

Water Management (Water Supply Authorities) Regulation 2004

Part 1 – Preliminary

1 Name of Regulation

This Regulation is the *Water Management (Water Supply Authorities) Regulation 2004*.

2 Commencement

This Regulation commences on 1 September 2004.

3 Definitions

(1) In this Regulation: "**authorised officer**" means:

- (a) an employee or other person acting on behalf of a water supply authority, or
- (b) a police officer.

"**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. "**Plumbing and Drainage Code of Practice**" means the code of practice published by the Committee on Uniformity of Plumbing and Drainage Regulations in New South Wales under the title *New South Wales Code of Practice--Plumbing and Drainage*, 2nd edition, as published in Gazette No 126 of 5 November 1999, at pages 10518-10583. "**plumbing fitting**" includes any pipe, apparatus or fixture used for plumbing work. "**repair**" includes make good, replace, reconstruct, remove, alter, cleanse or clear. "**sewerage service**" means that part of sewerage pipework, including all sanitary fixtures, up to its point of connection to a water supply authority's sewerage system. "**the Act**" means the *Water Management Act 2000*. "**water service**" means that part of water supply pipework from its point of connection to a water supply authority's water supply system up to and including its outlet valves at fixtures and appliances. "**water supply service pipe**" means a pipe connecting a water service to a water supply authority's water supply system, and includes the plumbing fittings connected to the pipe.

(2) Notes included in this Regulation do not form part of this Regulation.

Part 2 – Areas of operations and functions

4 Country Energy

(1) Country Energy's area of operations is the area of land shown by distinctive marking on the map marked "*Area of Operations of Broken Hill Water Board*" deposited in the offices of the Department, being:

- (a) land within the local government area of the Broken Hill City Council, and
- (b) the Stephens Creek, Umberumberka Creek and Yancowinna Creek Special Areas referred to in Part 6, and
- (c) the localities of Menindee and Sunset Strip, and
- (d) the land over which the Menindee to Stephens Creek pipeline is situated.

(2) Country Energy has and may exercise all of the functions of a water supply authority.

(3) Country Energy is exempt from sections 293 (1) (b), 320 and 321 of the Act.

5 Gosford City Council

(1) Gosford City Council's area of operations is its local government area under the *Local Government Act 1993*.

(2) Gosford City Council has and may exercise all of the functions of a water supply

authority.

6 Wyong Shire Council

(1) Wyong Shire Council's area of operations is its local government area under the *Local Government Act 1993*.

(2) Wyong Shire Council has and may exercise all of the functions of a water supply authority.

7 Cobar Water Board

(1) Cobar Water Board's area of operations is the area of land shown by distinctive marking on the map marked "*Area of Operations of Cobar Water Board*" deposited in the offices of the Department, being:

(a) the land on which the Cobar Storage Dam is situated (as shown on DP 755660), and

(b) the locality of Canbelego, and

(c) the land over which the Nyngan to Cobar pipeline is situated.

(2) Cobar Water Board has and may exercise only the function of providing water services.

7A State Water Corporation--Fish River water supply scheme

(1) State Water Corporation's area of operations (in relation to the Fish River water supply scheme) is the area of land shown by distinctive marking on the map marked "*Area of Operations of Fish River water supply scheme*" deposited in the offices of the Department, being all the land owned, occupied or used by State Water Corporation in relation to the Fish River water supply scheme (within the meaning of the *State Water Corporation Act 2004*) in the local government areas of Greater Lithgow City, Oberon and Blue Mountains City, and includes:

(a) all land on which the following works are situated:

(i) the concrete dam on the Fish River at Oberon,

(ii) Duckmaloi weir,

(iii) Rydal storage, and

(b) all land on, over, under or in which any water management works incidental or connected to those referred to in paragraph (a) (including tunnels, pipelines, service reservoirs, pumping stations and water treatment works) are situated from time to time, and

(c) all land on, over, under or in which any access roads and easements in relation to the works referred to in paragraph (a) or (b) are situated from time to time.

(2) State Water Corporation has and may exercise only the function of providing water services.

7B Upper Parramatta River Catchment Trust

(1) The Upper Parramatta River Catchment Trust's area of operations is the Area shown bounded by a red line on the map numbered 45/1203 deposited in the office of the Department of Infrastructure, Planning and Natural Resources at Parramatta, not including the area shown bounded by a red line on the map marked "*Upper Parramatta River Catchment Trust--Excluded Area*" deposited in that office.

(2) The Upper Parramatta River Catchment Trust has and may exercise all the functions of a water supply authority other than functions relating to the supply of water, the provision of sewerage services and the disposal of trade waste and waste water.

