

1993—No. 270

**LOCAL GOVERNMENT ACT 1993—REGULATION**

(Local Government (Water, Sewerage and Drainage) Regulation 1993)

NEW SOUTH WALES



*[Published in Gazette No. 73 of 1 July 1993]*

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.

GARRY WEST, M.P.,  
Minister for Local Government and Co-operatives.

**PART 1—PRELIMINARY**

**Citation**

1. This Regulation may be cited as the Local Government (Water, Sewerage and Drainage) Regulation 1993.

**Commencement**

2. This Regulation commences on 1 July 1993.

**Definitions**

3. In this Regulation:

- (a) expressions that are defined in the dictionary at the end of this Regulation have the meanings given to them by the dictionary; and
- (b) expressions that are defined in AS 3500 have the meanings given to them by that Standard; and
- (c) expressions that are defined in AS 3500 and that are also defined in the Act or in this Regulation have the meanings given to them by the Act or this Regulation, respectively.

**Notes in the text**

4. Notes in the text of this Regulation are explanatory notes and do not form part of this Regulation. They are provided to assist understanding.

**Application of this Regulation**

5. (1) The provisions of this Regulation relating to water supply apply to an area or part of an area in respect of which the council provides or has taken steps to provide a water supply system.

(2) The provisions of this Regulation relating to sewerage apply to an area or part of an area in respect of which the council provides or has taken steps to provide a sewerage system.

(3) The provisions of this Regulation relating to drainage apply to an area or part of an area in respect of which the council provides or has taken steps to provide a drainage system.

**Certain provisions of the Plumbing and Drainage Code of Practice to be complied with**

6. (1) An approval under section 68 of the Act allowing water supply, sewerage or drainage work to be carried out is taken to include a condition requiring the work to be carried out in accordance with the Plumbing and Drainage Code of Practice (so far as that Code is applicable to that work),

(2) An order under section 124 of the Act requiring water, sewerage or drainage work to be carried out is not complied with unless the work is carried out in accordance with the Plumbing and Drainage Code of Practice (so far as that Code is applicable to that work).

**PART 2—WATER SUPPLY****Division 1—Council functions****Joint water supply works**

7. (1) If water supply works have been constructed to serve the areas of 2 or more councils, the council that has control of the works is required to supply water to each of the other councils concerned, either at the boundary of its area or at some other convenient point which may be mutually agreed with those other councils.

(2) If the capital cost of the works has not been notified as a joint debt, the council that has control of the water supply works may make a charge for the supply of water from those works:

- (a) of such amount as may be agreed with each of the other councils concerned; or
- (b) if there is no agreement, of such amount as the Minister may from time to time determine and notify to all of the councils concerned.

(3) Such a charge is recoverable as a debt in proceedings brought in a court of competent jurisdiction.

#### **Fire hydrants in roads**

8. (1) The council:

- (a) must install hydrants in its water mains and other pipes at such convenient distances, and at such places, as may be necessary for the ready supply of water to extinguish fires; and
- (b) must maintain the hydrants in effective working order.

(2) The council may, at the request and expense of the owner or occupier of a building, install a hydrant (to be used only for extinguishing fires) in or in the vicinity of the building.

(3) A council that installs such a hydrant must maintain it in effective working order.

(4) The council must at all times keep charged with water all its pipes to which hydrants are connected unless prevented from doing so:

- (a) by drought or other unavoidable cause or accident; or
- (b) while necessary repairs to the pipe or hydrant are being carried out.

(5) Persons authorised to do so by the council may take water without charge for the purpose of extinguishing fires.

#### **Council to give notice of when certain water will be available**

9. The council that supplies water through a standpipe must display at the standpipe a notice stating:

- (a) the times at which an employee of the council will be in attendance for the supply of water from the pipe; and
- (b) the scale of charges fixed by the council for that supply.

**Inspection and measurement**

**10. (1)** An inspector may, at any reasonable time:

- (a) inspect any service pipe that is connected to the council's water main; and
- (b) install meters or other devices for measuring the quantity of water supplied to the premises; and
- (c) measure the quantity supplied.

**(2)** The occupier of the premises must provide to the council such information as it requires to enable it to estimate the quantity of water actually supplied to the premises.

**Division 2—Conduct of water supply work****Discretionary conditions for carrying out water supply work**

**11.** The council may, in giving an approval to carrying out water supply work, impose either or both of the following conditions:

- (a) a condition that requires the work to be carried out within such time as the council considers reasonable;
- (b) a condition that requires a qualified supervisor to attend the place at which the work is carried out at such times as the council directs.

**Tapping water mains**

**12. (1)** An approval for the tapping of the council's water main is subject to the following conditions:

- (a) that the approval is only for the occasion for which it is given; and
- (b) that the tapping of the main must be carried out:
  - (i) by a person authorised in writing by the council; or
  - (ii) by a qualified supervisor acting under the supervision and in accordance with the directions of an inspector.

**(2)** The council may, as a condition of approving the tapping of a water main, require that the tapping must not be started unless at least 2 days' notice of intention to start the work has been given to the council.

**Council may carry out water supply work itself**

**13. (1)** If the council has resolved that the work of tapping its water mains, laying service pipes or installing stop valves should be carried out by the council, it may, as a condition of approving the tapping of a water main, direct that the work be carried out by the council for a specified charge.

**(2)** If the council approves the tapping of a water main while such a resolution is in force, the council is not obliged to carry out the relevant work until the charge has been paid.

**Premises to be connected to the council's water supply by an independent service pipe**

**14. (1)** An approval under section 68 of the Act allowing premises to be connected to the council's water supply system is taken to include a condition requiring this clause to be complied with.

**(2)** An order under section 124 of the Act requiring premises to be connected to the council's water supply system is not complied with unless the work is carried out in accordance with this clause.

**(3)** The owner of premises must, unless the council authorises otherwise, ensure that the premises are not connected to a property service pipe linked to the council's water supply system except by an independent house service pipe.

**(4)** The owner of premises connected to the council's water supply by an independent house service pipe must ensure that the pipe has a stop-valve within the premises that is not more than 450 millimetres from the road alignment or at some other place within the premises approved by the council.

**(5)** If several premises are supplied by one house service pipe, the council may order that a separate house service pipe be laid to each of the premises.

**(6)** If the council authorises the connection of 2 or more premises by means of a single house service pipe, the owner of each of the premises must (unless all the premises are occupied by one person or firm as a residence or place of business) ensure that there is installed on each of those premises:

- (a) a separate stop-valve that complies with subclause (4); and
- (b) a separate water meter to measure the water supply to those premises.

