



New South Wales

# **Water Industry Competition (General) Amendment (Water Industry Infrastructure) Regulation 2021**

under the

Water Industry Competition Act 2006

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Water Industry Competition Act 2006*.

MELINDA PAVEY, MP  
Minister for Water, Property and Housing

## **Explanatory note**

The object of this Regulation is to clarify which water industry infrastructure is not required to be licensed under the *Water Industry Competition Act 2006*.

This Regulation is made under the *Water Industry Competition Act 2006*, including section 5(4), which provides for the regulations to prescribe exemptions from the requirement that water industry infrastructure be licensed, and section 101, the general regulation-making power.

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### **1 Name of Regulation**

This Regulation is the *Water Industry Competition (General) Amendment (Water Industry Infrastructure) Regulation 2021*.

### **2 Commencement**

This Regulation commences on the day on which it is published on the NSW legislation website.

## Schedule 1      **Amendment of Water Industry Competition (General) Regulation 2008**

### Clause 19A

Omit the clause. Insert instead—

#### **19A Water industry infrastructure on premises owned by 1 person exempt from requirement for licence**

- (1) For the purposes of section 5(4)(b) of the Act, water or sewerage infrastructure is prescribed if it is—
  - (a) wholly situated on premises owned by 1 person, and
  - (b) owned or controlled by the person.
- (2) Subclause (1) applies whether or not the whole or a part of the premises is leased to, or occupied by, another person.
- (3) For the purposes of this clause, the following water or sewerage infrastructure is ***excluded infrastructure***—
  - (a) infrastructure used or to be used for supplying water or providing sewerage services to 30 or more premises, including each separate premises within a community land scheme, company title scheme or strata scheme, that are used or to be used for residential or small business purposes,
  - (b) infrastructure used or to be used for the production of drinking water, including a filtration, treatment or desalination facility, that has a design capacity of more than 500 kilolitres each day,
  - (c) infrastructure used or to be used for the treatment of sewage, stormwater or recycled water that has a design capacity of more than 750 kilolitres each day.
- (4) This clause does not apply to excluded infrastructure that was constructed or first operated or altered in the following way after the commencement of this clause—
  - (a) for infrastructure referred to in subclause (3)(a)—an alteration to increase the number of premises to be serviced by the infrastructure,
  - (b) for infrastructure referred to in subclause (3)(b) and (c)—an alteration to increase the design capacity of the infrastructure.

- (5) In this clause—

***community land scheme*** means a scheme, other than a strata scheme, within the meaning of the *Community Land Management Act 1989*.

***company title scheme*** has the same meaning as in the *Retirement Villages Act 1999*.

***design capacity***, in relation to infrastructure, includes the design capacity of a reticulation network connected to the infrastructure that is used to convey anything to or from the infrastructure.

***small business*** means a business that employs less than 20 persons.

***strata scheme*** has the same meaning as in the *Strata Schemes Management Act 2015*.