

# Local Government (Water Services) Regulation 1999

[1999-465]



New South Wales

## Status Information

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### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Authorisation

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New South Wales

## Contents

<b>Part 1 Preliminary</b> .....	4
1 Name of Regulation .....	4
2 Commencement .....	4
3 Definitions .....	4
4 To what areas and councils does this Regulation apply? .....	5
<b>Part 2 General provisions</b> .....	6
5 Water supply may be restricted if there is a shortage of supply.....	6
6 Substances prohibited from being discharged into sewers or drains.....	6
7 Works for which approval is required under section 60 of the Act.....	7
8 Erection of notices to indicate catchment districts.....	8
9 Flood retarding basins .....	8
<b>Part 3 Functions of councils</b> .....	8
10 Works constructed to serve 2 or more council areas.....	8
11 Fire hydrants.....	9
12 Inspection of pipes and drains and measurement of water and sewage .....	10
13 Cutting off or restricting water supply .....	10
14 New sewer or stormwater drain to be constructed if it is less costly than a connection to an existing sewer or stormwater drain .....	11
.....	11
15 Connections to council's sewerage system .....	11
16 Water not to be supplied through water supply work until inspected and certified.....	12

17 Council to prepare map of water supply, sewerage and stormwater drainage works .....	12
18 Plans of connections to sewerage or stormwater drainage systems .....	13
19 Inspection of drainage diagrams .....	13

#### **Part 4 General requirements relating to water supply, sewerage and stormwater drainage**

.....	13
20 Water supply, sewerage and stormwater drainage work to comply with applicable standards and requirements .....	13
.....	13
21 Premises to be connected to water supply by an independent house service pipe.....	13
22 Laying of house service pipes .....	14
23 Privately owned water meters to be of a size and class approved by the council .....	14
24 Security of water meters .....	14
25 Water meter not to be used to measure the water supplied to more than one premises except in certain cases .....	15
.....	15
26 Hire of meters.....	15
27 Testing of meters .....	15
28 Prevention of waste and misuse of water .....	16
29 Misuse of water .....	17
30 Particular provisions for unmetered premises .....	17
31 Joint sewerage services prohibited .....	18
<b>Part 5 Repeal</b> .....	<b>18</b>
32 Repeal .....	18

# Local Government (Water Services) Regulation 1999



New South Wales

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

Harry Woods MP Minister for Local Government

## Part 1 Preliminary

### 1 Name of Regulation

This Regulation is the *Local Government (Water Services) Regulation 1999*.

### 2 Commencement

This Regulation commences on 1 September 1999.

### 3 Definitions

(1) In this Regulation:

**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.

**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.

**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 council's sewerage system—includes an effluent tank or a sullage tank,

but does not include a septic tank.

**soil pipe** means any pipe that 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](#).

**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.

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

#### **4 To what areas and councils does this Regulation apply?**

- (1) This Regulation applies to those parts of the State that are constituted as areas for the purposes of the Act.
- (2) This Regulation applies to county councils in the same way as it applies to councils.

## Part 2 General provisions

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

- (1) A council that considers the available stored water in a water supply system supplying its area, 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, or
  - (d) the quantities of the water that can be used.
- (2) The council may, by notice published in accordance with this clause, place the same sort of restrictions as are referred to in subclause (1) on the use of water from such a 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 council area supplied by the water supply system, 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 are subject to this clause.
- (6) This clause does not authorise the council to make orders restricting persons' rights under the [Water Act 1912](#).

### 6 Substances prohibited from being discharged into sewers or drains

For the purposes of section 638 of the Act (Discharge of prohibited matter into sewer or drain), the following substances are prohibited matter unless the discharge is specifically approved under section 68 of the Act:

- (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) waste liquid that contains a percentage of any substance, or waste liquid that is of a temperature, specified by the council as being:
  - (i) likely to endanger public health, public safety or public amenity or the environment, or
  - (ii) damaging to, or liable to form compounds that may damage, the council's sewerage system or treatment works, or
  - (iii) likely to injure employees engaged in the operation or maintenance of the council's sewerage system or treatment works or the health of those employees,
- (d) except in the case of a public drain or a council gutter—roof, rain, surface, flood, seepage or subsoil water.

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

- (1) The Minister for Land and Water Conservation 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 Land and Water Conservation of the matters referred to in subclause (1) (b)-(d).

- (3) If the Minister for Land and Water Conservation 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.

## **8 Erection of notices to indicate catchment districts**

The council may, on land in a catchment district, erect such notices as it considers necessary for indicating the boundaries of the district and directing attention to any prohibitions or restrictions applicable to the district.