(3) The Upper Parramatta River Catchment Trust is exempt from clauses 9-11 and 116-119.

8 Sydney Olympic Park Authority

(1) The Sydney Olympic Park Authority's area of operations is the Sydney Olympic Park Development Area within the meaning of the *Sydney Olympic Park Authority Act 2001*.

(2) The Sydney Olympic Park Authority has and may exercise in its area of operations only such functions as relate to the Water Reclamation and Management Scheme at Sydney Olympic Park, including the collection and treatment of waste water and the distribution of

treated waste water.

(3) The provisions of this Regulation with respect to the distribution of water by a water supply authority apply equally to the distribution of treated waste water by the Sydney Olympic Park Authority.

9 Exercise of functions beyond area of operations

A water supply authority must not exercise any function under the Act beyond its area of operations in such a way as to limit its capacity to exercise that function within that area.

10 Strategic business plans

(1) A water supply authority may apply to the Minister for approval of a strategic business plan with respect to the exercise of its functions under the Act.

(2) The Minister may approve the business plan in the form in which it has been submitted for approval, may approve the business plan with specified modifications or may refuse to approve the business plan.

(3) A strategic business plan is not to be approved under this clause unless it complies with the requirements of *Strategic Business Plans for Water Supply & Sewerage Schemes: Guidelines for Preparation*, as in force from time to time, published by the New South Wales Government.

(4) A water supply authority must exercise its functions under the Act in accordance with a strategic business plan approved under this clause.

11 Ministerial approval not required for certain works

(1) Pursuant to section 400 (2) of the Act, all works, other than the following, are exempt from the requirement for the Minister's approval under section 292 (1) (a) of the Act:

(a) dams for the impounding or diversion of water for public use, including any associated works,

(b) dams that are, or when completed will be, prescribed dams for the purposes of the *Dams Safety Act 1978*,

(c) water treatment works,

(d) sewage works, including works for the treatment of raw sewage, effluent or biosolids and works for the discharge of raw sewage, effluent or biosolids from sewage works.

(2) For those works for which an approval referred to in subclause (1) is required, approval may be given only if:

(a) all information that the Minister has required to be supplied, and all relevant documentation, has been furnished, and

(b) the Minister is satisfied that:

(i) all inspections of the proposed works, and of the site of the proposed works, that the Minister has required to be carried out for the purpose of dealing with the application have been carried out, and

(ii) the water supply authority is competent to construct, maintain and operate the proposed works.

(3) The relevant documentation referred to in subclause (2) (a) comprises:

(a) the plans and specifications of the proposed works, and all other documents and data relating to the proposed works that are in the possession of the water supply authority, and

(b) such other documents as are necessary to satisfy the Minister of the matters referred to in subclause (2) (b).

(4) An approval referred to in subclause (1) may be revoked if the Minister is satisfied that the water supply authority has failed:

(a) to comply with any requirement to furnish information or documentation, or

(b) to comply with any direction given by the Minister, or

(c) to accept any supervision that the Minister has required,

with respect to the construction, maintenance or operation of the works to which the approval relates.

Part 3 – Water supply

Division 1 – Preliminary

12 Application

This Part applies to and in respect of water supplied by the following water supply authorities:

- (a) Country Energy,
- (b) Gosford City Council,
- (c) Wyong Shire Council,
- (d) Cobar Water Board,
- (d1) State Water Corporation,
- (e) the Sydney Olympic Park Authority.

Division 2 – Water services

13 Installation and maintenance of water service by owner

- (1) An owner of land to which a water main is connected or available for connection must ensure that:
 - (a) the installation of any water service, and the connection of any such water service to the water supply authority's system, are done by the holder of a plumbing permit, and
 - (b) any such water service complies with the Plumbing and Drainage Code of Practice, and is kept in good order and condition and free from blockages or leakages.
- (2) In subclause (1), "**plumbing permit**", in relation to a water supply authority, means:
 - (a) a permit issued by the water supply authority under Division 3 of Part 5, or
 - (b) in the case of Gosford City Council or Wyong Shire Council, an approval to carry out water supply work under Part 1 of Chapter 7 of the *Local Government Act 1993*.

14 Water service not to be shared

- (1) A person must not operate or use a shared water service without the consent of a water supply authority.
- (2) In this clause, "**shared water service**" means a water service that extends over, or supplies water to, 2 or more separately owned parcels of land.
- (3) For the purposes of subclause (2), the separate lots in a strata scheme under the *Strata Schemes (Freehold Development) Act 1973* or the *Strata Schemes (Leasehold Development) Act 1986* are taken to constitute a single parcel of land.

