

1994—No. 298

LOCAL GOVERNMENT ACT 1993—REGULATION

(Relating to water, sewerage and drainage)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Local Government Act 1993, has been pleased to make the Regulation set forth hereunder.

EDWARD PICKERING, M.L.C.,
Minister for Local Government and Co-operatives.

Commencement

1. (1) This Regulation commences on 1 July 1994 except as provided by subclause (2).
- (2) Clause 2 (v) commences on 1 August 1994.

Amendments

2. The Local Government (Water, Sewerage and Drainage) Regulation 1993 is amended:
 - (a) by omitting from clause 8 (1) (a) the words “and other pipes”;
 - (b) by inserting at the end of clause 8 (1) the following words:

This subclause does not apply to a water main that is less than 100 millimetres in diameter.
 - (c) by inserting at the end of clause 8 (2) the following words:

If such a hydrant is installed, the council must maintain it in effective working order.

- (d) by omitting clause 8 (3) and by inserting instead the following subclause:

(3) A council may remove a hydrant from any of its water mains if satisfied on reasonable grounds that the hydrant is no longer needed.

- (e) by inserting in clause 36 before the words “drain” and “drains” wherever occurring the word “stormwater”;

- (f) by inserting at the end of clause 40 the following subclause:

(2) The circumstances specified in Column 2 of the Table to section 124 of the Act in relation to Order No. 24 of the Table are taken to include the following:

The sewerage system of a public authority is available and the premises can be connected to the system. This applies to all areas in which a public authority maintains a sewerage system and so applies despite clause 5 of the Local Government (Water, Sewerage and Drainage) Regulation 1993.

- (g) by omitting from the heading to Division 4 of Part 3 the word “system” and by inserting instead the words “and drainage systems”;

- (h) by omitting clause 42 (e) and by inserting instead the following paragraph:

(e) waste liquid that contains a percentage of common salt or of any other substance, or waste liquid that is of a temperature, specified by the council as being:

(i) likely to endanger public health, public safety or public amenity or the environment; or

(ii) damaging to, or liable to form compounds that may damage, the council’s sewerage system or treatment works; or

(iii) likely to injure council employees who are engaged in the operation or maintenance of the system or those works or the health of those employees;

- (i) by inserting in clause 42 (f) before the words “roof, rain,” the words “except in the case of a public drain or a council gutter —”;

- (i) by inserting after clause 42 (f) the following paragraph:

(f1) trade waste (except with the approval of the council under section 68 of the Act);

(k) by omitting clause 42 (g) and by inserting instead the following paragraph:

(g) other substances that the council believes:

- (i) are likely to endanger public health, public safety or public amenity or the environment; or
- (ii) are damaging to, or will form compounds that may damage, the council's sewerage system or treatment works; or
- (iii) are likely to injure council employees who are engaged in the operation of the system or those works or the health of those employees.

(l) by inserting at the end of clause 42 the following subclause:

(2) This clause applies to areas in which a council maintains public drains, and so applies despite clause 5.

(m) by inserting after clause 43 (1) the following subclause:

(1A) An application for approval under section 68 of the Act to discharge trade waste into a sewer under the control of a council, or into another sewer that connects with such a sewer, must be accompanied by the following items:

- (a) plans and specifications of the work to be done;
- (b) plans and specifications of the apparatus to be used;
- (c) details of the nature and quality of the waste and the rates of discharge of the effluent.

(n) by inserting in clause 43 (3) (c) before the words "all trade waste" the words "subject to subclauses (6) and (8) and subject to and in accordance with the council's approval—";

(o) by inserting after clause 43 (4) the following subclauses:

(4A) Without limiting subclause (4), a council may, as a condition of granting an approval to dispose of trade waste into a sewer of a council:

(a) require that the volume of waste discharged be measured and determined by a meter or some other device specified by the council; or

(b) determine:

- (i) the maximum aggregate daily quantity of effluent that is to be allowed to pass from trade premises into the sewer; and
- (ii) the characteristics of the waste permitted to be discharged; and

- (iii) the maximum permissible rate of discharge; and
- (iv) the size and capacity of the house drain for conveying the effluent to the sewer; and
- (v) the times during which the discharge is permitted.

(4B) An approval under section 68 of the Act to discharge trade waste (whether treated or not), pan contents or septic tank effluent into a sewer of a council, may be granted only:

- (a) if the Director-General has concurred in the approval; or
- (b) if:

- (i) the council has, in accordance with Part 3 of Chapter 7 of the Act, adopted a local approvals policy relating to the discharge into its sewerage system of trade waste, pan contents or septic tank effluent; and
- (ii) the Director-General has, because of that policy, given the council notice in accordance with section 90 (2) of the Act that the concurrence may be assumed; and

(iii) the approval is in accordance with that policy.

