



Requirement to connect to infrastructure: Section 48 *Water Industry Act 2012*

Section 48 of the *Water Industry Act 2012* (the Act) provides a pathway for water industry entities (WIE) to require landowners adjacent to their sewerage infrastructure to connect to that infrastructure. As the ability to compel a landowner to become a customer is a significant power it is subject to Ministerial approval.

If a sewerage scheme is approved by the Minister responsible for the Act, landowners within the scheme area will become customers of the WIE and be required to connect to the provided sewerage service. Landowners will also be charged for the provision of the sewerage service in accordance with the WIE's fees and charges.

This information provides guidance on the information that should be included in an application by a WIE to the Minister for the approval of a sewerage scheme under section 48 of the Act.

How do I seek approval of a scheme?

Water industry entities must write to the Minister requesting the approval of a sewerage scheme under section 48 of the Act. The following information should be included with the application:

- Any *developer agreement* that is in place and is relevant for the proposed scheme.
- The *service area* of the scheme, including a location plan and details of each land parcel (certificate of title volume and folio references) and the allotments within it that will be serviced.
- Details of the *prescribed infrastructure* including a site plan and details about the components of the sewerage system.
- Information regarding the ability for staged construction/implementation and potential water reuse opportunities.
- Information about the future potential to add any additional adjacent land parcels to the scheme.
- Information as to whether or not there will be exclusions in the provisions of service in accordance with section 48(8) of the Act.

- Assurances that the prescribed infrastructure is or will be fit for purpose and complies with the requirements of prescribed bodies¹.
- Assurances that the scheme has been developed in consultation with relevant local council(s) (unless the council is providing the service) under regulation 33(1)(b) of the *Water Industry Regulations 2012*.
- Details and assurances related to contingency plans in the event the WIE will cease operations and is no longer able to provide a sewerage service.

The responsible Minister reserves the right to seek further information (if required) from an applicant before making a final decision.

I have approval, now what?

Following approval by the responsible Minister, the WIE may serve notice on any owner² of land adjacent to the prescribed sewerage infrastructure designated under the scheme, to connect to the prescribed infrastructure. Any notice served on an owner of land must comply with regulation 33(2) of the *Water Industry Regulations 2012*, under which a notice must:

- be in writing
- provide a description of the prescribed infrastructure and the scheme
- specify the fees to be imposed in connection with the sewerage service
- provide information about any terms or conditions that apply
- specify the action to be taken to connect any drains or equipment to the prescribed infrastructure
- provide information about any specifications that apply under section 48(7)(b) of the Act³
- specify when the connection must be made
- advise the owner that the costs incurred in complying with the notice will be borne by the owner under section 48(7)(c) of the Act
- contain a warning that if the requirements of the notice are not complied with, the relevant WIE may take any action required by the notice and any reasonable costs and expenses incurred may be recovered by the WIE as a debt from the person
- specify the contact details of the WIE.

If an owner of land does not comply with the requirements of a notice, the WIE may take any action as required in the notice at any reasonable time. In doing so, the WIE may recover the reasonable costs and expenses it has incurred in taking action on the notice as debt from the person who failed to comply with the notice (refer to sections 9 to 12 of the Act).

More information

Water Industry Act 2012:
[Water Industry Act 2012](#)

Water Industry Regulations 2012:
[Water Industry Regulations 2012](#)

¹ In accordance with regulation 33(1)(a) of the *Water Industry Regulations 2012*, prescribed bodies include the Technical Regulator; the Minister responsible for the administration of the *Public Health Act 2011*; and a council (unless the council is the water industry entity that will be providing the sewerage service).

² Besides the exclusions listed in section 48(8) including any owner excluded by the Minister at the time the Minister approves the scheme and an owner of land where it is not reasonably practicable to connect to the prescribed infrastructure.

³ Any drains, equipment or works used for the purposes of making the connection must comply with specifications approved by the Technical Regulator or the Department for Health and Wellbeing.