15 Fire-fighting services

- (1) A person must not:
 - (a) install or maintain a fire-fighting service that does not comply with the Plumbing and Drainage Code of Practice, or
 - (b) fail to comply with any direction given by a water supply authority as to the way in which the person must comply with the Plumbing and Drainage Code of Practice in relation to a fire-fighting service.
- (2) A person must not use a fire-fighting service otherwise than for the following purposes:
 - (a) the purpose of controlling or extinguishing a fire,
 - (b) some other purpose approved by the relevant water supply authority.
- (3) In this clause, "**fire-fighting service**" means such parts of a water service as are designed to be used for controlling and extinguishing fires.

16 Misuse and waste of water

- (1) A person must not:
 - (a) cause or allow a plumbing fitting to be used, or

(b) cause or allow a plumbing fitting to be out of repair, or
(c) cause or allow anything else to be done,
so as to waste water supplied by a water supply authority.

(2) A person must not cause or allow water supplied by a water supply authority to be used for the purpose of diluting anything whose discharge into a sewerage system requires a discharge approval under Division 3 of Part 4.

(3) A person must not cause or allow anything to be done so as to contaminate water within a water supply authority's water supply system.

17 Water to be taken through approved stoptaps

Except with the consent of the relevant water supply authority, a person must not take water from a water main otherwise than by means of a water supply service pipe that is connected to the water main by means of a stoptap approved by the water supply authority.

18 Information regarding supply

(1) A water supply authority may direct an owner or occupier of land to furnish it with such information in that person's knowledge as is necessary to enable the water supply authority to assess the quantity of water supplied to the land.

(2) It is an offence for a person to fail to comply with a direction under this clause.

19 Consents may be conditional, and may be varied and revoked

A consent given by a water supply authority for the purposes of this Division is to be in writing, may be given unconditionally or subject to conditions and may be varied or revoked by the water supply authority (by written notice served on the holder of the consent) at any time and for any reason.

Division 3 – Meters

20 Measurement of water supply

(1) The supply of water from a water main to any land is to be measured by means of a meter provided by, or in some other manner approved by, the relevant water supply authority.

(2) In the absence of evidence to the contrary, the quantity of water supplied from a water supply system is taken to be the quantity registered by such a meter.

21 Property in meters

Any meter or plumbing fitting provided by a water supply authority, and connected to or forming part of a water supply service pipe, remains the property of the authority.

22 Access to meters

If a meter for any land is so installed or located that it cannot be conveniently read or examined, the owner of the land:

(a) must cause the meter to be re-positioned, or

(b) must take such other action as is necessary to enable the meter to be conveniently read or examined,

in accordance with the directions of the relevant water supply authority.

23 Care of meters

(1) An occupier of land, or an owner of unoccupied land, must keep protected from damage any meter and meter fittings that are connected to or form part of a water supply service pipe for the land.

(2) An occupier of land, or an owner of unoccupied land, is liable to a water supply authority for the cost of repairing any damage caused to a meter by a failure to comply with subclause (1).

24 Discontinuance of use of meters

An occupier of land, or an owner of unoccupied land, who intends to discontinue the use of a meter provided by a water supply authority must give it at least 14 days' written notice of that fact.

25 Testing of meters

- (1) An owner or an occupier of land for which a meter has been installed may apply to the relevant water supply authority to have the meter tested.
- (2) An application to have a meter tested must be in a form approved by the water supply authority.
- (3) If, on being tested, a meter registers less than 3 per cent above the quantity of water passed through it, the person who required the test must pay such fee as the water supply authority determines for the expenses of the test.
- (4) If, on being tested, a meter registers 3 per cent or more above the quantity of water passed through it:
 - (a) an adjustment proportionate to the percentage of error is to be made in the reading objected to and in any further reading up to the time of removal of the meter, and
 - (b) the water supply authority is to bear the expenses of the test.
- (5) No adjustment is to be made if a meter registers within 3 per cent of the quantity of water passed through it.
- (6) If, at any reading, a meter is registering inaccurately or has ceased to register, the water supply authority is entitled to adjust the charge for water supplied during the period to which the reading relates on the basis of a daily consumption equal to the average daily consumption during a corresponding previous period.
- (7) If there was no reading for a corresponding previous period, or if the water supply authority is of the opinion that an adjustment on the basis of such a period would not be reasonable, it may assess the quantity of water used or may adjust the charge on such other basis as may be mutually agreed on between it and the consumer.

26 Installation of meters

- (1) A water supply authority may install, and may charge hire for:
 - (a) meters for measuring the quantity of water supplied, and
 - (b) pipes and apparatus for the conveyance, reception and storage of water.
- (2) Alternatively, a water supply authority may require a person requiring a supply of water:
 - (a) to install the appropriate meters, pipes or apparatus in accordance with its requirements, and
 - (b) to maintain them in good working order.