(7) The owner of a group of contiguous premises may request the council to lay a large property service pipe or water sub-main to supply 2 or more of the premises in the group.

(8) The council may agree to the request but only on payment of a sum to be agreed between the council and the owner.

### **Depth of pipe**

15. (1) An approval under section 68 of the Act allowing premises to be connected to the council's water supply system is taken to include a condition requiring that this clause not be contravened.

(2) An order under section 124 of the Act requiring premises to be connected to the council's water supply system is not complied with if the work is carried out in contravention of this clause.

(3) A person must not lay a house service pipe that is to be connected to the council's water supply system otherwise than in accordance with the Plumbing and Drainage Code of Practice.

(4) However, a person does not contravene subclause (3) only by laying a house service pipe at a depth less than that required by the Plumbing and Drainage Code of Practice if the council has, in writing, authorised the person to do so.

### **Council may carry out certain work itself for a specified charge**

16. (1) The council may, when giving an approval for the purpose of section 68 of the Act in relation to carrying out water supply works involving a large property service pipe or water sub-main to supply more than one premises, direct, as a condition of the approval, that the work be carried out by the council for a specified charge.

(2) If the council so directs, it is not obliged to carry out the work until the charge is paid.

### **Fertiliser dispensing units not to be connected to council's water supply system**

17. (1) An approval under section 68 of the Act allowing premises to be connected to the council's water supply system is taken to include a condition requiring that this clause not be contravened.

(2) An order under section 124 of the Act requiring premises to be connected to the council's water supply system is not complied with if the work is carried out in contravention of this clause.

(3) A person must not make a connection between the council's water supply system, or a pipe or fitting supplied with water from that system, and any device or fitting designed to be used to dispense fertiliser or any other chemical compound capable of contaminating the water supply, unless that device or fitting is of a type approved by the Director-General.

(4) The occupier of premises must ensure that the council's water supply system, or a pipe or fitting supplied with water from that system, is not directly connected to a device or fitting designed to be used to dispense fertiliser or any other chemical compound capable of contaminating the water supply, unless that device or fitting is of a type approved for such connection by the Director-General.

#### **Acts taken to be included in the Table to section 124 of the Act**

18. Without limiting order No. 23 in the Table to section 124 of the Act, the following acts are taken to be included in Column 1 of that Table as acts that may be required by that order:

- (a) the construction of all necessary pipes, and the installation of all necessary fixtures and fittings;
- (b) the construction or installation of a separate service pipe to the premises, or to each of the premises concerned.

### **Division 3—Water meters**

#### **Installation of meters**

19. (1) For the purposes of section 68 of the Act, an application for approval to install a water meter must be accompanied by a completed meter identification form provided by the council for the purpose.

(2) An approval under section 68 of the Act allowing the installation of a water meter is taken to include a condition requiring that this Part be complied with.

(3) If the council has resolved that the supply of water from its water supply system is to be through water meters, it may order the owner of premises supplied with water from that system to install a water meter on those premises.

(4) Such an order is not complied with unless the installation and the meter comply with this Part.

**Privately owned water meters to be of a size and class approved by the council**

**20. (1)** If a water meter, other than a water meter hired from or provided by the council, is to be installed on premises connected or to be connected to the council's water supply system, the owner of the premises must ensure that the meter:

- (a) is of a size and class approved by the council; and
- (b) is fitted with stop-valves and such other fittings as may be specified by the council.

**(2)** Before such a water meter is installed, the owner of the premises concerned must submit the meter to the council for testing and stamping.

**(3)** If it is proposed to move such a water meter to a new position and more than 2 years has elapsed since the meter was last approved and tested by the council, the owner of the premises concerned must resubmit it to the council for further testing and stamping.

**(4)** The council is not required to test and stamp a water meter submitted or resubmitted under this clause unless the fee fixed by the council is paid.

**Security of water meters**

**21. (1)** The owner of premises on which there is located a water meter connected to the council's water supply service must, if ordered by the council to do so, protect the meter by enclosing it in a box constructed of metal, wood or other strong durable material and fitted with a lock and key approved by the council.

**(2)** The owner of such premises must, if the council so requires, deposit with the council the key of the water meter or, if it is enclosed in a meter-box, the key of that box immediately after the meter or box is installed.

**Water meter not to be used to measure the water supplied to more than one premises except in certain cases**

**22. (1)** The owner of premises on which a water meter is installed must ensure that the meter is not used to measure the quantity of water supplied by the council to other premises.

**(2)** Subclause (1) does not apply:

- (a) if the premises and the other premises are occupied by one person or firm as a residence or place of business; or
- (b) if the council authorises the meter to measure the water supplied by the council to the premises and the other premises.



(3) In those circumstances:

- (a) the council must credit the relevant water account with the water rate paid in respect of all the premises; and
- (b) the owner of the premises on which the water meter is installed must ensure that:
  - (i) the meter is directly connected to the council water main by a single property service pipe; and
  - (ii) the water for each of the premises passes through and is measured by the meter.

(4) However, if there are special circumstances requiring the laying of 2 or more service pipes, the owner of the premises must ensure that each service pipe is connected to a water meter.

(5) In that case, the council must credit the water account of each meter with the water rate paid in respect of the premises supplied through the relevant service pipe.

### **Hire of meters**

23. (1) A person who wishes to hire a water meter from the council must execute an agreement prepared for that purpose.

(2) The agreement must contain the conditions on which the meter is to be hired.

### **Testing of meters**

24. (1) At the request of an owner or occupier of premises and on the payment of a fee fixed by the council, the council must arrange for a water meter installed on the premises to be examined and tested.

(2) The council may, on its own initiative, arrange for such a water meter to be examined and tested.

(3) If, as a result of such an examination and test, a water meter is found not to correctly measure the quantity of water passing through it, the council may charge for the supply of water:

- (a) on the basis of a daily consumption equal to the average daily consumption during the corresponding meter reading period of the previous year; or
- (b) on such other basis as the council and the consumer may agree.

(4) Testing carried out at the request of a person who is the owner or occupier of premises is to be at the expense of the person, unless the meter is one hired from or provided by the council and the testing indicates that the meter is defective, in which case the testing is to be at the expense of the council.

(5) A water meter that registers less than 3 per cent more or less than the correct quantity is taken to correctly measure the water passing through it.

(6) If a water meter provided by the council is found to be defective, the council must replace it with one that is not defective.

