

Water Supply Services Legislation Amendment Bill 2014



Explanatory Notes

FOR

Amendments To Be Moved During Consideration In Detail By The Honourable Mark McArdle MP

Title of the Bill

Water Supply Services Legislation Amendment Bill 2014

Objectives of the Amendments

The *Water Supply Services Legislation Amendment Bill 2014* introduces a new streamlined approval process for water and sewerage connections (the utility model) for the two South East Queensland (SEQ) distributor-retailers Queensland Urban Utilities and Unitywater. The utility model has been designed to replace the interim delegated assessment model that has been in operation since 2010. The utility model provides for all elements of a water and sewerage connection process and requires the distributor-retailers to develop a Water Netserv plan which combines planning for growth and water and sewerage infrastructure planning.

Concurrent to the development of the utility model the Queensland Government has been reviewing the infrastructure planning and charging framework under the *Sustainable Planning Act 2009* (SPA). Reforms to the infrastructure planning and charging framework of SPA are planned to occur based on the review. Both the infrastructure framework reforms and the utility model are expected to commence on the same date.

The utility model incorporates the current infrastructure charging and related conditioning framework under SPA. As this framework is due to be reformed and the reforms are expected to commence at the same time as the utility model it is appropriate that any changes to the infrastructure charging framework are considered in a holistic manner.

The objective of the amendments is to remove the key infrastructure charging and conditioning provisions for the utility model from the Bill so that the infrastructure reforms will be considered

once by Government and will apply to both South East Queensland distributor-retailers and councils as well as to the development industry.

Achievement of the Objectives

To achieve the objective outlined above amendments to the *Water Supply Services Legislation Amendment Bill 2014* have been made to remove or 'turn off' key infrastructure charging and related infrastructure conditioning provisions.

Legislative reforms to be undertaken by the Queensland Government on the infrastructure charging framework will provide distributor-retailers with the new reformed charging and conditioning framework under the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009*, before the commencement of the utility model.

Alternative Ways of Achieving Policy Objectives

There are no alternative ways of achieving the amendment objectives for the *Water Supply Services Legislation Amendment Bill 2014*.

Estimated Cost for Government Implementation

The State Government will not incur any additional costs in the implementation and support of the amendments to the *Water Supply Services Legislation Amendment Bill 2014*.

Consistency with Fundamental Legislative Principles

The amendments to the *Water Supply Services Legislation Amendment Bill 2014* are consistent with Fundamental Legislative Principles.

Consultation

Consultation of the proposed amendments has been undertaken with Queensland Government departments including: the Departments of the Premier and Cabinet and State Development, Infrastructure and Planning, and with the Office of the Queensland Parliamentary Counsel.

NOTES ON PROVISIONS

Amendment 1 – Clause 18 (Insertion of new ss 99BOA-99BOB)

Amendment 1 removes from 99BOB references to adopted infrastructure charges.

Amendment 2 – Clause 21 (Insertion of new ch4C)

Amendment 2 removes a reference from section 99BRAG to Part 7 Water Infrastructure. Part 7 contains the majority of the infrastructure charging and conditioning provisions and it is to be entirely removed.

Amendment 3 – Clause 21 (Insertion of new ch 4C)

Amendment 3 removes s99BRAJ subsections (2)(e) and (i) and (3) and (4). Subsection (2)(e) provides that where a distributor-retailer and an applicant have agreed to enter into a water infrastructure agreement, a condition may be imposed on a water approval for the agreement to be finalised. Subsections (2)(i), (3) and (4) allows a distributor-retailer to condition water approvals for trunk and non-trunk infrastructure. Amendment 3 also renumbers s99BRAJ to accommodate the changes above.

Amendment 4 – Clause 21 (Insertion of new ch 4C)

Amendment 4 renumbers s99BRAJ subsection (5) to subsection (3).

Amendment 5 – Clause 21 (Insertion of new ch 4C)

Amendment 5 removes section 99BRAM which provided that all water infrastructure terms become conditions of a water approval.

Amendment 6 – Clause 21 (Insertion of new ch 4C)

Amendment 6 removes a reference from section 99BRAU (6) in a 'Note' which refers to Part 7 'Water Infrastructure'.

Amendment 7 – Clause 21 (Insertion of new ch 4C)

Amendment 7 removes s99BRAW(1)(c)(iii) which provides that an interested person for an internal review or an appeal to the Building and Development Dispute Resolution Committee or Planning and Environment Count, includes a person who has had a charge under an adopted infrastructure charges notice or negotiated adopted charges notice imposed.

