



Sydney Water Regulation 2011

under the

Sydney Water Act 1994

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Sydney Water Act 1994*.

GREG PEARCE, MLC
Minister for Finance and Services

Explanatory note

The object of this Regulation is to remake, with some amendments, the provisions of the *Sydney Water Regulation 2006*, which is repealed on 1 September 2011 by section 10 (2) of the *Subordinate Legislation Act 1989*.

A number of redundant offences relating to the Prospect Reservoir controlled area and the provision of false and misleading information have not been carried across into this Regulation.

This Regulation makes provision with respect to the following:

- (a) the regulation of access to the Prospect Reservoir controlled area,
- (b) the performance of plumbing or drainage work, including the requirement for a permit to do such work, the remedying of defective work and the giving of certificates of compliance,
- (c) the imposition of restrictions on the use of water,
- (d) the offences for which penalty notices may be given,
- (e) repeals, savings and formal matters.

This Regulation is made under the *Sydney Water Act 1994*, including sections 50, 75 (d) and 106 (the general regulation-making power).

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Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Sydney Water Regulation 2011*.

2 Commencement

This Regulation commences on 1 September 2011 and is required to be published on the NSW legislation website.

Note. This Regulation replaces the *Sydney Water Regulation 2006* which is repealed on 1 September 2011 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definition

- (1) In this Regulation:
the Act means the *Sydney Water Act 1994*.
- (2) Notes included in this Regulation do not form part of this Regulation.

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Part 2 Prospect Reservoir controlled area

Part 2 Prospect Reservoir controlled area

4 Definitions

In this Part:

authorised person means any of the following:

- (a) an employee of the Corporation,
- (b) a person authorised in writing by the Corporation for the purposes of this Part,
- (c) a police officer.

controlled area means Lot 1, DP 845354, Lots 303 and 304, DP 1122291, Lot 2, DP 218194, Lot 5, DP 861815, Lot 2, DP 228936, Lots 1, 2 and 4, DP 832281 and Lot 7, DP 1015294 as shown coloured green on the Prospect Reservoir—Sydney Water Controlled Areas Map held at the offices of the Corporation.

5 Entry to controlled area

- (1) A person must not enter or remain on the controlled area.
Maximum penalty: 100 penalty units in the case of a corporation, or 10 penalty units in any other case.
- (2) A person does not commit an offence under subclause (1) by reason of anything done with the consent of the Corporation and in accordance with any conditions to which that consent is subject.
- (3) The Corporation may grant its consent by means of:
 - (a) a sign or notice displayed on the land or part of the land to which the sign or notice relates, or
 - (b) a written notice to a person (in the form of a licence, permit, approval or any other written form).
- (4) The Corporation may grant its consent as follows:
 - (a) generally or in a particular case,
 - (b) to a particular person or to persons belonging to a particular class of persons,
 - (c) unconditionally or subject to conditions,
Note. The Corporation may impose any conditions as it sees fit including, but not limited to, conditions relating to the protection of water quality and managing visitor behaviour such as by restricting the lighting of fires, camping, disposal of waste, damage or interference with flora or fauna, the removal of matter from land, the entry of vehicles or animals onto land or the conducting of commercial or other activities.
 - (d) for a specified period of time or until such time as the consent is revoked by the Corporation.

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- (5) The Corporation may revoke or modify its consent at any time by any of the means specified in subclause (3).
 - (6) An authorised person may direct a person to leave the controlled area or any part of the controlled area if the authorised officer reasonably believes that the person has failed to comply with a condition of consent.
 - (7) A person must comply with any direction given to the person under subclause (6).
Maximum penalty: 2 penalty units.

6 Fees and charges

- (1) The Corporation may from time to time determine the fees or charges payable in respect of the entry by persons or vehicles to any part of the controlled area.
- (2) A person who is liable to pay fees or charges so determined may be denied entry to the part of the controlled area concerned unless the fees or charges are paid on the request of an authorised person.

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Clause 7 Sydney Water Regulation 2011

Part 3 Plumbing and drainage

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7 Definitions

In this Part:

approved means approved by the Corporation.

certificate of compliance means a certificate of the kind referred to in clause 16.

dwelling means a room or suite of rooms occupied or used, or so constructed or adapted as to be capable of being occupied or used, as a separate residence.

exempt plumbing or drainage work means work that:

- (a) involves repairing a tap or showerhead in a dwelling or installing water-restricting or flow-regulating devices to tap end fittings (including showerheads) in a dwelling, and
- (b) does not involve repairing any thermostatic mixing valve, tempering valve or backflow prevention device, and
- (c) is carried out by an owner or occupier of the dwelling or by a person who does not receive payment or other consideration for carrying out that work and who is authorised to carry out the work by an owner or occupier of the dwelling.

fitting includes any pipe, apparatus or fixture used for plumbing or drainage work.

permit means a permit granted by the Corporation under this Part and in force.