(7) If a privately owned meter is found to be defective, the council may order the meter to be rectified or, if the defect cannot be rectified, order the meter to be replaced by one that is not defective.

(8) The rectification or replacement is to be at the expense of the owner of the meter.

(9) When a privately owned water meter is being rectified or is awaiting replacement, the supply of water to the owner of the meter:

- (a) is to be regulated by special contract made between that owner and the council; and
- (b) is to be restricted to use for domestic purposes.

#### **Division 4—Water use**

##### **Council to prevent waste and misuse of water**

25. (1) In order to prevent the waste of water supplied by the council to premises, the council may, by order, require an appropriate person to take immediate action to repair leaking taps, pipes or fittings located on the premises.

(2) For the purposes of this clause, each of the persons mentioned in Column 3 of order No. 5 in the Table to section 124 of the Act is an appropriate person.

##### **Misuse of water**

26. (1) An occupier of premises that are supplied with water from the council's water supply system is taken to misuse water for the purposes of section 637 of the Act if the person:

- (a) takes any of the water away from the premises; or
- (b) allows any other person to take any of the water away from the premises.

(2) A person is also taken to misuse water for those purposes if the person washes personal items (such as clothes or vehicles) or animals at a public trough, public fountain or public standpipe.

(3) Nothing in this clause is to be regarded as limiting the generality of section 637 of the Act.

### **Water supply may be restricted if there is a shortage of supply**

27. (1) A council that considers the available stored water in its water supply system, or the available capacity of supply from that system, to be insufficient to allow the unrestricted consumption of water for purposes other than domestic purposes may, by notice published in accordance with this clause, restrict:

- (a) the purposes for which the water can be used; or
- (b) the times when the water can be used; or
- (c) the methods by which the water can be used.

(2) The council may, by notice published in accordance with this clause, restrict the use of water from its water supply system for any purposes (including domestic purposes):

- (a) if there is a drought; or
- (b) if the available stored water, or the available capacity of supply, is so limited as to make extraordinary measures necessary in the general interest of water consumers.

(3) Restrictions under this clause can be imposed in respect of all of the area supplied by the council, but can apply to a part of that area if and only if:

- (a) the shortage of water or shortage in capacity of supply is limited to that part; or
- (b) the council orders the supply to be restricted to different parts of the area in rotation.

(4) Restrictions under this clause can be imposed only by a notice of the council published in a newspaper circulating within the council's area.

(5) All agreements made by the council relating to the supply of water by the council are subject to this clause.

(6) This clause does not authorise the council to make orders restricting persons' rights under the Water Act 1912.

### **Certain water not to be used otherwise than for domestic purposes**

**28. (1)** An occupier of premises supplied with water from the council's water supply system must not use the water for purposes other than domestic purposes, unless the permission of the council has been obtained.

(2) Subclause (1) does not apply if the water:

- (a) is supplied under a special contract with the council; or
- (b) is supplied through a water meter.

(3) If the premises concerned are subject to a water rate and the water supply to those premises is measured by a water meter, a special contract must allow a specified maximum quantity of water to be consumed for domestic purposes free of any charge other than the amount of the rate, with that maximum quantity being fixed by reference to the amount of the rate.

(4) A person does not contravene this clause by using water to put out a fire.

(5) A supply of water for domestic purposes does not include a supply for any of the following uses or purposes:

- (a) for buildings (not being buildings used for human habitation) used for housing animals or birds;
- (b) for any manufacturing purpose;
- (c) for irrigation or sprinkling of crops, gardens or lawns;
- (d) for the production of power for fountains;
- (e) for ornamental purposes.

(6) Without limiting the generality of section 637 of the Act, a person who contravenes this clause is taken to have misused water for the purposes of that section.

### **Restrictions on the attachment of taps and devices to hoses**

**29. (1)** An approval under section 68 of the Act allowing the installation on premises connected to the council's water supply system of a tap or device to which a hose can be attached is, unless the council otherwise determines, taken to include a condition requiring that this clause not be contravened.

(2) A person whose premises are supplied with water from the council's water supply system must not install or allow to remain installed within the premises a tap or device to which a hose can be attached, unless:

- (a) a water meter is installed on the premises and the water supply passes through the meter; or
- (b) the water is supplied under a contract allowing the use of the tap or device; or
- (c) a special fee for the tap or device, fixed by the council, has been paid to the council.

#### **Restrictions on the attachment of hoses to pipes**

**30. (1)** If the council supplies water to premises for domestic purposes, a person must not, on those premises, use for any purpose (such as watering a garden or laying dust) a hose attached to a tap or pipe connected to the council's water supply system, unless:

- (a) a water meter is installed on the premises and the water supply passes through the meter; or
- (b) a special fee for the use of the hose, fixed by the council, has been paid to the council.

(2) Without limiting the generality of section 637 of the Act, a person who contravenes this clause is taken to have misused water for the purposes of that section.

#### **Division 5—Disconnection of water supply service**

##### **Cutting off supply**

- 31. (1)** The council may cut off the supply of water to premises:
- (a) if any water meter used to measure that supply is out of repair or, in the opinion of the council, incorrectly registers the supply of water; or
  - (b) if any rates or charges in respect of the water supplied to the premises are unpaid; or
  - (c) if, in the opinion of the council, that action is necessary because of unusual drought or other unavoidable cause or any accident; or
  - (d) if the owner or occupier or person requiring a supply of water fails to comply with a lawful order or requirement of the council as to installing water meters or instruments for measuring the quantity of water supplied; or

- (e) if the owner or occupier, or the person requiring a supply of water, fails to comply with a lawful order or requirement of the council to repair or alter water connections, pipes, fittings or fixtures, connected to the council's water supply system; or
- (f) if the occupier of the premises contravenes a provision of Division 4 or fails to comply with any order or public notice of the council requiring consumers of water to economise its use in time of drought or scarcity of supply; or
- (g) if the owner or occupier of the premises fails to comply with a requirement of an order of the council served on that owner or occupier under clause 32.

(2) The cutting off of the supply of water under this clause for non-payment of rates does not affect the liability of the rateable person to pay those rates.

(3) If the council cuts off the supply of water to premises because:

- (a) there is no water meter installed on the premises; or
- (b) the water meter on the premises registers incorrectly; or
- (c) water rates or charges for the premises are unpaid,

the council may refuse to supply water to those premises until:

- (d) a water meter is installed on the premises; or
- (e) the water meter registers correctly; or
- (f) the water rates or charges are paid.