Amendment 8 – Clause 21 (Insertion of new ch 4C)

Amendment 8 removes s 99BRAW(3) which provides that for an original decision (i.e. a decision given on an application for a water approval) an interested person cannot appeal a water approval condition that became a condition under a water approval.

Amendment 9 – Clause 21 (Insertion of new ch 4C)

Amendment 9 removes s99BRBG (1)(e) which applies the Building and Development Dispute Resolution Committee appeal provisions to adopted infrastructure charges notices.

Amendment 10 – Clause 21 (Insertion of new ch 4C)

Amendment 10 removes Part 7 Water Infrastructure. Part 7 provides a distributor-retailer with powers to: adopt trunk infrastructure charges; levy the adopted trunk infrastructure charges; impose both trunk and non-trunk infrastructure conditions on water approvals; and enter into water infrastructure agreements with an application.

Amendment 11 – Clause 22 (Amendment of s99BT (Keeping particular documents available for inspection and purchase))

Amendment 11 removes the requirement for a distributor-retailer to have a water infrastructure agreement kept and made available.

Amendment 12 – Clause 25 (Insertion of new ch 6, pt 9)

Amendment 12 removes sections 132 to 136 which provide transitional arrangements for matters relating to the delegation of a distributor-retailers concurrence powers under the *Sustainable Planning Act 2009*, infrastructure funding and planning powers, compliance assessment powers and the transition of multiple reconfiguring a lot applications (for the same or part of the same premises).

Amendment 13 – Clause 25 (Insertion of new ch 6, pt 9)

Amendment 13 removes the reference to infrastructure charging and conditioning provisions in section 140.

Amendment 14 – Clause 25 (Insertion of new ch 6, pt 9)

Amendment 14 inserts a new section 140A transitional regulation making power for the SEQ Water Act. The provision provides that a regulation may make provision of a saving or transitional nature for which it is necessary to make provision to allow or facilitate the change from the operation of the unamended Act to the operation of the amended Act. The new section 140A and the transitional regulation expire 1 year from the commencement of this section of the *Water Supply Service Legislation Amendment Act 2014*.

Amendment 15 – Clause 26 (Amendment of schedule (Dictionary))

Amendment 15 amends the dictionary to retain the existing definition of premises under the *South East Queensland Water (Distribution and Retail Restructuring) Act 2009*.

Amendment 16 – Clause 26 (Amendment of schedule (Dictionary))

Amendment 16 removes reference to the infrastructure related definitions: adopted infrastructure charge, adopted infrastructure charges notices, establishment cost, increase decision and infrastructure charges schedule.

Amendment 17 – Clause 26 (Amendment of schedule (Dictionary))

Amendment 17 removes the definition of premises that was inserted in the *Water Supply Service Legislation Amendment Bill 2014*.

Amendment 18 – Clause 26 (Amendment of schedule (Dictionary)).

Amendment 18 removes reference to the infrastructure related definitions relevant proportion and water infrastructure agreement.

Amendment 19 Clause 26 (Amendment of schedule (Dictionary))

Amendment 19 removes from the amendment to the definition of distributor-retailer a reference to an adopted infrastructure charges notice.

Amendment 20 – Clause 28 (Insertion of new 347A)

Amendment 20 amends s 347A to remove the note.

Amendment 21 – Clause 29 (Insertion of new s 406A)

Amendment 21 amends section 406A to remove the note.

Amendment 22 – Clause 31(Insertion of new ch 10, pt 9)

Amendment 22 removes the reference to “provisions” in the heading of Part 9 and substitutes “provision” instead.

Amendment 23– Clause 31 (Insertion of new ch 10, pt 9)

Amendment 23 removes sections section 960 to 969 from the *Sustainable Planning Act 2009* and inserts a transitional regulation making power. The regulation making power provides that a regulation may make provision of a saving or transitional nature for which it is necessary to make provision to allow or facilitate the change from the operation of the unamended Act to the operation of the amended Act. The new section 140A and the transitional regulation expire 1 year from the commencement of this section of the *Water Supply Service Legislation Amendment Act 2014*.

Amendment 24 – (Amendment of sch 3 (Dictionary))

Amendment 24 removes the reference to the definition for the standard amount.

Amendment 25 – Schedule 1 (Minor and consequential amendments)

Amendment 25 removes from Schedule 1 a reference to omitted s 99BOB(c) of the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009*.

Amendment 26 – Schedule 1 (Minor and consequential amendments)

Amendment 26 removes a reference to s 99BRCJ and 99BRDA of the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009* which was removed under 'Part 7 Water Infrastructure'.

Amendment 27 – Schedule 1 (Minor and consequential amendments)

Amendment 27 removed from schedule 1 a reference to s 53AS(1)(d) from s 53AS(3) of the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009*.