

Annexure B

Legislation and Planning Approvals

WATER CORPORATION

1. Approval to abstract stormwater or wastewater from Water Corporation assets will be required if the stormwater or wastewater to be reused. An application to draw water from a Water Corporation asset is available by contacting Development Services at the Water Corporation.

LOCAL GOVERNMENT AUTHORITY (LGA)

2. Building licences for rainwater tanks, dual plumbing or other Alternative Water Supply (AWS) scheme related works on individual properties should be obtained from your Local Government Authority (LGA) before construction begins, according to Local Government (Miscellaneous Provisions) Act 1960s. 374 Building Regulations 1989. Building licences can be obtained from the relevant LGA. Applications require plans, fees, and any variation to Residential Design Codes of WA.
3. LGA approval to abstract stormwater from a local drainage system may be required if stormwater to be reused, is sourced from an LGA drain. Approval can be obtained by contacting the relevant LGA.
4. All bores must be approved by the relevant LGA before installation. Regulation 11 Health Act (Underground Water Supply) Regulation 1959 applies.
5. LGA approval is required for the construction or installation of any greywater or wastewater treatment apparatus treating less than 540L/day. Section 4 and 4A Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974, Health Act 1911 applies. The Application to Construct or Install an Apparatus for the Treatment of Sewage can be obtained from the relevant LGA or the Department of Health's website:
www.health.wa.gov.au/envirohealth/water/index.cfm
6. LGA approval is also required for the greywater or wastewater apparatus after installation, according to Section 9 & 10 Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974, Health Act 1911. Notification must be given and the system must be inspected to meet AS/NZS 3500 - National Plumbing and Drainage Code. It must be approved before commencing use. The relevant LGA should be contacted for this.
7. LGA approval may be required to construct a dual reticulation system in LGA land, including road reserves or parks. Approval can be obtained by contacting the relevant LGA.

DEPARTMENT OF HEALTH

8. The Health Act 1911, Section 131 is referred to by the Department of Health when a duty of care exists in the provision of a water service. Section 131 states that *"The local government may, and if so required by the Executive Director, Public Health shall, direct that any water supply, which in the opinion of any medical officer of*

health or of any 2 legally qualified medical practitioners, is so polluted or unwholesome as to be unfit for human consumption, shall be closed, and that the contents thereof shall cease to be used for human consumption either absolutely or for such time as the local government may direct”.

The Department of Health should be engaged when any AWS scheme is being proposed. Please note: The Health Act is currently under review.

9. Department of Health approval is required for the construction or installation of any greywater or wastewater treatment apparatus treating more than 540L/day (or more than 10 persons). The Department of Health should be contacted for case-by-case assessment of the AWS scheme. Section 4 & 4A Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974, Health Act 1911 applies.
10. Sections 98 and 129 of the Health Act 1911 refer to wastewater disposal and water pollution, and are therefore relevant to Department of Health approval for greywater or wastewater treatment apparatus.
11. The lists of approved on-site greywater and wastewater treatment units are available from the Department of Health website:
www.health.wa.gov.au/envirohealth/water/index.cfm
12. The Metropolitan Sewerage Policy and draft Country Sewerage Policy (which came into effect from 4 May 2007) are administered by the Department of Health on behalf of:
 - Department of Health;
 - Department of Environment and Conservation;
 - Department of Planning and Infrastructure;
 - Water Corporation;
 - Department of Local Government and Regional Development;
 - Department of Water.

The policies set minimum lot sizes for unsewered subdivision and density development based upon wastewater acceptance loadings per unit of land size. Both documents are used as key pieces of legislation in the planning approvals process by the Western Australian Planning Commission (WAPC) and Local

Government. Both documents are currently under review as they do not adequately consider different classes of recycled water and other key sustainability principles. This review should be completed by June 2008. Economic Regulation Authority (ERA)

13. ERA approval will be required to obtain a non-potable licence/exemption to be a non-potable service provider if the Water Corporation is not managing the AWS scheme. Water Services Licensing Act 1995 applies. Obtaining a licence may take three months. The application form can be obtained from the ERA website: www.era.wa.gov.au.

Applicants must demonstrate that they have, and will continue to have the technical capacity to meet other regulatory requirements.

DEPARTMENT OF WATER

14. Contact your Department of Water Regional Office for information on obtaining an exploratory licence for groundwater schemes.
15. The Regional Office of the Department of Water should be contacted in order to determine whether a groundwater abstraction allocation is available; or whether further investigation including hydrological investigation and an urban water balance will be required before an abstraction licence is issued.
16. A licence to abstract from the Department of Water will be required to:
 - ❖ Abstract surface water in any Proclaimed area,
 - ❖ Abstract surface water from a drainage system if it is considered to have previously been a natural watercourse.

Rights in Water and Irrigation Act 1914 applies. The Application for a 5C licence to take surface water can be obtained from the Department of Water website: www.water.wa.gov.au and obtaining the abstraction licence may take between three and twelve months.

17. A licence to drill and a licence to abstract from the Department of Water will be required to:

- ❖ Abstract groundwater in any Proclaimed area
- ❖ Abstract greater than 5000kL of groundwater a year
- ❖ Abstract groundwater from an artesian well

The Rights in Water and Irrigation Act 1914 applies. The Application for a 5C licence to take groundwater can be obtained from the Department of Water website www.water.wa.gov.au and obtaining the abstraction licence may take between three and twelve months.

18. The Department of Water is responsible for protecting Public Drinking Water Source Areas (PDWSAs). The Metropolitan Water Supply, Sewerage and Drainage Act 1909 or the Country Area Water Supply Act 1947 applies.

DEPARTMENT OF ENVIRONMENT AND CONSERVATION/ ENVIRONMENTAL PROTECTION AGENCY (EPA)

19. Department of Environment and Conservation works approval or referral to the EPA for approval is required for any 'prescribed premise', defined in this context as a "Sewage Facility" treating/discharging >20kL/day. The EP Act (Part V, Schedule 1) applies. Section 54 of the EP Act sets out the manner in which an application for works approval should be submitted. A Guide to Works Approval is available from the Department of Environment and Conservation website:

www.dec.wa.gov.au

20. Department of Environment and Conservation works approval or referral to the EPA for approval is required if greywater or wastewater systems are within 100m of a Priority 1 Drinking Water Source Protection Area. The Department of Environment and Conservation should be approached if the development area is within 100m of a Priority 1 Drinking Water Source Protection Area

21. Part III and Part IV of the EPA Act allow the EPA to create environmental policies and to assess proposals in order to protect the environment.