### **Water supply pipe etc. not to be used after notice from council**

**32. (1)** The council:

- (a) may, by order served on the owner or occupier of premises connected to the council's water supply system, require the owner or occupier (as the case may be) to remove, replace, alter, extend or repair a water pipe or fitting located on the premises; and
- (b) may, by the same or a similar order, require the owner or occupier to stop using a specified pipe or specified fitting pending the removal, replacement, alteration, extension or repair of the pipe or fitting.

(2) This clause does not apply to a defect to which clause 55 applies.

**PART 3—SEWERAGE AND DRAINAGE****Division 1—Council functions****Common effluent drainage districts**

**33. (1)** The council may, by resolution, declare any part of its area to be a common effluent drainage district and may, by resolution, revoke any such declaration.

**(2)** An approval under section 68 of the Act allowing the construction or installation of a non-gravity pipeline from the outlet of a septic tank or sullage tank on any premises located within a common effluent drainage district to the point of connection with the council's sewerage system is taken to include a condition requiring that the pipeline must not be constructed or installed, unless the pipeline conforms to the requirements of the Plumbing and Drainage Code of Practice.

**Plans of sewerage and drainage work**

**34. (1)** A council that has ordered the owner or occupier of premises to connect the premises to the council's sewerage system must give that owner or occupier a plan showing the location of the connection.

**(2)** A person who has approval or is ordered to carry out sewerage or drainage work under this Regulation for which the council is required to provide a plan is entitled to receive a copy of the plan, but only if the person has given the council at least 6 days' notice of intention to begin the work.

**Joint sewerage works between council areas**

**35. (1)** If sewerage works have been constructed to serve the areas of 2 or more councils, the council that has control of the sewer mains through which sewage from another council's sewerage system has to flow must allow that flow.

**(2)** If the capital cost of the works has not been notified as a joint debt, the council having control of those sewer mains may make a charge for allowing that flow of sewage and for pumping that sewage and treating it at the council's sewage treatment works:

- (a) of such amount as may be agreed with the other council; or
- (b) if there is no agreement, of such amount as the Minister may from time to time determine and notify to all of the councils concerned.

**(3)** Such a charge is recoverable as a debt by proceedings brought in a court of competent jurisdiction.

**New sewer or drain to be constructed if it is less costly than a connection to an existing sewer**

**36. (1)** A council that believes that it would cost more to provide for the flow of existing sewers or drains on 2 or more separate premises to empty into an existing sewer or drain than it would to provide for the flow to empty into a new sewer or drain may construct a new sewer or drain for that purpose.

**(2)** A council, on constructing such a new sewer or drain, may, by order served on the owners or occupiers of the premises concerned, order those owners or occupiers to cause the sewers or drains on each of those premises to empty into the new sewer or drain.

**(3)** The council:

- (a)** must apportion fairly the expenses of the construction of the new sewer or drain among the owners or occupiers of each of the premises affected; and
- (b)** may, by proceedings brought in a court of competent jurisdiction, recover the apportioned expenses from those owners or occupiers as debts to the council.

**Division 2—Connection to council's sewerage system****Joint sewerage services prohibited**

**37. (1)** An approval under section 68 of the Act allowing premises to be connected to the council's sewerage system is, unless the council otherwise determines, taken to include a condition requiring that the requirements of this clause be complied with.

**(2)** An order under section 124 of the Act requiring premises to be connected to the council's sewerage system is not, unless the council otherwise determines, complied with unless the requirements of this clause are complied with.

**(3)** The owner of premises connected to the council's sewerage system must ensure:

- (a)** that any house drain on the premises is kept separate from that of all other premises; and
- (b)** that the only fittings and fixtures permitted to discharge into the house drain are those located on the premises.



(4) The owner of premises on which a house drain is or is to be connected to the council's sewerage system must ensure that the drain is laid within the boundary of the premises until it:

- (a) reaches that system or the boundary nearest to that system; or
- (b) emerges into a public place.

### **Pipe etc. not to be used after notice from council**

**38. (1)** The council:

- (a) may, by order served on the owner or occupier of premises connected to the council's sewerage system, require the owner or occupier (as the case may be) to remove, replace, alter, extend or repair a pipe, fitting or fixture located on the premises; and
- (b) may, by the same or a similar order, require the owner or occupier to stop using a specified pipe or specified fitting or fixture pending the removal, replacement, alteration, extension or repair of the pipe, fitting or fixture.

(2) This clause does not apply to a defect to which clause 55 applies.

### **Connections to council's sewerage system**

**39. (1)** If premises are liable to a special sewerage rate, the council may, at the request of the person liable to pay rates in respect of the premises:

- (a) carry out such works as may be necessary to provide for the drainage of sewage from the premises; and
- (b) provide such connections as may be necessary to enable fixtures installed on the premises to discharge their contents into the council's sewerage system.

(2) The council may, in respect of work done or any materials provided under subclause (1), impose on the person a charge sufficient to meet the cost of the work or materials.

(3) Such a charge:

- (a) must cover the cost of doing the work, or providing the materials, together with interest on that cost at a rate not exceeding that fixed in respect of overdue rates; and
- (b) may be recovered by equated instalments of principal and interest during such period as the council determines.

(4) Any such charge may be recovered as a rate and is to be a charge on the premises in respect of which it is imposed as if it were a rate.

(5) The council is not responsible for the repair, maintenance or renewal of any work done or materials provided under this clause on or in respect of the premises concerned, except as regards defective work or materials.

(6) Any work so done or materials so provided belongs to the owner of those premises.

### **Division 3—Sewerage work generally**

#### **Acts taken to be included in the Table to section 124 of the Act**

40. Without limiting order No. 24 in the Table to section 124 of the Act, the following acts are taken to be included in Column 1 of that Table as acts that may be required by that order:

- (a) the construction of all necessary pipes, and the installation of all necessary fixtures and fittings;
- (b) the construction or installation of a separate service pipe to the premises, or to each of the premises concerned.

#### **Cutting into council sewer main**

41. (1) When the council has, for the purpose of section 68 of the Act, given approval for a junction to be cut into a sewer main, the approval is taken to be subject to the following conditions:

- (a) the approval is only for the occasion for which it is given; and
- (b) the cutting of the junction must be carried out by a qualified supervisor acting under the supervision and in accordance with the directions of an inspector.

(2) The council may, as a condition of an approval for a junction to be cut into a sewer main, direct that the work must not be started unless at least 2 days' notice of intention to start the work has been given to the council.

(3) The council may, as a condition of an approval for a junction to be cut into a sewer main, require the work to be carried out by the council for a specified charge if the council has decided that the work should be carried out by the council.

