



New South Wales

Sydney Water Regulation 2000

under the

Sydney Water Act 1994

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

KIM YEADON, M.P.,

Minister for Energy

Explanatory note

This Regulation replaces the following Regulations which are repealed on 1 September 2000 under section 10 (2) of the *Subordinate Legislation Act 1989*:

- (a) *Water Board (Water Restrictions) Regulation 1994*,
- (b) *Sydney Water Corporation Limited (Plumbing and Drainage) Regulation 1995*,
- (c) *Sydney Water Corporation (Catchment Management) Regulation 1995*.

The new consolidated Regulation deals with the following matters:

- (a) the performance of plumbing and drainage work, including the requirement for a permit to do plumbing or drainage work, the remedying of defective work, and the giving of certificates of compliance by persons who have completed plumbing or drainage work,
- (b) the imposition of restrictions on the use of water in the Sydney Water Corporation's area of operations,
- (c) the regulation of conduct in the part of Prospect Reservoir that belongs to Sydney Water Corporation.

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Explanatory note

This Regulation refers to the *New South Wales Code of Practice Plumbing and Drainage* published by the Committee on Uniformity of Plumbing and Drainage Regulations in New South Wales, and to Australian Standard SAA MP52 (1999): *Manual of Authorisation Procedures for Plumbing and Drainage Products* published by Standards Australia.

This Regulation is made under the *Sydney Water Act 1994*, including sections 89, 99 and 106 (the general regulation-making power).

Parts 1 and 5 of this Regulation comprise or relate to matters of a machinery nature.

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Sydney Water Regulation 2000

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Sydney Water Regulation 2000*.

2 Commencement

This Regulation commences on 1 September 2000.

Note. This Regulation replaces the following Regulations which are repealed on 1 September 2000 under section 10 (2) of the *Subordinate Legislation Act 1989*:

- (a) the *Water Board (Water Restrictions) Regulation 1994*,
- (b) the *Sydney Water Corporation Limited (Plumbing and Drainage) Regulation 1995*,
- (c) the *Sydney Water Corporation (Catchment Management) Regulation 1995*.

3 Definitions

In this Regulation:

Corporation means Sydney Water Corporation.

the Act means the *Sydney Water Act 1994*.

4 Notes

The explanatory note, table of contents and notes in the text of this Regulation do not form part of this Regulation.

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Clause 5 Sydney Water Regulation 2000

Part 2 Plumbing and drainage

Part 2 Plumbing and drainage

5 Definitions

In this Part:

approved means approved by the Corporation.

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

defect in a water, sewerage or stormwater drainage service includes:

- (a) a construction or use of the service that does not comply with the *Plumbing and Drainage Code of Practice*, and
- (b) a blockage or leakage in the service.

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) as in force from time to time.

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 sewerage service pipe or its connection to a sewer main of the Corporation, or
- (c) a stormwater drainage service drain or its connection to a stormwater drain of the Corporation.

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.

6 Plumbing and drainage work to comply with Code of Practice and to use only approved fittings

- (1) A person must not do 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, 100 penalty units in any other case.

- (2) 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, 100 penalty units in any other case.

7 Permit required for plumbing or drainage work

- (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, 100 penalty units in any other case.

- (2) A person is not guilty of an offence under subclause (1) 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 or in respect of plumbing or drainage work done by an employee of the Corporation.

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Clause 8 Sydney Water Regulation 2000

Part 2 Plumbing and drainage

8 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) An applicant must pay the fee determined by the Corporation for the granting of a permit.

9 False information in application for permit

A person must not, in or in connection with an application for a permit, provide information or produce a document that the person knows to be false or misleading in a material particular.

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

10 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, this Part or a direction under the Act or this Part.
- (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.

11 Conditions of permits

- (1) The Corporation may grant a permit 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, 100 penalty units in any other case.

12 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.

13 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, 100 penalty units in any other case.

14 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 a tradesmanlike manner, 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 or replace, 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.