### **Note—**

Section 640 of the Act provides that contravention of a prohibition or restriction in such a notice is an offence.

## **9 Flood retarding basins**

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

## **Part 3 Functions of councils**

### **10 Works constructed to serve 2 or more council areas**

- (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 that may be mutually agreed with those other councils.
- (2) If sewerage works have been constructed to serve the areas of 2 or more councils, the council controlling the sewer mains through which sewage has to flow must allow that flow.
- (3) If stormwater drainage works have been constructed to serve the areas of 2 or more councils, a council controlling a component of the stormwater drainage system must facilitate the proper functioning of the system.
- (4) If the capital cost of the water supply, sewerage or stormwater drainage works has



not been notified as a joint debt, the council that has control of the works may make a charge for:

- (a) the supply of water from the water supply works, or
- (b) allowing the flow of sewage through the sewerage works and for pumping and treating the sewage, or
- (c) managing the flow of stormwater through the stormwater drainage works.

(5) Such a charge is to be:

- (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.

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

## **11 Fire hydrants**

(1) The council:

- (a) must install hydrants in its water mains 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.

This subclause does not apply to a water main that is less than 100 millimetres in diameter or if the water supply system is not sufficient for the operation of fire hydrants (in such circumstances the council may provide other means for the ready supply of water to extinguish fires).

- (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. If such a hydrant is installed, the council must ensure that it is maintained in effective working order.
- (3) A council may remove a hydrant from any of its water mains if satisfied on reasonable grounds that the hydrant is no longer needed.
- (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.

## **12 Inspection of pipes and drains and measurement of water and sewage**

- (1) The council may, at any reasonable time:
  - (a) inspect any service pipe connected to a water main, and
  - (b) inspect any drain connected to a sewer main, and
  - (c) install meters or other devices for measuring the quantity of water supplied to, or the quantity of sewage discharged from, premises, and
  - (d) measure the quantity of water supplied to, or the quantity of sewage discharged from, premises.
- (2) The occupier of the relevant premises must provide to the council such information as it requires to enable it to estimate the quantity of water actually supplied to, or the quantity of sewage actually discharged from, the premises.

## **13 Cutting off or restricting water supply**

- (1) The council may cut off or restrict 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 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 Part 4 or fails to comply with any council order or public notice 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 a council order to remove, replace, alter, extend, repair or stop using a water pipe, fitting or fixture.

- (2) The cutting off of the supply of water under this clause for non-payment of rates or charges does not affect the liability of the rateable person to pay those rates or charges.
- (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 a water meter is installed on the premises, the water meter registers correctly or the water rates or charges are paid (as the case may require).

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

- (1) A council that believes that it would cost more to provide for the flow of existing sewers or stormwater drains on 2 or more separate premises to empty into an existing sewer or stormwater drain than it would to provide for the flow to empty into a new sewer or stormwater drain may construct a new sewer or stormwater drain for that purpose.
- (2) A council, on constructing such a new sewer or stormwater drain, may, by order served on the owners or occupiers of the premises concerned, order those owners or occupiers to cause the sewers or stormwater drains on each of those premises to empty into the new sewer or stormwater drain.
- (3) The council:
  - (a) must apportion fairly the expenses of the construction of the new sewer or stormwater 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.

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

- (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.

#### **16 Water not to be supplied through water supply work until inspected and certified**

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

- (a) by the council or a suitably qualified person determined by the council, or
- (b) if the water supply work is of a type for which the approval of the Minister for Land and Water Conservation is required under section 60 of the Act—in accordance with paragraph (a) or, if that Minister has specifically authorised inspection and certification by another suitably qualified person, by that person,

as having been constructed in accordance with all applicable standards or requirements set out or referred to in the Act, this Regulation and the [Local Government \(Approvals\) Regulation 1999](#).

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

- (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 or become subject to an annual charge for services in relation to 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, and
  - (c) any information relating to the works that might reasonably be expected to affect construction work that might be carried out on the land.
- (3) The owner or occupier of land affected by such a map, or any other person who has the written permission of such an owner, is entitled to inspect the map during the council's office hours.

#### **18 Plans of connections to sewerage or stormwater drainage systems**

If the owner or occupier of premises has been ordered by the council to connect the premises to the council's sewerage system or stormwater drainage system, the council must give that owner or occupier a plan showing the location of the connection.