**Division 4—Discharges into council's sewerage system****Substances prohibited from being discharged into council's sewers**

42. For the purposes of section 638 of the Act (Discharge of prohibited matter into sewer or drain), the following substances are prohibited matter :

- (a) animal matter (including carcasses but not including human waste), wool, hair, grease, dust, ashes, cinders, soil, rubbish, filth, oil, salt, mud, sand, gravel, garbage, offal, vegetable or fruit parings, rags, house refuse, steam or solid matter;
- (b) any flammable or explosive substance;
- (c) any infectious or contagious substance;
- (d) the contents of a cesspool or privy;
- (e) waste water or other waste liquid:
  - (i) that contains a percentage of common salt or any other mineral salt, acid or gas; or
  - (ii) that is at a temperature, specified by the council as being damaging, or liable to form compounds damaging, to the council's sewerage system or treatment works or to council employees who are engaged in the operation or maintenance of that system or those works;
- (f) roof, rain, surface, flood, seepage or subsoil water;
- (g) other substances that the council believes are likely to damage the sewerage system or injure those council employees.

**Matter that must be discharged into sewers**

43. (1) An approval under section 68 of the Act allowing work to be carried out for the purpose of enabling premises to be connected to the council's sewerage system is taken to include a condition that the occupier of the premises must comply with the requirements of this clause.

(2) An order under section 124 of the Act requiring premises to be connected to the council's sewerage system is not complied with unless the requirements of this clause are complied with.

(3) The occupier of premises connected to the council's sewerage system must ensure that there is discharged into the system:

- (a) all human waste, household slops, laundry and bath water and other household liquid refuse (not being pan contents or septic tank effluent); and

**1993—No. 270**

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- (b) all polluted matter from stables, cow-sheds, dairies, market places, washing areas or other polluted premises; and
- (c) all trade waste.

(4) Subclause (3) is subject to such exceptions and conditions as the council may specify in the approval referred to in subclause (1) or the order referred to in subclause (2).

(5) An approval under section 68 of the Act to connect premises referred to in subclause (3) (b) to the council's sewerage system must not be given unless:

- (a) the premises have roofing sufficient to prevent the entry of rainwater from the roof to the sewerage system and all necessary steps are taken to ensure that no rainwater can be discharged onto that place from adjoining areas; and
- (b) the premises are paved with materials approved by, and the paving is graded to the satisfaction of, an inspector; and
- (c) the drain from those premises are provided with a silt trap approved by the inspector and is connected to the house drain:
  - (i) on the inlet side of the boundary trap; or
  - (ii) if the interceptor trap or boundary trap is omitted—on the upstream side of the position that would normally be occupied by that fitting.

(6) An occupier of premises referred to in subsection (3) (b) must not discharge trade waste from the premises into the council's sewerage system, unless:

- (a) an order of the council served on the person in accordance with subclause (7) is complied with within the period specified in the order; and
- (b) the waste is passed through settling tanks, or other tanks or appliances approved by the council and is treated in such manner as may be specified by the council; and
- (c) all tank, appliances and apparatus on the premises for the treatment of trade waste are kept clean and maintained in an efficient condition to the satisfaction of the council or an inspector and have not been modified without the approval in writing of the council or an inspector.

(7) The council may, by order served on the occupier of trade premises, require that occupier to ensure that all or any of the following are complied with:

- (a) that the aggregate daily quantity of trade waste allowed to pass from the premises into the council's sewerage system does not exceed a quantity specified in the order;

- (b) that the rate of discharge of trade waste from the premises does not exceed a rate so specified;
- (c) that the size and capacity of the drain for conveying trade waste into the system are in accordance with a size and capacity so specified;
- (d) that trade waste is discharged into the system from the premises only during periods so specified;
- (e) that the volume of trade waste to be discharged into the system is measured and determined by meter or some other means of measurement approved by the council;
- (f) that any specified modifications to any works on the premises for the treatment of trade waste, or to the method of treating trade waste discharged from the premises, are carried out.

#### **Approvals for discharge of pan contents or septic tank effluent**

**44. (1)** The discharge of pan contents or septic tank effluent from premises is a disposal of waste for which an approval is required under section 68 of the Act.

**(2)** An application for such an approval is not in the approved form for the purposes of section 79 of the Act unless it is made to the council in writing and accompanied by details of:

- (a) the nature of the waste proposed to be discharged; and
- (b) the quantity of waste proposed to be discharged; and
- (c) the proposed rate of discharge of waste; and
- (d) the proposed frequency of discharge of waste.

**(3)** On being served with a notice revoking such an approval, the holder of the approval must immediately stop discharging pan contents or septic tank effluent into the council's sewerage system.

### **PART 4—PROVISIONS APPLICABLE TO ALL WORKS**

#### **Division 1—Approvals and conditions of approvals**

##### **Matters to be considered when determining applications for water supply, sewerage and stormwater drainage approvals**

**45. (1)** In determining an application for the purposes of section 68 of the Act for an approval to do any of the activities to which this clause applies, the council must have regard to the following considerations:

- (a) the protection and promotion of public health;
- (b) the protection of the environment;

- (c) the safety of its employees;
  - (d) the safeguarding of its assets;
  - (e) any other matter that it considers to be relevant in the circumstances.
- (2) This clause applies to the following activities:
- (a) carrying out water supply work;
  - (b) drawing water from the council water supply or a standpipe;
  - (c) installing, altering, disconnecting or removing a water meter connected to a service pipe;
  - (d) carrying out sewerage work;
  - (e) carrying out stormwater drainage work.

#### **Compliance with standards**

**46.** It is a condition of an approval in respect of an activity referred to in Part B or item 4 of Part C of the Table to section 68 of the Act that:

- (a) the activity approved; and
- (b) any building or work associated or carried out in connection with the activity,

complies with any applicable standards established by this Regulation or by or under the Act.

**Note:** The requirements of the regulations may be varied or not complied with if the council approves. See section 81 of the Act.

#### **Person carrying out water supply, sewerage or drainage work to hold permit**

**47.** A person must not begin carrying out water supply, sewerage or drainage work unless the person is the holder of a permit issued in accordance with the Plumbing and Drainage Code of Practice.

**Note:** This provision is in addition to the provisions of section 68 of the Act under which council approval is required before carrying out water supply, sewerage or drainage work.