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

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Clause 14 Sydney Water Regulation 2000

Part 2 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.

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

- (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.

15 Approval of fittings

- (1) The Corporation may, before it approves a fitting of a particular kind as required under clause 6 (2):

(a) require:

- (i) a fitting of that kind to be submitted to the Corporation or a body nominated by 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.

- (2) The Corporation must not approve a particular kind of fitting unless it is satisfied that it complies with the requirements of SAA MP52 (1999).

- (3) In this clause:

SAA MP52 (1999) means the publication entitled *Manual of Authorisation Procedures for Plumbing and Draining Products* published by Standards Australia (1999 edition).

16 Person to 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, 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) A person must not, in a certificate of compliance, provide information that the person knows to be false or misleading in a material particular.
- Maximum penalty: 200 penalty units in the case of a corporation, 100 penalty units in any other case.
- (4) This clause does not apply to or in respect of plumbing or drainage work done by an employee of the Corporation.

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Clause 17 Sydney Water Regulation 2000

Part 3 Water restrictions

Part 3 Water restrictions

17 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, 5 penalty units in any other case.

18 Cutting off supply

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 Part regulating or restricting the use of water.

Part 4 Regulation of conduct in controlled area (Prospect Reservoir)

19 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 the land of the Corporation in or around Prospect Reservoir and shown on the map marked “Controlled Area—Prospect Reservoir” held at the offices of the Corporation.

vehicle includes:

- (a) any apparatus drawn or propelled wholly or partly by an animal, volatile spirit, steam, gas, oil, electricity or wind and which is wholly or partly used for the conveyance of persons or things, and
- (b) any trailer or caravan, whether or not it is in the course of being towed, and
- (c) any motor vehicle, motor carriage or motor cycle, and
- (d) any cycle.

20 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 request by an authorised person.
- (3) An authorised person may direct a person who has entered the controlled area without paying the relevant fees or charges to leave the area.

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Clause 20 Sydney Water Regulation 2000

Part 4 Regulation of conduct in controlled area (Prospect Reservoir)

- (4) A person given a direction referred to in subclause (3) must comply with it.

Maximum penalty: 2 penalty units.

21 Entry restrictions

A person must not enter or remain in the controlled area except:

- (a) with the Corporation's consent, and
- (b) in compliance with any conditions of the consent.

Maximum penalty for an offence under paragraph (a): 100 penalty units in the case of a corporation, 10 penalty units in any other case.

Maximum penalty for an offence under paragraph (b): 50 penalty units in the case of a corporation, 5 penalty units in any other case.

22 Gates not to be opened

- (1) A person must not:

- (a) open any gate in or to the controlled area, or
- (b) remove any barrier to entering the controlled area.

Maximum penalty for an offence under paragraph (a): 50 penalty units in the case of a corporation, 5 penalty units in any other case.

Maximum penalty for an offence under paragraph (b): 100 penalty units in the case of a corporation, 10 penalty units in any other case.

- (2) A person does not commit an offence under subclause (1) in the case of anything done with the Corporation's consent and in accordance with any conditions of the consent.

23 Interference with water

- (1) A person must not dam, divert or take any water in the controlled area that is water from which the Corporation draws its supply or that is available for supply by the Corporation.

Maximum penalty: 100 penalty units in the case of a corporation, 10 penalty units in any other case.

- (2) A person does not commit an offence under subclause (1) in the case of anything done with the Corporation's consent and in accordance with any conditions of the consent.

24 Control of pollution and disease

(1) A person must not:

- (a) bring into or leave in the controlled area any waste, or
- (b) pollute waters in the controlled area.

Maximum penalty: 100 penalty units in the case of a corporation, 10 penalty units in any other case.

(2) A person does not commit an offence under subclause (1) in the case of anything done:

- (a) with the Corporation's consent and in accordance with any conditions of the consent, or
- (b) in accordance with a licence granted under the *Protection of the Environment Operations Act 1997*.

