* (the Act) but are of such low risk/complexity as to not require a Certificate for **Certifiable Works (CCW)**:

- New connections assessed via other processes (e.g. planning referrals or engineering design approvals); and
- Demolition works where TasWater services are not impacted.

The Act provides for these works to be identified in an **Excluded Works Policy**, which has been drafted and is available on our website for review.

The Act also defines some items that do not requires TasWater's consent to be built, e.g. driveways, small outbuildings, fences etc.

If in doubt, ask Council or TasWater. Its always better to check first....

CCW guidelines

A Guideline for Certificates for Certifiable Work has been developed (and is on the *standards* page of our website) with the major focus of ensuring:

- Developments that clearly have no impact on TasWater's infrastructure or operations immediately proceed to building and plumbing permit or straight to building stage (our consent is not required – form 35); and
- Applications that do require our consent/approval (i.e. by a CCW), contain all the required information (including documents and the details to be shown on plans) to enable full assessment.

Directors Specified List and information required on plans

- By utilising the Director's Specified List, TasWater's requirements are identical to those mandated by the Director for all Building and Plumbing Permit Applications and will assist in gaining uniformity across Tasmania.



Water and Sewerage Industry Act & Regulations



The Water and Sewerage Industry Act and TasWater

TasWater exists as a regulated entity under the *Water and Sewerage Industry Act 2008* (the Act).

The objective of the Act is;

“To protect the long-term interests of customers and to provide for the safe, environmentally responsible, efficient and sustainable provision of reliable and secure water services and sewerage services to the Tasmanian community.”

The Act grants TasWater powers; provides mechanisms to permit and regulate activities on our systems; states the limitations of our functions and much more, in fact, provides the framework for almost everything we do.

- The Act is our Legislative Head of Power and requires us to operate under a number of conditions including how we can charge for a service, what we can do about unapproved activities and how we go about our job.

For example:

Water and Sewerage Industry Act 2008

Division 2A - Powers and obligations of regulated entities

Subdivision 1 - Water and sewerage officers

56A. Appointment of water and sewerage officers

- (1) A regulated entity may appoint persons **employed** by that regulated entity as water and sewerage officers.
- (2) In the exercise of a water and sewerage officer's powers under this Act, the water and sewerage officer is subject to control and direction by the relevant regulated entity

56F. Power to enter land for purposes related to water infrastructure and sewerage infrastructure

- (1) A water and sewerage officer of a regulated entity may –
 - (a) enter and remain on land to carry out preliminary investigations in connection with the installation of water infrastructure and sewerage infrastructure; or
 - (b) enter and remain on land where the water infrastructure or sewerage infrastructure of the regulated entity is situated to carry out operational work or protective work on the infrastructure; or
 - (c) enter and remain on any land for the purposes of carrying out operational or protective work on land on which water infrastructure or sewerage infrastructure is situated.

Water and Sewerage Industry Act 2008

Subdivision 4 - Connections and serviced properties

56V. Requirement to connect or disconnect

- (1) A regulated entity may, by notice served on the owner or occupier of serviced land, require the owner or occupier –
- (a)
 - (b) to remove any existing connection between that land and the regulated entity's water infrastructure or sewerage infrastructure if –
 - (i) that connection has been made in contravention of section 56U or it contravenes any regulation made under this Act; or
 - (ii) in the opinion of the regulated entity, it is necessary to do so –
 - a) to protect water purity; or
 - b) in the interests of health, safety or the environment; or
 - c) to prevent damage to the regulated entity's water infrastructure or sewerage infrastructure; or
 - d) to carry out any work that the regulated entity considers necessary for the provision of a service that is required to be provided to that land –

Water and Sewerage Industry Act 2008

56W. Structures over works

- (1) Unless subsection (6) applies, a person must not, without a regulated entity's consent, cause or permit –
- (a) any prescribed structure to be built, or any filling to be placed, on land over which –
 - (i) an easement exists in favour of the regulated entity; or
 - (ii) an easement exists for water infrastructure or sewerage infrastructure; or
 - (b) any prescribed structure to be built, or any filling to be placed, within 2 metres laterally of any water infrastructure or sewerage infrastructure of the regulated entity or such other distance as is prescribed in the regulations; or
 - (c) any prescribed structure to be built above or below any area prohibited by paragraph (b); or
 - (d) to be removed any soil, rock or other matter that supports, protects or covers any works of the regulated entity