#### **Activities for which approval is not required**

**48. (1)** The following activities may be carried out without the prior approval of the council subject to such of the following conditions as are relevant:

- (a) obtaining water—water may be drawn from the council's water supply system if the water is passed through a property service pipe connected to that system or in accordance with a right or licence conferred by or under an Act;

- (b) obtaining water from water supply or standpipe—water may be drawn from the council water supply system or council standpipe if the water is drawn by the council employee acting in the course of his or her employment;
  - (c) water supply, sewerage or stormwater drainage work—water supply, sewerage or stormwater drainage work may be carried out if the work is permitted by, and in accordance with, rule 2.1.3 of the Plumbing and Drainage Code of Practice.
- (2) Approval is not required for an activity specified in Part B of the Table to section 68 of the Act:
- (a) if approval for that activity is required under Part 12 of the Local Government Act 1919; or
  - (b) if the activity is undertaken by the Crown and approval would have been required under that Part had that activity been undertaken by any other person.

### **Division 2—Inspections and tests**

#### **Inspection and testing of water, sewerage and drainage works**

- 49. (1)** A person must not:
- (a) cover up or conceal from view an underground or enclosed water supply, sewerage or drainage work; or
  - (b) put into use such a work,
- until the work has been inspected and approved:
- (c) by an inspector; or
  - (d) if the council concerned is authorised by the Minister to give approvals for the purposes of this paragraph—by a licensed contractor approved by that council,
- and the inspector or contractor has certified the work as having been constructed in accordance with the Act and this Regulation.
- (2) Any test, inspection and certification undertaken by a licensed contractor must be carried out in accordance with the Plumbing and Drainage Code of Practice and the requirements of the council.
- (3) A person undertaking the construction of a water supply, sewerage or drainage work must provide every reasonable facility and all necessary information to enable the inspector to inspect the work.
- (4) In particular, such a person must, if required to do so by the inspector, produce the plan (if any) of the work for the inspector to look at.

(5) A person must not put into use a soil, waste or drain pipe until an inspector has water tested the pipe and examined it for leakage.

(6) The council must not supply water through a water supply work connected to the council's water supply system until the work has been tested and inspected:

- (a) by an inspector; or
- (b) if the council concerned is authorised by the Minister to give approvals for the purposes of this paragraph—by a licensed contractor approved by that council,

and the inspector or contractor has certified the work as having been constructed in accordance with the Act and this Regulation.

(7) A person carrying out water, sewerage or drainage work must immediately rectify to the satisfaction of an inspector any defect revealed by a test or inspection under this clause.

### **Division 3—Provisions applicable to all water supply, sewerage and drainage work**

#### **Works for which approval is required under section 60 of the Act**

**50. (1)** The Minister for Public Works may give a council an approval for the purposes of section 60 of the Act if and only if:

- (a) the council has made an application in writing for consent that is accompanied by the relevant documents; and
- (b) either the council has complied with any requirement of that Minister to supply further information with respect to the application or that Minister has waived any such requirement; and
- (c) that Minister is satisfied that the council is competent to exercise the powers that it would not be able to exercise without that approval; and
- (d) all inspections of the work and the site of the work that that Minister has directed to be carried out for the purpose of enabling the application to be considered have been carried out.

**(2)** The relevant documents are:

- (a) the plans and specifications of, and documents and data in the possession of the council that are relevant to, the exercise of power in respect of which the approval is sought; and
- (b) any documents containing details sufficient to satisfy the Minister for Public Works of the matters referred to in subclause (1) (b)–(d).



(3) If the Minister for Public Works has, for the purposes of section 60 of the Act, approved the exercise by the council of its powers with respect to a work, that Minister may, by notice in writing to the council, revoke that approval if the council has failed:

- (a) to comply with any requirements that that Minister has made with respect to the provision of additional plans, specifications, documents or information with respect to the exercise of those powers; or
- (b) to comply with any directions that that Minister has given with respect to the work; or
- (c) to accept any supervision of the exercise of those powers that that Minister has required.

#### **Materials for use in water supply, sewerage or drainage work**

**51. (1)** An approval under section 68 of the Act allowing water supply, sewerage or drainage work to be carried out is taken to include a condition requiring this clause be complied with.

(2) An order under section 124 of the Act requiring water supply, sewerage or drainage work to be carried out is not complied with unless the work is carried out in accordance with this clause.

(3) A person engaged in carrying out water supply, sewerage or drainage work must ensure that all materials used in the work are of a kind authorised for the purposes of work of that kind:

- (a) by the Director-General; or
- (b) under the Manual of Authorization Procedures for Plumbing and Drainage Products (SAA MP 52—1988), published by the Standards Association of Australia, as in force from time to time.

(4) If an inconsistency arises under subclause (3), the authorisation of the Director-General prevails.

#### **Council to prepare map of water supply, sewerage and drainage works**

**52. (1)** The council:

- (a) must, before or within a reasonable time after water supply, sewerage or stormwater drainage works have been constructed, prepare a map of the works and the surrounding land that is liable to be rated for the works; and
- (b) must from time to time, as the works are extended, amend the map so that it shows the extended works and the land.

- (2) The council must ensure that every such map also shows:
- (a) the levels of the works at the road frontages of the land; and
  - (b) so far as is reasonably practicable, the distances from the works of the nearest boundaries of that land and the location of buildings on that land.

(3) The owner or occupier of land affected by a map prepared by the council under this clause or the holder of a licence, supervisor certificate or registration certificate in force under the Building Services Corporation Act 1989 is entitled to inspect the map during the office hours of the council.

#### **Damage to pipes**

**53. (1)** If a licensed contractor or an agent or employee of such a contractor damages a council's water supply, sewerage or drainage pipes, or any related works, the contractor must immediately:

- (a) report the damage to the council; and
- (b) have the damaged pipes repaired at the expense of the contractor.

(2) If subclause (1) (b) is not complied with immediately, the council:

- (a) may carry out the necessary repairs; and
- (b) may, by proceedings brought in a court of competent jurisdiction, recover the cost of the repairs as a debt from the licensed contractor.

#### **Destruction or removal of timber prohibited**

**54. (1)** An approval under section 68 of the Act allowing water supply, sewerage or drainage work to be carried out is taken to include a condition requiring that this clause is not contravened.

(2) An order under section 124 of the Act requiring water supply, sewerage or drainage work to be carried out is not complied with if the work is carried out in contravention of this clause.

(3) A person engaged in carrying out water supply, sewerage or drainage work must not, without the approval of the council concerned, destroy, damage or remove a tree or shrub located within the council's catchment district.