- (p) by omitting from clause 43 (5) (c) the words “drain from those premises are provided with a silt trap approved by the inspector and is” and by inserting instead the words “soil pipes and waste pipes from those premises are provided with a silt trap approved by the inspector and are”;
- (q) by omitting from clause 43 (6) the words “referred to in subsection (3) (b)”;
- (r) by omitting clause 43 (6) (a) and by inserting instead the following paragraph:
 - (a) the council has approved the discharge of trade waste under section 68 of the Act; and
- (s) by inserting in clause 43 (7) after the words “The council may,” the words “as a condition of granting an approval under section 68 of the Act or”;
- (t) by inserting after clause 43 (7) the following subclause:
 - (8) On being served with a notice revoking an approval to discharge trade waste into the council’s sewerage system, the holder of the approval must immediately stop discharging trade waste into that system.
- (u) by omitting from the note to clause 46 the figure “81” and by inserting instead the figure “82”;

- (v) by inserting in Division 1 of Part 4 after clause 48 the following clause:

Requirements as to water closet suites

48A. (1) If:

- (a) it is a condition of an approval granted under section 68 of the Act to carry out an activity specified in Part A, Part B or Part C of the Table to that section that a water closet suite must be installed as part of the work involved in carrying out that activity; or
- (b) an approval is granted under that section to carry out an activity specified in Part A, Part B or Part C of that Table and, although it is not a condition of the approval that a water closet suite be installed, the work concerned will involve the installation of such a suite; or
- (c) an order is made under section 124 of the Act to connect premises to the council's sewerage system by a specified date and the connection of the premises to the sewer involves the installation of a water closet suite,

the suite must comply with subclause (2) or be of a type approved by the Director-General under subclause (3).

(2) In order to comply with this subclause, a water closet suite must:

- (a) have a cistern with a maximum flushing volume of at least 6 litres; and
- (b) if the suite is to be installed in a class 1 or class 2 building (as defined in the Australian Building Code):
 - (i) the cistern must be of the dual flushing kind; and
 - (ii) the suite must satisfy the requirements of the Manual of Authorisation Procedures for Plumbing and Draining Products (SAA MP 52-1993), published by the Standards Association of Australia (as in force from time to time).

However, a water closet suite also complies with this subclause if it is to be connected to a soil stack and has a cistern with a flushing volume of at least 4 litres.

(3) The Director-General may approve in writing a type of water closet suite that:

- (a) has a different maximum flushing capacity from that referred to in subclause (2) (a); or

- (b) in the case of a suite that is to be installed in a class 1 or class 2 building, does not satisfy the requirements of subclause (2) (b) (ii).

(4) This clause does not apply to an application for an approval under section 68 of the Act before the commencement of this clause.

(5) In this clause:

“**cistern**”, “**soil stack**” and “**water closet suite**” have the meanings given to those expressions by AS 3500.

Note. A “soil stack” is a vertical sewer pipe located in a multi-storey building.

- (w) by inserting before clause 49 (1) (a) the following paragraph:
 - (al) put into use a soil, waste or house drain pipe; or
- (x) by inserting in clause 49 (1), after the word “inspected”, the word “, tested”;
- (y) by inserting in clause 49 after the word “mister” wherever occurring the words “for Public Works”;
- (z) by omitting clause 49 (5);
- (aa) by inserting after clause 52 (2) (b) the following word and paragraph:
 - ; and
 - (c) any information relating to the works that might reasonably be expected to affect construction work that might be carried out on the land.
- (ab) by omitting clause 57 and by inserting instead the following clause:

Flood retarding basins

57. A work that is, or will when completed, be a prescribed dam for the purposes of the Dams Safety Act 1978 is prescribed as a flood retarding basin for the purposes of section 60 (d) of the Act.

- (ac) by inserting in the Dictionary in alphabetical order the following definitions:

Australian Building Code means the document entitled “Building Code of Australia” published by the Australian Uniform Building Regulations Co-ordinating Council, and incorporating the New South Wales variations set out in the relevant appendix to that Code, as in force on 1 July 1993.

Director-General, in relation to the exercise of a function under this Regulation, means the Director-General, NSW Public Works, and includes any officer employed in NSW Public Works whom the Director-General has authorised to exercise the function.

EXPLANATORY NOTE

The object of this Regulation is to make minor miscellaneous amendments to the Local Government (water, Sewerage and Drainage) Regulation 1993. However, a new clause will prescribe conditions with which water closet suites will be required to comply. The clause will not apply to water closet suites that are already installed on premises. In particular, the clause will require water closet suites to be installed in certain classes of residential buildings to be of the dual flushing kind. The clause also imposes restrictions as to the capacities of cisterns for new water closet suites.

This Regulation is made under the Local Government Act 1993, including section 748 (the general regulation making power) and section 127.