#### **19 Inspection of drainage diagrams**

An owner or occupier of land affected by the installation of drains in accordance with an approval referred to in item 4 or 5 of Part B of the Table to section 68 of the Act (or any other person with the written permission of such an owner) is entitled to inspect, during the council's office hours, any diagrams of those drains provided to the council as a condition of the approval.

### **Part 4 General requirements relating to water supply, sewerage and stormwater drainage**

#### **20 Water supply, sewerage and stormwater drainage work to comply with applicable standards and requirements**

Water supply work, sewerage work and stormwater drainage work must comply with any applicable standards or requirements set out or referred to in the Act, this Regulation or the [Local Government \(Approvals\) Regulation 1999](#).

#### **21 Premises to be connected to water supply by an independent house service pipe**

- (1) 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.
- (2) 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.

- (3) If several premises are supplied with water by a single house service pipe, the council may require, as a condition of the supply, that a separate house service pipe be laid to each of the premises.
- (4) 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 a single household 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 (2), and
  - (b) a separate water meter to measure the water supply to those premises.
- (5) 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.

## **22 Laying of house service pipes**

- (1) 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*.
- (2) However, a person does not contravene subclause (1) 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.

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

- (1) Before a water meter (other than a water meter hired from or provided by the council) is installed on premises connected or to be connected to the council's water supply system, the owner of the premises concerned must submit the meter to the council for testing and stamping.
- (2) 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 tested and stamped by the council, the owner of the premises concerned must resubmit it for further testing and stamping.
- (3) 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.

## **24 Security of water meters**

- (1) The owner of premises on which there is located a water meter connected to the council's water supply system must, if required 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 the box immediately after the meter or box is installed.

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

- (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 a single household or firm as a residence or place of business, or
  - (b) if the council authorises the meter to measure the water supplied to the premises and the other premises.
- (3) In those circumstances:
  - (a) the council must credit the relevant water account with the amount of any water rate or charge 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 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 amount of any water rate or charge paid in respect of the premises supplied through the relevant service pipe.

**26 Hire of meters**

- (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.

**27 Testing of meters**

- (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 require the owner to rectify the meter or, if the defect cannot be rectified, replace the meter with one that is not defective. An owner who is required to rectify or replace a meter must comply with the requirement.
- (8) The rectification or replacement is to be at the expense of the owner.
- (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 the owner and the council, and
  - (b) is to be restricted to use for domestic purposes.

## **28 Prevention of waste and misuse of water**

The owner, occupier or manager of premises to which water is supplied by the council must:

- (a) prevent waste of water by taking prompt action to repair leaking taps, pipes or fittings located on the premises, and



- (b) take any other action that is reasonable to prevent waste and misuse of water.

## **29 Misuse of water**

An occupier of premises supplied with water from the council's water supply system must not:

- (a) take any of the water away from the premises, or
  - (b) allow any other person to take any of the water away from the premises, or
  - (c) use water contrary to a council notice restricting the use of water,
- other than in accordance with arrangements instituted by the council.

## **30 Particular provisions for unmetered premises**

- (1) In this clause:

***unmetered premises*** means premises to which the council supplies water other than through a water meter.

- (2) An occupier of unmetered premises supplied with water from the council's water supply system must not use the water for purposes other than domestic purposes unless the water is supplied under a special contract or the permission of the council has been obtained.
- (3) For the purposes of subclause (2), the use of water for domestic purposes does not include the use of water for any of the following:
  - (a) buildings used for housing animals or birds (not being buildings also used for human habitation),
  - (b) a manufacturing purpose,
  - (c) the irrigation or sprinkling of crops, gardens or lawns,
  - (d) the production of power for fountains,
  - (e) ornamental purposes.
- (4) A person must not install or allow to remain installed within unmetered premises a tap or device to which a hose can be attached, unless:
  - (a) the water supplied by the council is supplied under a contract allowing the use of the tap or device, and
  - (b) any special fee for the tap or device fixed by the council has been paid.
- (5) A person must not, on unmetered premises to which water is supplied by the council for domestic purposes, use a hose for the purpose of watering a garden or laying dust

(or any similar purpose) with the water supplied, unless:

- (a) the activity is specifically authorised by an arrangement entered into with the council, and
- (b) any fee required by the arrangement has been paid.

### **31 Joint sewerage services prohibited**

- (1) 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.
- (2) 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.

## **Part 5 Repeal**

### **32 Repeal**

- (1) The *Local Government (Water, Sewerage and Drainage) Regulation 1993* is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *Local Government (Water, Sewerage and Drainage) Regulation 1993*, had effect under that Regulation continues to have effect under this Regulation.