(4) This clause does not apply to the holder of a licence under the Forestry Act 1916 while acting within the authority of the licence.

**Defective work to be rectified**

**55. (1)** A licensed contractor who undertakes the carrying out of a work of water supply, sewerage or drainage must, if ordered to do so by the council, rectify any defect in the work that is due to faulty workmanship or defective material, but only if the council notifies the contractor of the defect after the date of issue by the contractor of a certificate to the effect that the work has been carried out as required by the Act and this Regulation.

**(2)** A licensed contractor so notified must bear the cost of rectifying the defect.

**(3)** The council must not give an order under this clause in respect of defective work that is the subject of a rectification order made under section 59 (1) of the Building Services Corporation Act 1989.

**(4)** An order given under this clause in respect of any such defective work ceases to have effect if a rectification order is made under that section in respect of the defective work.

**PART 5 — MISCELLANEOUS****Erection of signs and marks to indicate boundaries of catchment areas**

**56.** The council may, on land in a catchment district (including Crown land), erect such signs or marks as it considers necessary for indicating the boundaries of the district and directing attention to any prohibitions or restrictions applicable to the district.

**Flood retarding basins**

**57.** For the purposes of section 60 (d) of the Act, the following are prescribed as flood retarding basins:

- (a) a work that is, or will when completed be, a prescribed dam for the purposes of the Dams Safety Act 1978;
- (b) a flood retarding basin, the failure of which would, in the opinion of the Minister for Public Works or of a person whom that Minister has designated for the purpose, may endanger human life or public health or may cause substantial damage to the environment or to property.

**Savings and transitional provisions**

**58.** Schedule 1 has effect.

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**SCHEDULE 1—SAVINGS AND TRANSITIONAL PROVISIONS**

(Cl. 58)

**Definitions**

1. In this Schedule:

“**Ordinance No. 45**” means Ordinance No. 45 as in force immediately before the commencement of the Local Government (Consequential Provisions) Act 1993;

“**Ordinance No. 46**” means Ordinance No. 46 as in force immediately before the commencement of the Local Government (Consequential Provisions) Act 1993;

“**the old Act**” means the Local Government Act 1919.

**Savings for plans, specifications etc. prepared for the purposes of Ordinance No. 45, Ordinance No. 46 or the old Act**

2. If a plan, specification, certificate, application, information or other document was prepared or made, or could be used, for the purpose of a provision of Ordinance No. 45, Ordinance No. 46 or the old Act and this Regulation contains a corresponding provision, the plan, specification, certificate, application, information or other document is taken to have been prepared or made, or may be used, for the purpose of the corresponding provision.

**Consents given by the Minister for Public Works**

3. A consent given by the Minister for Public Works for the purpose of section 382A of the old Act is, if not revoked, taken to be an approval for the purpose of clause 50 of this Regulation.

**Approvals by the Chief Engineer, Public Works Department**

4. An approval given by the Chief Engineer, Public Works Department, or by any other authority, for the purposes of a provision of Ordinance No. 45 or Ordinance No. 46 is taken to have been an approval or authorisation given by the Director-General for the purposes of any corresponding provision of this Regulation.

**Requirements and directions made or given under Ordinances 45 and 46**

5. Any requirement made, or direction given, under a provision of Ordinance No. 45 or Ordinance No. 46 that could be made or given under a corresponding provision of this Regulation is, if the requirement or

direction has not been complied with before the commencement of this Regulation, taken to be a requirement made, or order given, under the corresponding provision.

**Notices given or served under Ordinances 45 and 46**

6. Any notice given or served under a provision of Ordinance No. 45 or Ordinance No. 46 that could be given or served under a corresponding provision of this Regulation is, if the notice has not ceased to have effect before the commencement of this Regulation, taken to be a notice or an order given or served under the corresponding provision.

**Notices displayed for the purpose of clause 52 of Ordinance No. 45**

7. A notice that was being displayed for the purposes of clause 52 of Ordinance No. 45 immediately before the commencement of this Regulation is taken to be a notice displayed for the purposes of clause 9 of this Regulation.

**Contracts and agreements entered into for the purpose of a provision of Ordinance No. 45 or 46**

8. Any contract or agreement that has been entered into for the purpose of a provision of Ordinance No. 45 or Ordinance No. 46 and that has not ceased to have effect before the commencement of this Regulation is taken to have been entered into for the purpose of the corresponding provision of this Regulation.

**Permits issued for the purpose of Ordinance No. 45 or 46**

9. If a permit has been issued under or for the purpose of a provision of Ordinance No. 45 or Ordinance No. 46 and an approval or permit could be issued for a similar purpose under a corresponding provision of this Regulation, the first mentioned permit is, if it has not ceased to have effect before the commencement of this Regulation, taken to be an approval or permit issued under the corresponding provision.

**Common effluent drainage districts**

10. A common effluent drainage district declared under clause 22A of Ordinance No. 46 is taken to be a common effluent drainage district declared under clause 33 of this Regulation.

**Fire hydrants**

11. A fire hydrant installed in accordance with clause 73A of Ordinance No. 45 is taken to be a fire hydrant installed in accordance with clause 8 of this Regulation.

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**DICTIONARY**

(Cl. 3)

**AS 3500** means the National Plumbing and Drainage Code, AS 3500.0—1990, published by the Standards Association of Australia, as in force from time to time.

**house drain** means that part of the sewerage service that conveys (or is intended to convey) the discharges from soil pipes and waste pipes on premises.

**house service pipe** means such part of a water service pipe as is not a property service pipe.

**interceptor trap** or **boundary trap** means a trap for preventing the passage of air or gases from the sewer to the house drain and located at some point between the sewer and the lowest inlet of the house drain.

**inspector** means an employee of the council who is an authorised person for the purposes of exercising the functions of an inspector under this Regulation.

**licensed contractor**, in relation to carrying out water supply, sewerage or drainage work, means the holder of a licence in force under the Building Services Corporation Act 1989 that authorises the holder to carry out that work.

**pan** means any movable receptacle kept in a closet and used for the reception of human waste.

**Plumbing and Drainage Code of Practice** means the code of practice published by the Committee on Uniformity of Plumbing and Drainage in New South Wales under the title “New South Wales Code of Practice—Plumbing and Drainage”, as published in Gazette No. 89 of 17 July 1992, at pages 5098–5146.

**property service pipe** means such part of a water service pipe as lies between the service main and the water meter or, if there is no water meter, the boundary of the premises served by the service pipe.