Plumbing and Drainage Code of Practice means the *New South Wales Code of Practice—Plumbing and Drainage* produced by the Committee on Uniformity of Plumbing and Drainage Regulations in New South Wales (available from the Corporation).

plumbing or drainage work means work comprising or affecting:

- (a) a water supply service pipe or its connection to a water main of the Corporation, or
- (b) a recycled (or reclaimed) water pipe or its connection to a water main of the Corporation, or
- (c) the installation of a device to divert or treat greywater, or
- (d) a sewerage service pipe or its connection to a sewer main of the Corporation, or
- (e) a stormwater drainage service drain or its connection to a stormwater drain of the Corporation.

recycled (or reclaimed) water pipe means a pipe connecting premises to a recycled water main of the Corporation or to a greywater diversion or treatment system, and includes the fittings connected to the pipe.

repair includes make good, replace, reconstruct, remove, alter, cleanse or clear.

sewerage service pipe means a pipe connecting premises to a sewer main of the Corporation, and includes the fittings connected to the pipe.

stormwater drainage service drain means a stormwater drain connecting premises to a stormwater drain of the Corporation, and includes the fittings connected to the drain.

water supply service pipe means a pipe connecting premises to a water main of the Corporation, and includes the fittings connected to the pipe.

8 Compliance with Code of Practice

- (1) A person must not do any plumbing or drainage work otherwise than in accordance with the Plumbing and Drainage Code of Practice.

Maximum penalty: 200 penalty units in the case of a corporation, or 100 penalty units in any other case.

- (2) This clause does not apply to exempt plumbing or drainage work.

9 Use of approved fittings

- (1) A person must not use any fitting for plumbing or drainage work unless the fitting is approved.

Maximum penalty: 200 penalty units in the case of a corporation, or 100 penalty units in any other case.

- (2) The Corporation may, before it approves a fitting of a particular kind:

(a) require:

(i) a fitting of that kind to be submitted to the Corporation for examination and testing, or

(ii) submission to the Corporation of a satisfactory result of tests of a fitting of that kind carried out by an approved person or body, and

(b) require fittings of that kind to be manufactured under an approved system of quality assurance.

- (3) The Corporation must not approve the construction or use of a particular kind of fitting unless it is satisfied that it complies with the requirements of AS 5200.000–2006, *Technical specification for plumbing and drainage products—Procedures for certification of plumbing and drainage products*, published by Standards Australia.

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Part 3 Plumbing and drainage

10 Work must be authorised by permit

- (1) A person must not do plumbing or drainage work unless authorised by a permit to do the work.
Maximum penalty: 200 penalty units in the case of a corporation, or 100 penalty units in any other case.
- (2) A person is not guilty of an offence under this clause if:
 - (a) the work is done in an emergency:
 - (i) to prevent waste of water, or
 - (ii) to restore a water supply that has been shut off to prevent waste of water, or
 - (iii) to free a choked pipe, or
 - (iv) to prevent damage to property, and
 - (b) the person obtains a permit for the work as soon as practicable after the work is done.
- (3) This clause does not apply to:
 - (a) plumbing or drainage work done by an employee of the Corporation, or
 - (b) exempt plumbing or drainage work.

11 Application for permit

- (1) An application for a permit:
 - (a) must be made in an approved form, and
 - (b) must be lodged at an office of the Corporation.
- (2) The lodgment may be made by such electronic means of communication (if any) that the Corporation indicates it will accept.
- (3) An applicant must pay the fee determined by the Corporation for the granting of a permit.

12 Refusal of permits

- (1) The Corporation may refuse to grant a permit to a person who, in its opinion, has previously carried out plumbing or drainage work in contravention of the Act or a Regulation under the Act or a direction under the Act or any such Regulation.
- (2) The Corporation may also refuse to grant a permit to a person while any relevant information that was not supplied with the application and that has been requested by the Corporation from the applicant is outstanding.

13 Conditions of permits

- (1) The Corporation may grant a permit unconditionally or subject to conditions.
- (2) A person must not contravene a condition of a permit.
Maximum penalty: 200 penalty units in the case of a corporation, or 100 penalty units in any other case.

14 Suspension or cancellation of permit

- (1) The Corporation may, by written notice served on the holder of a permit, suspend or cancel the permit if:
 - (a) the permit was granted on the basis of false or misleading information, or
 - (b) the holder of the permit has contravened a condition of the permit, or
 - (c) the holder of the permit has contravened the Act, this Part or a direction under the Act or this Part.
- (2) The notice must set out the reason for the suspension or cancellation.
- (3) The Corporation may suspend or cancel a permit at the request of:
 - (a) the holder of the permit, or
 - (b) the owner, or duly authorised agent of the owner, of the premises on which the work authorised by the permit is to be, or is being, done.