(3) A person must comply with any direction given by the Corporation or an authorised person for:

- (a) the disposal of any pollution or waste in the controlled area, or of any other substance that is in the controlled area and that the Corporation considers may detrimentally affect any water in the area, or
- (b) the removal of any such pollution, waste or other substance from the controlled area.

Maximum penalty: 100 penalty units in the case of a corporation, 10 penalty units in any other case.

(4) A person (including a body corporate) who becomes aware that any person, animal or property in the controlled area is carrying, infected with or affected by any water-borne infectious disease must notify the Corporation of that fact within 24 hours after first becoming so aware.

Maximum penalty: 50 penalty units in the case of a corporation, 5 penalty units in any other case.

(5) In this clause:

pollute waters has the same meaning as in the *Protection of the Environment Operations Act 1997*.

waste has the same meaning as in the *Waste Minimisation and Management Act 1995*.

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Clause 25 Sydney Water Regulation 2000

Part 4 Regulation of conduct in controlled area (Prospect Reservoir)

25 Certain conduct prohibited

- (1) A person must not:
- (a) fish in the controlled area, or
 - (b) drive or ride any vehicle or lead or ride any animal onto or in the controlled area, or
 - (c) bring onto or have in the person's possession in the controlled area any firearm or prohibited weapon unless the person is a police officer acting in connection with the performance of that person's duties as such an officer, or
 - (d) land any aircraft (including an ultra-light aircraft, hang-glider and balloon) in the controlled area, or
 - (e) sell or offer for sale any goods on or by any public road in the controlled area.

Maximum penalty for an offence under paragraph (a), (b) or (c): 50 penalty units in the case of a corporation, 5 penalty units in any other case.

Maximum penalty for an offence under paragraph (d) or (e): 100 penalty units in the case of a corporation, 10 penalty units in any other case.

- (2) A person does not commit an offence under subclause (1) in the case of anything done with the Corporation's consent and in accordance with any conditions of the consent.

26 Use of water

- (1) A person must not:
- (a) swim in the controlled area, or
 - (b) use any boat or other water-borne craft on any water in the controlled area, or
 - (c) wash in any water in the controlled area, or
 - (d) cause any animal, animal matter, plant or plant matter to enter or remain in any water in the controlled area.

Maximum penalty: 100 penalty units in the case of a corporation, 10 penalty units in any other case.

- (2) A person does not commit an offence under subclause (1) in the case of anything done with the Corporation's consent and in accordance with any conditions of the consent.

27 Camping

- (1) A person must not camp in the controlled area.

Maximum penalty: 100 penalty units in the case of a corporation, 10 penalty units in any other case.

- (2) A person does not commit an offence under subclause (1) in the case of anything done with the Corporation's consent and in accordance with any conditions of the consent.

28 Lighting of fires

- (1) A person must not light a fire in the controlled area unless the fire is lit in a portable stove or a public fireplace.

Maximum penalty: 100 penalty units in the case of a corporation, 10 penalty units in any other case.

- (2) A person does not commit an offence under this clause in the case of anything done with the Corporation's consent and in accordance with any conditions of the consent.

29 Pesticides and pest control

- (1) A person must not:

- (a) bring onto, or use or keep in, the controlled area any pesticide, or
- (b) take steps to control or eradicate by the use of pesticides any feral animal, animal pest or noxious weed in the controlled area.

Maximum penalty: 50 penalty units in the case of a corporation, 5 penalty units in any other case.

- (2) A person does not commit an offence under subclause (1) in the case of anything done with the Corporation's consent and in accordance with any conditions of the consent.

- (3) In this clause:

pesticide has the same meaning as in the *Pesticides Act 1999*.

30 Interference with flora or fauna

- (1) A person must not:

- (a) damage any tree or part of a tree in the controlled area or remove any tree or part of a tree from the area, or

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Part 4 Regulation of conduct in controlled area (Prospect Reservoir)

- (b) damage or pick any plant or part of a plant in the controlled area or remove any plant or part of a plant from the area, or
- (c) remove any rock, soil, sand, stone or similar substance from the controlled area, or
- (d) destroy, capture, injure, annoy or interfere with any animal, or interfere with the habitat of any animal, in the controlled area.