Division 4 – Fire hydrants

27 Installation of fire hydrants

- (1) A water supply authority must install fire hydrants in its water mains at such convenient distances, and at such places, as are necessary for the ready supply of water to control and extinguish fires.
- (2) Subclause (1) does not apply:
 - (a) so as to require fire hydrants to be installed in any water main that is less than 100 millimetres in diameter, or
 - (b) so as to require fire hydrants to be installed if the water supply system is not sufficient for the operation of fire hydrants,in which case the water supply authority may provide other means for the ready supply of water to control and extinguish fires.
- (3) A water supply authority may, at the request and expense of the owner or occupier of any building, install a fire hydrant for use for controlling or extinguishing fires in or in the vicinity of the building.
- (4) A water supply authority may remove any fire hydrant referred to in subclause (1) if it

is satisfied on reasonable grounds that the hydrant is no longer needed.

28 Maintenance of fire hydrants

A water supply authority must ensure that all fire hydrants installed by it are maintained in effective working order.

29 Supply of water to fire hydrants

A water supply authority must at all times keep charged with water any water main or pipe supplying water to a fire hydrant installed by it, unless prevented from doing so:

- (a) by drought or other emergency, or
- (b) while necessary repairs to the water main, pipe or hydrant are being carried out.

30 Use of fire hydrants by authorised persons

Any person authorised to do so by the water supply authority may take water from a fire hydrant, without charge, for the purpose of controlling or extinguishing fires.

Division 5 – Water restrictions

31 Restrictions on use of water during periods of shortage

- (1) If a water supply authority considers it necessary to do so in order to conserve supplies of water in time of drought or other emergency, it may, by a notice under this Regulation, 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 by which water may be used.
- (2) A notice made by a water supply authority under this clause:
 - (a) may apply to the whole of its area of operations or to such part of that area as is specified in the notice, and
 - (b) has effect despite the provisions of any contract relating to the supply of water by the authority.
- (3) A notice made by a water supply authority under this clause:
 - (a) is to be published in a newspaper circulating in its area of operations, and
 - (b) 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).
- (4) A person must not use water contrary to a notice under this Regulation.
- (5) Nothing in this clause authorises the use of water contrary to any restriction or requirement imposed under the *Essential Services Act 1988*.

Part 4 – Sewerage

Division 1 – Preliminary

32 Application

- (1) Subject to subclause (2), this Part applies to and in respect of the sewerage systems of the following water supply authorities:
 - (a) Country Energy,
 - (b) Gosford City Council,
 - (c) Wyong Shire Council.
- (2) Division 3 does not apply to or in respect of the sewerage systems of Gosford City Council or Wyong Shire Council.

Division 2 – Sewerage systems

33 Installation and maintenance of sewerage service by owner

- (1) An owner of land to which a sewer main is connected or available for connection must ensure that:
 - (a) the installation of any sewerage service, and the connection of any such

sewerage service to the sewer main, are done by the holder of a plumbing permit, and

(b) any such sewerage service complies with the Plumbing and Drainage Code of Practice, and is kept in good order and condition and free from blockages or leakages.

(2) In subclause (1), "**plumbing permit**", in relation to a water supply authority, means:

(a) a permit issued by the water supply authority under Division 3 of Part 5, or

(b) in the case of Gosford City Council or Wyong Shire Council, an approval to carry out sewerage work under Part 1 of Chapter 7 of the *Local Government Act 1993*.

34 Sewerage service not to be shared

(1) A person must not:

(a) operate or use a shared sewerage service, or

(b) install, maintain or use a sewerage service for any land beyond the boundary of that land,

without the consent of the relevant water supply authority.

(2) In subclause (1) (a), "**shared sewerage service**" means a sewerage service that extends over, or receives sewage from, 2 or more separately owned parcels of land.

(3) Subclause (1) (b) does not prohibit the extension of a sewerage service beyond the boundaries of land for the purpose only of connecting the service to the water supply authority's sewer main.

(4) For the purposes of this clause, the separate lots in a strata scheme under the *Strata Schemes (Freehold Development) Act 1973* or the *Strata Schemes (Leasehold Development) Act 1986* are taken to constitute a single parcel of land.

35 Consents may be conditional, and may be varied and revoked

A consent given by a water supply authority for the purposes of this Division is to be in writing, may be given unconditionally or subject to conditions and may be varied or revoked by the water supply authority (by written notice served on the holder of the consent) at any time and for any reason.