15 Defective plumbing or drainage work

- (1) The Corporation may, by written notice served on a person who is carrying out (or has carried out) plumbing or drainage work, direct the person:
 - (a) to repair, as specified by the Corporation, work done otherwise than in accordance with good trade practice, or
 - (b) to bring into conformity with the Plumbing and Drainage Code of Practice work done otherwise than in accordance with that Code, or
 - (c) to repair, as specified by the Corporation, a defective fitting used in any of the work done, or
 - (d) to bring into conformity with the Corporation's approval any fitting that does not comply with the approval.
- (2) A person to whom such a direction is given must not fail to comply with the direction.

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Part 3 Plumbing and drainage

- (3) If a direction is given to a person before a certificate of compliance is given for the work, the person must not continue with the work until the direction has been complied with.
- (4) A direction is of no effect if it is issued more than 2 years after the work to which it relates has been completed.
Maximum penalty: 200 penalty units in the case of a corporation, or 100 penalty units in any other case.

16 Must give certificate of compliance after work completed

- (1) A person who does plumbing or drainage work must, within 48 hours after completing the work:
 - (a) give the Corporation a certificate of compliance duly completed and signed by the person, and
 - (b) give a copy of the certificate to the owner of the premises on which the work was done or to which the work was connected.Maximum penalty: 200 penalty units in the case of a corporation, or 100 penalty units in any other case.
- (2) A certificate of compliance must be in the approved form (as supplied by the Corporation) and must certify that the plumbing or drainage work to which it relates has been completed in accordance with the Plumbing and Drainage Code of Practice.
- (3) This clause does not apply to:
 - (a) plumbing or drainage work done by an employee of the Corporation, or
 - (b) exempt plumbing or drainage work.

17 Corporation to be notified of damage to its works or other property

A person who, in the course of doing plumbing or drainage work, damages a work or other property of the Corporation must immediately notify the Corporation of the damage.

Maximum penalty: 200 penalty units in the case of a corporation, or 100 penalty units in any other case.

Part 4 Miscellaneous

18 Restrictions on use of water

- (1) If the Minister considers it necessary to do so in the case of drought or accident, or the Minister is for some other reason of the opinion that it is necessary in the public interest and for the purpose of maintaining water supply, the Minister may, by notice, regulate or restrict any one or more of the following:
 - (a) the purposes for which water may be used,
 - (b) the times when water may be used,
 - (c) the quantities of water that may be used,
 - (d) the means or methods of the use of water.
- (2) Any such notice regulating or restricting the use of water:
 - (a) is required to be published in the Gazette or in a newspaper circulating in the area of operations of the Corporation, and
 - (b) may apply to the whole of the area of operations of the Corporation or to such part of that area as is specified in the notice, and
 - (c) takes effect on the date specified in the notice (being a date that is not earlier than the date on which the notice is published), and
 - (d) has effect despite the provisions of any contract relating to the supply of water by the Corporation.
- (3) A person must not use water contrary to a notice under this Part.
Maximum penalty: 50 penalty units in the case of a corporation, or 5 penalty units in any other case.
- (4) The Corporation may cut off or restrict the supply of water to any land if the owner, occupier or person requiring a supply of water fails to comply with a notice under this clause regulating or restricting the use of water.

19 Penalty notice offences

For the purposes of section 50 of the Act:

- (a) each offence created by a provision specified in Column 1 of Schedule 1 is a prescribed offence, and
- (b) the penalty prescribed for such an offence if dealt with under that section is:
 - (i) in the case of a penalty payable by an individual—the amount specified in relation to the offence in Column 2 of that Schedule, and

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Part 4 Miscellaneous

- (ii) in the case of a penalty payable by a corporation—the amount specified in relation to the offence in Column 3 of that Schedule.

20 Repeal and savings

- (1) *Sydney Water (Transitional) Regulation 1999* is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *Sydney Water Regulation 2006*, had effect under that Regulation continues to have effect under this Regulation.

Schedule 1 Penalty notice offences

(Clause 19)

Column 1	Column 2	Column 3
Provision	Penalty for an individual	Penalty for a corporation
Offences under the Act		
Section 48	\$2,200	\$4,400
Offences under this Regulation		
Clause 5 (1)	\$220	\$550
Clause 8 (1)	\$220	\$550
Clause 15 (2)	\$220	\$550
Clause 15 (3)	\$220	\$550
Clause 18 (3)	\$220	\$550