Maximum penalty: 100 penalty units in the case of a corporation, 10 penalty units in any other case.

- (2) A person does not commit an offence under subclause (1) in the case of anything done with the Corporation's consent and in accordance with any conditions of the consent.
- (3) In this clause, *plant* includes a shrub.

31 Information requested by authorised person

A person must not give to an authorised person any false or misleading information, knowing it to be false or misleading, in response to a request for information by the authorised person in the course of exercising the functions of an authorised person in relation to the controlled area.

Maximum penalty: 50 penalty units in the case of a corporation, 5 penalty units in any other case.

32 Investigation of suspected contraventions

- (1) An authorised person who has reason to believe that a person while in the controlled land has in his or her possession or control, in contravention or because of a contravention or intended contravention of this Part, any matter or thing may direct the person:
 - (a) to surrender the matter or thing into the authorised person's possession and control, or
 - (b) to make any vehicle or receptacle in the person's possession or control available for inspection by the authorised person for the purpose of investigating the suspected contravention or intended contravention.
- (2) A person given a direction referred to in subclause (1) must comply with it.

Maximum penalty: 50 penalty units in the case of a corporation, 5 penalty units in any other case.

33 Corporation's consent

- (1) The consent of the Corporation for the purposes of this Part may be granted in any one or more of the following ways:
 - (a) by means of a written statement,
 - (b) by means of a sign or notice displayed on the land or part of the land to which the sign or notice relates,
 - (c) in the form of a licence, permit, approval or other form of authorisation.
- (2) Such a consent may be given:
 - (a) either generally or in a particular case, and
 - (b) either unconditionally or subject to conditions.

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Clause 34 Sydney Water Regulation 2000

Part 5 Miscellaneous

Part 5 Miscellaneous

34 Relevant costs

- (1) For the purposes of section 75 (d) of the Act, relevant costs include the amount of any GST payable by the Corporation in respect of the compliance certificate concerned.
- (2) In subclause (1), *GST* has the same meaning as in the *A New Tax System (Goods and Services Tax) Act 1999* of the Commonwealth.

35 Penalty notice

For the purposes of section 50 of the Act:

- (a) an offence under clause 17 (3) of this Regulation is a prescribed offence, and
- (b) the penalty prescribed for the offence if dealt with under that section is 2 penalty units.

36 Short description of offence

- (1) For the purposes of section 145B (2) of the *Justices Act 1902*, the prescribed expression in relation to the offence created by clause 17 (3) is as follows:
breach water restrictions
- (2) For the purposes of any proceedings for such an offence, the prescribed expression for the offence is taken to relate to the offence created by the provision, as the provision was in force when the offence is alleged to have been committed.
- (3) The amendment or repeal of the prescribed expression does not affect the validity of any information, complaint, summons, warrant, notice, order or other document in which the expression is used.
- (4) Subclause (2) applies to any information, complaint, summons warrant, notice, order or other document (whether issued, given or made before or after the amendment or repeal) that relates to an offence alleged to have been committed before the amendment or repeal.

37 Savings provision

- (1) Any act, matter or thing that was done for the purposes of or, immediately before the repeal of a repealed Regulation, had effect under a repealed Regulation is taken to have been done for the purposes of, or to have effect, under this Regulation.
- (2) In this clause, ***repealed Regulation*** means any of the following Regulations (as repealed by section 10 (2) of the *Subordinate Legislation Act 1989*):
 - (a) the *Water Board (Water Restrictions) Regulation 1994*,
 - (b) the *Sydney Water Corporation Limited (Plumbing and Drainage) Regulation 1995*,
 - (c) the *Sydney Water Corporation (Catchment Management) Regulation 1995*.