



New South Wales

Sydney Water Regulation 2006

under the

Sydney Water Act 1994

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

DAVID CAMPBELL, M.P.,
Minister for Water Utilities

Explanatory note

The object of this Regulation is to replace, with some amendments, the *Sydney Water Regulation 2000* which is repealed on 1 September 2006 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This 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 and the exceptions to that requirement, 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 Sydney Water Corporation's area of operations,
- (c) the regulation of conduct in the part of Prospect Reservoir that belongs to Sydney Water Corporation,
- (d) the issuing of penalty notices in relation to certain offences under the *Sydney Water Act 1994* and the Regulation.

This Regulation refers to 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 and to the Australian Standard entitled AS 5200.000—2006, *Technical specification for plumbing and drainage products—Procedures for certification of plumbing and drainage products*.

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

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Clause 1 Sydney Water Regulation 2006

Part 1 Preliminary

Sydney Water Regulation 2006

under the

Sydney Water Act 1994

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Sydney Water Regulation 2006*.

2 Commencement

This Regulation commences on 1 September 2006.

Note. This Regulation replaces the *Sydney Water Regulation 2000* which is repealed on 1 September 2006 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definition

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

Part 2 Plumbing and drainage

4 Definitions

In this Part:

approved means approved by the Corporation.

certificate of compliance means a certificate of the kind referred to in clause 14.

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.

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

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 NSW on 1 July 2006 (which is available from the Corporation).

plumbing or drainage work means work comprising or affecting:

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

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

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

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

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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.

5 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 is not guilty of an offence under subclause (1) if:
 - (a) the work involves:
 - (i) repairing a tap or showerhead in a dwelling, or
 - (ii) the installation of water-restricting or flow-regulating devices to tap end fittings (including showerheads) in a dwelling, and
 - (b) the person carrying out the work:
 - (i) is an owner or occupier of the dwelling, or
 - (ii) has been authorised to carry out the work by a person who is an owner or occupier of the dwelling and does not receive payment or other consideration for carrying out that work.
- (3) Subclause (2) does not apply to work involving the repair of any thermostatic mixing valve, tempering valve or backflow prevention device.
- (4) 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.

6 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 involves:
 - (i) repairing a tap or showerhead in a dwelling, or

-
- (ii) the installation of water-restricting or flow-regulating devices to tap end fittings (including showerheads) in a dwelling, and
 - (b) the person carrying out the work:
 - (i) is an owner or occupier of the dwelling, or
 - (ii) has been authorised to carry out the work by a person who is an owner or occupier of the dwelling and does not receive payment or other consideration for carrying out that work.
 - (3) Subclause (2) does not apply to work involving the repair of any thermostatic mixing valve, tempering valve or backflow prevention device.
 - (4) 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 duly applies for a permit for the work as soon as practicable after the work is done.
 - (5) This clause does not apply to or in respect of plumbing or drainage work done by an employee of the Corporation.

7 Application for permit

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

8 Grant or refusal of permits

- (1) The Corporation may grant a permit (either unconditionally or subject to conditions) or may refuse to grant a permit.

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- (2) Without limiting subclause (1), the Corporation may refuse to grant a permit to a person:
- (a) who, in its opinion, has previously carried out plumbing or drainage work in contravention of the Act, this Part, a predecessor of this Part or a direction under the Act, this Part or a predecessor of this Part, or
 - (b) while any relevant information that was not supplied with the application and that has been requested by the Corporation from the applicant is outstanding.

9 Conditions of permits must be complied with

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.

10 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.

11 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.

12 Defective plumbing or drainage work

- (1) The Corporation may, by written notice served on a person who is carrying out (or has carried out) plumbing or drainage work, direct the person:
 - (a) to repair, as specified by the Corporation, work done otherwise than in accordance with good trade practice, or
 - (b) to bring into conformity with the Plumbing and Drainage Code of Practice work done otherwise than in accordance with that Code, or
 - (c) to repair, as specified by the Corporation, a defective fitting used in any of the work done, or
 - (d) to bring into conformity with the Corporation's approval any fitting that does not comply with the approval.
- (2) A person to whom such a direction is given must not fail to comply with the direction.
Maximum penalty: 200 penalty units in the case of a corporation, 100 penalty units in any other case.
- (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.

13 Approval of fittings

- (1) The Corporation may, before it approves a fitting of a particular kind as required under clause 5 (4):
 - (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.

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Part 2 Plumbing and drainage

- (2) The Corporation must not approve a particular kind of fitting unless it is satisfied that it complies with the requirements of the Australian Standard entitled AS 5200.000—2006, *Technical specification for plumbing and drainage products—Procedures for certification of plumbing and drainage products*.

14 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 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, or could reasonably be expected to have known, 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 or a person referred to in clause 6 (2).

Part 3 Water restrictions

15 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.

16 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.

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Clause 17 Sydney Water Regulation 2006

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

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

17 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 that 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.

18 Fees and charges

- (1) The Corporation may from time to time determine the fees or charges payable in respect of the entry by persons or vehicles to any part of the controlled area.
- (2) A person who is liable to pay fees or charges so determined may be denied entry to the part of the controlled area concerned unless the fees or charges are paid on the request of an authorised person.
- (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.
- (4) A person given a direction referred to in subclause (3) must comply with it.

Maximum penalty: 2 penalty units.

19 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.

20 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.

21 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.

22 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

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

(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 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 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 includes cause or permit waters to be polluted.

waste has the same meaning as it has in the *Protection of the Environment Operations Act 1997*.

23 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 or control 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.

24 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.

25 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.

26 Fires

- (1) A person must not light, maintain or use 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 subclause (1) in the case of anything done with the Corporation's consent and in accordance with any conditions of the consent.

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Clause 27 Sydney Water Regulation 2006

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

27 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*.

28 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
 - (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.

29 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.

30 Investigation of suspected contraventions

- (1) An authorised person who has reason to believe that a person while in the controlled area 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.

31 Corporation's consent

- (1) Any consent of the Corporation for the purposes of this Part must be in writing and may be given 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 written 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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Part 5 Miscellaneous

Part 5 Miscellaneous

32 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.

33 Penalty notice offences

For the purposes of section 50 of the Act:

- (a) each offence created by a provision specified in Column 1 of Schedule 1 is a prescribed offence, and
- (b) the penalty prescribed for such an offence if dealt with under that section is:
 - (i) in the case of a penalty payable by an individual—the amount specified in relation to the offence in Column 2 of that Schedule, and
 - (ii) in the case of a penalty payable by a corporation—the amount specified in relation to the offence in Column 3 of that Schedule.

34 Savings provision

Any act, matter or thing that had effect under the *Sydney Water Regulation 2000* immediately before the repeal of that Regulation is taken to have effect under this Regulation.

Schedule 1 Penalty notice offences

(Clause 33)

Column 1	Column 2	Column 3
Provision	Penalty for an individual	Penalty for a corporation
Offences under the Act		
Section 48	\$2,200	\$2,200
Offences under this Regulation		
Clause 5 (1)	\$220	\$550
Clause 12 (2)	\$220	\$550
Clause 12 (3)	\$220	\$550
Clause 14 (3)	\$220	\$550
Clause 15 (3)	\$220	\$550