Water and Sewerage Industry Act 2008

56Y. Notice to repair

- (1) A regulated entity may, by notice served on the owner of land, require the owner to repair or carry out maintenance on, within the time specified in the notice or any longer time allowed by the regulated entity, any water or sewerage works on that land or that connect the land to the water infrastructure or sewerage infrastructure of the regulated entity or that are necessary for any service provided to the land by the regulated entity.
- (2) Any notice received under subsection (1) may not require any repairs or maintenance on any works referred to in subsection (1) to be carried out otherwise than in accordance with the Building Act 2016 .
- (3) If a notice to repair is not complied with within the time specified in it, or any longer time allowed by the regulated entity, the regulated entity may carry out the required repairs and recover its reasonable costs from each owner on whom the notice was served, other than costs that are prescribed to be the responsibility of the regulated entity.

Water and Sewerage Industry Act 2008

56Z. Notice of contravention

(1) A regulated entity may, by notice served on a person who is in contravention of –

(a) a provision of this Division or the regulations; or

(b) a requirement made by the regulated entity under this Division or the regulations; or

(c) a condition of a permit imposed by a planning authority as required by a relevant regulated entity under section 56Q(2) –

require that person, or the owner of any land in relation to which the contravention occurs, to take any action specified in the notice, within the time (being not less than 2 days) that is specified in the notice or any longer time allowed by the regulated entity, to remedy the contravention.

(2) A person on whom a notice of contravention is served must cause the notice to be complied with within the time specified, or any longer time allowed by the regulated entity.

Water and Sewerage Industry (Customer Service Standards) Regulations 2009

The Water and Sewerage Industry (Customer Service Standards) Regulations impose operational standards on TasWater.

The Customer Service Standards (Regulations) state that TasWater must;

- meet the customer-related standards, procedures, practices and conditions for regulated services as set out in this code; and
- develop, issue and comply with a customer charter which meets the procedural and substantive requirements of this code and sets out the regulated entity's approved transitional service standards.

While the Regulations specify standards and conditions of service and supply with which a regulated entity (and its agents) must comply with in providing certain regulated services to customers, it is our Customer Charter that is the primary means by which customers will be informed of their rights and obligations.

One of the most commonly referenced is our Obligation to Connect.....

Tasmanian Water and Sewerage Industry Customer Service Code

2 CONNECTION AND SERVICE PROVISION

2.2 *Obligation to connect*

2.2.1 Subject to section 56U of the Water and Sewerage Industry Act 2008, a regulated entity must connect to a property that is owned or occupied by a person within 10 business days, or such later date as agreed between the regulated entity and the person, if:

- a. the property is within 30 metres of the infrastructure; and
- b. the person requests the regulated entity to connect the property to the infrastructure; and
- c. the person has paid, or has agreed to pay, all applicable fees for connection; and
- d. the person has complied with all reasonable terms and conditions of connection imposed by the regulated entity; and
- e. the connection is required to be made by the provisions of this code, a customer charter made in accordance with this code, or a policy contained in an approved price and service plan of the regulated entity; and
- f. the physical characteristics or location of the property are not such as to require the application of unusual or unusually costly infrastructure, design, or installation techniques in order for the connection to be made; and
- g. no plan of subdivision, or other instrument of a type approved by the Regulator, specifies that connection to the regulated entity's infrastructure, or provision of regulated services by the regulated entity, will not occur.



Engineering Design Approval


Taswater

Engineering and the Act

TasWater requires all installations be in accordance with our standards and this requirement is provided by the Act.

- The Act grants us the power to issue notice on a person who does not comply with any conditions of approval or who undertakes works on our infrastructure without consent.
- This may mean fixing the issue within a stated time frame and if this is not done, TasWater may carry out the required repairs and recover its reasonable costs from each owner on whom the notice was served.

Any approval issued by TasWater includes an endorsed plan and an instrument of approval such as a Certificate of Certifiable Works or Engineering Design Approval.

Any variation from the plans and/or approval must not be done without TasWater approval or you risk delaying completions and may incur a fine or additional costs.

Ask twice, install once.

