



# Local Government (General) Amendment (Council Sewerage Systems) Regulation 2013

under the

Local Government Act 1993

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Local Government Act 1993*.

DON PAGE, MP  
Minister for Local Government

## Explanatory note

The object of this Regulation is as follows:

- (a) to prohibit the discharge of roof, rain, surface, seepage or ground water into a public sewer, or a fitting connected to a public sewer, unless the discharge is specifically approved by the council, the discharge is into a public drain or a gutter of a council or the discharge is in an area of operations of Sydney Water or Hunter Water,
- (b) to update a reference to a Director-General of the Government Service who is required to give concurrence to an approval to discharge trade waste (whether treated or not) into a sewer of the council and to provide that the Director-General may nominate another person to also give that concurrence,
- (c) to prescribe maximum annual charges for stormwater management services for certain strata title lots,
- (d) to prescribe the offences of disposing of waste into a sewer of the council without an approval and disposing of such waste contrary to the terms of an approval as penalty notice offences,
- (e) to enable a council to write off the whole or part of a stormwater management services charge or the interest accrued on any such charge in certain circumstances,
- (f) to enable a council to inspect any pre-treatment devices connected to the council's sewerage system and to install meters or other devices for measuring the quality of sewage discharged from premises,

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- (g) to provide that, when a council examines and tests water meters, a water meter that registers less than 4 per cent more or less than the correct quantity (rather than the current 3 per cent) is taken to correctly measure the water passing through it.

This Regulation is made under the *Local Government Act 1993*, including sections 638 (Discharge of prohibited matter into sewer or drain) and 748 (the general regulation making power) and item 7 (relating to the water, sewerage and drainage works) of Schedule 6 to that Act.

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### **1 Name of Regulation**

This Regulation is the *Local Government (General) Amendment (Council Sewerage Systems) Regulation 2013*.

### **2 Commencement**

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

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Schedule 1 Amendment of Local Government (General) Regulation 2005

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### Schedule 1 Amendment of Local Government (General) Regulation 2005

[1] **Clause 28 Approval to discharge waste into sewers: concurrence required**

Omit “Department of Energy, Utilities and Sustainability”.

Insert instead “Department of Trade and Investment, Regional Infrastructure and Services (or that Director-General’s nominee)”.

[2] **Clause 125AA**

Omit the clause. Insert instead:

**125AA Maximum annual charge for stormwater management services (section 510A)**

- (1) The maximum annual charge for stormwater management services that may be levied in respect of a parcel of rateable land is:
  - (a) for land categorised as residential (other than land referred to in paragraph (b))—\$25, and
  - (b) for a lot in a strata scheme that is categorised as residential—\$12.50, and
  - (c) for land categorised as business (other than land referred to in paragraph (d))—\$25, plus an additional \$25 for each 350 square metres or part of 350 square metres by which the area of the parcel of land exceeds 350 square metres, and
  - (d) for a lot in a strata scheme that is categorised as business—the greater of the following:
    - (i) \$5,
    - (ii) the relevant proportion of the maximum annual charge that would apply to the land subject to the strata scheme if it were a parcel of land subject to paragraph (c).
- (2) In this clause, the *relevant proportion*, in relation to a lot in a strata scheme, is the proportion that the unit entitlement of that lot in the scheme bears to the aggregate unit entitlement of the scheme.
- (3) Words and expressions used in this clause have the same meanings as they have in the *Strata Schemes Management Act 1996*.

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**[3] Clause 130**

Omit the clause. Insert instead:

**130 Additional circumstances in which rates or charges may be written off: section 607**

The council may write off the whole or part of any stormwater management services charge or the interest accrued on any such charge if:

- (a) in the opinion of the council, the ratepayer liable for the charge has demonstrated that the ratepayer has practiced good stormwater management, or
- (b) the person liable for the charge is an eligible pensioner.

**[4] Clause 137A**

Insert after clause 137:

**137A Substances prohibited from being discharged into public sewers**

- (1) For the purposes of section 638 of the Act (Discharge of prohibited matter into sewer or drain), roof, rain, surface, seepage or ground water is prescribed as prohibited matter.
- (2) This clause does not apply in relation to:
  - (a) a discharge that is specifically approved under section 68 of the Act, or
  - (b) a discharge into a public drain or a gutter of a council, or
  - (c) a discharge in an area of operations within the meaning of the *Sydney Water Act 1994* or the *Hunter Water Act 1991*.

**[5] Clause 143 Inspection of pipes and drains and measurement of water and sewage**

Insert “quality and” before “quantity of sewage” wherever occurring in clause 143 (1) (c) and (d) and (2).

**[6] Clause 143 (1) (e)**

Insert at the end of clause 143 (1) (d):

, and

- (e) inspect any pre-treatment devices connected to the council’s sewerage system.

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### [7] Clause 143 (3)

Insert after clause 143 (2):

- (3) In this clause, *pre-treatment device* means any device used to reduce or eliminate contaminants in trade waste, or to alter the waste's nature, before it is discharged into a sewer.

### [8] Clause 158 Testing of meters

Omit "3 per cent" from clause 158 (5). Insert instead "4 per cent".

### [9] Schedule 12 Penalty notice offences

Insert in appropriate order:

Section 626 (3)—carry out without prior approval of council an activity specified in item 4 of Part C (Management of waste) of the Table to section 68 \$330

Section 627 (3)—having obtained the council's approval to the carrying out of an activity specified in item 4 of Part C (Management of waste) of the Table to section 68, carry out the activity otherwise than in accordance with the terms of that approval \$330