**qualified supervisor**, in relation to the carrying out of water supply, sewerage or drainage work, means the holder of an endorsed licence or supervisor certificate in force under the Building Services Corporation Act 1989 authorising the holder to carry out or to supervise that work.

**septic tank** means a fixed receptacle of watertight material used in connection with the bacterial treatment of sewage.

**service main** means a water main or a sewer main.

**sewer main** means a sewer main forming part of the council's sewerage system, and:

- (a) includes risers or junctions provided by the council to enable a sewerage service to be connected to the main; and
- (b) if the main is located outside premises that are to be served—includes risers and the sewers and fittings connecting the main to the premises, but only up to the boundary of the premises or, if a boundary trap or interceptor trap is installed, up to the trap.

**sewerage service**, in relation to premises:

- (a) means the pipes, fittings and fixtures used or intended to be used in connection with the premises for the purpose of conveying sewage or permitted discharges from the premises to the council's sewerage system; and
- (b) if a septic tank is installed on the premises and connects or is intended to connect (directly or indirectly) with the councils' sewerage system—includes an effluent tank or a sullage tank,

but does not include a septic tank.

**sewerage system**, in relation to the council, includes all sewers, appliances, plant, machinery and other sewerage works of the council.

**sullage system** means any trench, pit, tank or other structure that:

- (a) is used for the purpose of disposing of or collecting sullage from any premises on which any part of the sewerage service is connected to a septic tank; and
- (b) is not connected with, and is not intended to connect with, either directly or indirectly, the council's sewerage system,

and includes all pipes, house drains, fittings and fixtures used for the purpose of conveying sullage from any such trench, pit, tank or other structure.

**soil pipe** means any pipe which conveys the discharge from human waste storage facilities, or from operating theatres or morgues, to the house drains.

**the Act** means the Local Government Act 1993.

**trade waste** means liquid trade or factory wastes or chemical or other impurities from any business, trade or manufacturing premises, other than domestic sewage, stormwater or unpolluted water.

**trap** means any fitting designed to retain a quantity of water to prevent the passage of air or gases through such fitting.

**waste pipe** means any pipe which conveys discharges to a house drain from fixtures (other than human waste storage facilities) or operating theatres or morgues.

**water main** means a water main forming part of the council's water supply system, and, if premises are or are to be connected to the main, includes water pipes and fittings connecting the main to the premises to the point within the premises at which the water meter is or is to be installed.

**water service pipe** means a pipe that connects premises to a water main.

**water supply service** means the pipes and fittings laid or installed on premises for the purpose of enabling water to be supplied from the council's water supply system.

**water supply system**, in relation to a council, means all reservoirs, drains, pipes, tanks, channels, canals, buildings, machinery, mains and appliances of the council for collecting, storing, treating, conveying or supplying water.

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NOTE

TABLE OF PROVISIONS

PART 1—PRELIMINARY

1. Citation
2. Commencement
3. Definitions
4. Notes in the text
5. Application of this Regulation
6. Certain provisions of the Plumbing and Drainage Code of Practice to be complied with



**1993—No. 270**

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## PART 2—WATER SUPPLY

## Division 1—Council functions

7. Joint water supply works
8. Fire hydrants in roads
9. Council to give notice of when certain water will be available
10. Inspection and measurement

## Division 2—Conduct of water supply work

11. Discretionary conditions for carrying out water supply work
12. Tapping water mains
13. Council may carry out water supply work itself
14. Premises to be connected to the council's water supply by an independent service pipe
15. Depth of pipe
16. Council may carry out certain work itself for a specified charge
17. Fertiliser dispensing units not to be connected to council's water supply system
18. Acts taken to be included in the Table to section 124 of the Act

## Division 3—Water meters

19. Installation of meters
20. Privately owned water meters to be of a size and class approved by the council
21. Security of water meter
22. Water meter not to be used to measure the water supplied to more than one premises except in certain cases
23. Hire of meters
24. Testing of meters

## Division 4—Water use

25. Council to prevent waste and misuse of water
26. Misuse of water
27. Water supply may be restricted if there is a shortage of supply
28. Certain water not to be used otherwise than for domestic purposes
29. Restrictions on the attachment of taps and devices to hoses
30. Restrictions on the attachment of hoses to pipes

## Division 5—Disconnection of water supply service

31. Cutting off supply
32. Water supply pipe etc. not to be used after notice from council

**1993—No. 270**

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**PART 3—SEWERAGE AND DRAINAGE**

Division 1—Council functions

33. Common effluent drainage districts
34. Plans of sewerage and drainage work
35. Joint sewerage works between council areas
36. New sewer or drain to be constructed if it is less costly than a connection to an existing sewer or drain

Division 2—Connection to council's sewerage system

37. Joint sewerage services prohibited
38. Pipe etc. not to be used after notice from council
39. Connections to council's sewerage system

Division 3—Sewerage work generally

40. Acts taken to be included in the Table to section 124 of the Act
41. Cutting into council sewer main

Division 4—Discharges into council's sewerage system

42. Substances prohibited from being discharged into council's sewers
43. Matter that must be discharged into sewers
44. Approvals for discharge of pan contents or septic tank effluent

**PART 4—PROVISIONS APPLICABLE TO ALL WORKS**

Division 1—Approvals and conditions of approvals

45. Matters to be considered when determining applications for water supply, sewerage and stormwater drainage approvals
46. Compliance with standards
47. Person carrying out water supply, sewerage or drainage work to hold permit
48. Activities for which approval is not required

Division 2—Inspections and tests

49. Inspection and testing of water supply, sewerage and drainage works

Division 3—Provisions applicable to all water supply, sewerage and drainage work

50. Works for which approval is required under section 60 of the Act
51. Materials for use in water supply, sewerage or drainage work
52. Council to prepare map of water supply, sewerage and drainage works
53. Damage to pipes

**1993—No. 270**

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- 54. Destruction or removal of timber prohibited
- 55. Defective work to be rectified

**PART 5—MISCELLANEOUS**

- 56. Erection of signs and marks to indicate boundaries of catchment areas
- 57. Flood retarding basins
- 58. Savings and transitional provisions

**SCHEDULE 1—SAVINGS AND TRANSITIONAL PROVISIONS  
DICTIONARY**

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**EXPLANATORY NOTE**

The object of this Regulation is to supplement the provisions of the Local Government Act 1993 relating to the carrying out of water supply, sewerage and drainage work within a council's area and to regulate the use of works installed in such an area.

This Regulation is made under the Local Government Act 1993, including section 748 (the general regulation making power) and various other sections mentioned in the Regulation.

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