WSAA Codes

- Sewerage Code of Australia – Melbourne Retail Water Agencies Integrated Code & TasWater Supplement
- Water Supply Code of Australia – Melbourne Retail Water Agencies Integrated Code & TasWater Supplement
- Sewage Pumping Code & TasWater Supplements
- Pressure Sewerage Code of Australia (No supplement – working on one)
- Standard drawings on <http://www.taswater.com.au/Development/Development-Standards>

Engineering Standards

TasWater Specific Standards & Guidelines

<http://www.taswater.com.au/Development/Development-Standards>

- Standard drawings (codes & website)
- Guidelines for Building Near Water & Sewer Pipelines
- Water Metering Guidelines
- TasWater Boundary Backflow Containment Selection Requirements
- Trade Waste requirements (Pre-treatment guidelines)

All found at:

<http://www.taswater.com.au/Development/Development-Standards>

GIS, Data Quality & Service Locations

As a utility corporation, most of our asset base is underground.

When working on, near or around our assets it is critical to understand where and what they are.

- User Guide to access the LIST Map and how to view TasWater infrastructure:
<http://www.taswater.com.au/Customers/Service-Land>
- TasWater inherited data from many different groups. GIS accuracy can be patchy (at best in some locations)
- Differing quality around the state.
- Drainage plans at Councils will often assist with data TasWater do not have.
- Cannot beat going to the site and physically locating assets!
- Service Location Providers across the state:
<http://www.taswater.com.au/Development/Service-location>

TasWater are also in the process of developing a guideline for Working Around our Assets. This guideline will detail what you can and cannot do when close to our pipes and when you cant avoid it, how you go about it.

Service Connections

In the course of development, a new connection, upgrade or removal of a connection may be required to TasWater's infrastructure.

- In most circumstances, a Planning Permit (including a Submission to Planning Authority Notice (SPAN)) or Certificate for Certifiable Works (Building and/or Plumbing) is required, that condition connection requirements.

TasWater has entered into a contract with a number of contractor's across the state to install connections on behalf of TasWater for FY2018/19. We currently have a panel of six providers that are permitted to work on/connect into TasWater infrastructure.

- The panel services every corner of Tasmania and in general, every location has at least three providers that we can source works from. In order to become a panel member, providers were assessed and accredited on a number of aspects including experience; methodology; technical capability; systems & integration and safety to ensure we can manage our network and assets effectively.

For these reasons, If you are not on the Panel of Providers, you are *not* permitted to work on existing TasWater infrastructure.



Compliance


Taswater

CCW's

- **Certificates for Certifiable Works (CCW) detail the specific engineering conditions for a Development.**
 - They also contain a condition related to the requirement for a Certificate of Compliance (CoC).

S. 56TD of the Water and Sewerage Industry Act 2008 says;

- (2) A permit authority may not issue a certificate of completion under the Building Act 2016 in relation to plumbing works consisting in whole or in part of certifiable work, unless a certificate of water and sewerage compliance (plumbing) has been issued under subsection (4) in respect of the certifiable work.*
- **TasWater Field Services Officers perform a field inspection to verify works have been completed in accordance with CCW requirements and conditions prior to issuing the CoC.**
 - Prior to applying for a CoC, applicants should verify CCW conditions have been satisfied to save the issuing of a CoC refusal and the unnecessary reapplication of a new request.

Subdivision and Infrastructure Construction

Once Engineering Design Approval has been given, a TasWater Development Compliance Officer will initiate the Compliance program with the applicant.

The program includes numerous stages and degrees of complexity depending on the nature of the development ;

- A Pre-start meeting
- A Permit to Construct
- Audit and Hold Points
- Practical Completion
- Final Completion

Incomplete or incorrect installations cause unnecessary hold ups to the issue of titles

Practical Completion Requirements

A critical stage of the Compliance program is the Practical Completion (PC) phase.

This is the time a developer applies to TasWater for acceptance of the infrastructure so a Consent to Register a Legal Document (CRLD) can be applied for through Council and titles issued.

Prior to applying for PC, a number of details are required to be received and accepted by TasWater including;

- Successful acceptance testing such as air and vacuum testing
- Engineering Certification
- Hydrant Flow Tests
- CCTV
- As-Constructed Drawings
- Water Meter details

Only once the above has been completed will PC be granted

To Finish

TasWater is here to serve the community, and we have strong and transparent legislation that enables us to do our job.

If you ensure the standards and conditions of approval are met and discuss any issues with TasWater early then your clients application will be processed very quickly and efficiently

- and we shouldn't need to issue RAI's
- we shouldn't need to use legislation to get things right
- and the process should become much simpler.

<http://www.taswater.com.au/Development> has pretty much all the information you will need



Reflections or questions?