Division 3 – Discharges into sewerage systems

36 Definitions

In this Division:

"**approved discharge policy**", in relation to a water supply authority, means a policy with respect to the discharge of substances into the water supply authority's sewerage system that is approved by the Minister under clause 37.

"**discharge approval**" means an approval for the discharge of a substance into a water supply authority's sewerage system.

37 Discharge policies

(1) A water supply authority may apply to the Minister for approval of a policy with respect to the discharge of substances into its sewerage system.

(2) The Minister may approve a policy in the form in which it has been submitted for approval, may approve the policy with specified modifications or may refuse to approve the policy.

(3) A policy is not to be approved under this clause unless it contains provisions with respect to each of the following matters:

(a) the classification of different categories of substances, including:

(i) categories of exempt substances for which no discharge approval is required, and

- (ii) categories of prohibited substances for which no discharge approval is to be granted,
 - (b) the procedures to be followed by a water supply authority in dealing with an application for a discharge approval, including the matters to be taken into consideration by the water supply authority when dealing with such an application,
 - (c) the conditions to be met in relation to discharge approvals, including (in particular) conditions as to the concentration limits of substances to be discharged,
 - (d) the charging methods to be applied with respect to discharges,
 - (e) such other matters as the Minister may determine.
- (4) On and after 1 July 2005, a water supply authority must not issue a discharge approval under this Division otherwise than in accordance with a discharge policy approved under this clause.

38 Discharges require discharge approval

- (1) A person must not cause or allow anything (including stormwater) to be discharged, whether directly or indirectly, into a water supply authority's sewerage system otherwise than in accordance with a discharge approval.
- (2) Subclause (1) does not apply to the discharge into a water supply authority's sewerage system of the following substances:
- (a) kitchen, laundry, bathroom and toilet waste from residential premises, and backwash from swimming pools situated on residential premises,
 - (b) bathroom and toilet waste from commercial and industrial premises,
 - (c) kitchen waste from individual caravan park sites,
 - (d) laundry waste from common caravan park facilities,
 - (e) any substance that is exempt from the requirements of subclause (1) by the water supply authority's approved discharge policy.
- (3) Subclause (2) does not authorise the discharge into a water supply authority's sewerage system, otherwise than in accordance with a discharge approval, of the contents of any human waste storage facility (within the meaning of the *Local Government Act 1993*).

39 Application for discharge approval

- (1) An application for a discharge approval:
- (a) must be made in a form approved by the water supply authority, and
 - (b) must be accompanied by:
 - (i) plans and specifications of any plumbing work to be done pursuant to the approval, and
 - (ii) plans and specifications of any apparatus to be used pursuant to the approval, and
 - (iii) details of the nature and quantity of the waste to be discharged pursuant to the approval, and the frequency or rate at which it is to be discharged, and
 - (iv) such other documentation as the water supply authority may require, and
 - (v) in the case of an application for a discharge approval with respect to land, the consent in writing of the owner of the land, and
 - (c) must be lodged personally or by post at an office of the water supply authority.
- (2) An applicant must pay the fee determined by a water supply authority for the issue of a discharge approval.

40 Conditions of discharge approvals

- (1) A water supply authority may grant a discharge approval subject to conditions.
- (2) Such a condition may do one or more of the following:
- (a) it may require that the volume of substances discharged pursuant to the discharge approval be measured or determined by a meter or other device specified by the water supply authority,
 - (b) it may specify:

- (i) the maximum aggregate daily quantity of substances to be discharged, and
 - (ii) the characteristics of the substances permitted to be discharged, and
 - (iii) the maximum permissible rate of discharge, and
 - (iv) the times during which the discharge is permitted, and
 - (v) the size and capacity of the drain for conveying substances into the water supply authority's sewerage system,
- (c) it may require that specified measures be taken to ensure that any or all of the following requirements are complied with:
- (i) that the aggregate daily quantity of substances discharged does not exceed a specified quantity,
 - (ii) that the rate of discharge of substances does not exceed a specified rate,
 - (iii) that the size and capacity of the drain for conveying substances into the water supply authority's sewerage system are in accordance with specified requirements as to size and capacity,
 - (iv) that substances are discharged only during specified times,
 - (v) that the volume of substances discharged is measured or determined by a specified meter or other device,
 - (vi) that specified modifications to works from which the substances arise, or to works for treating the substances, are carried out.
- (3) From time to time, a water supply authority:
- (a) may vary or revoke the conditions of a discharge approval, or
 - (b) may impose further conditions on a discharge approval.
- (4) A person must not contravene a condition of a discharge approval.

41 Duration of discharge approvals

- (1) Unless sooner suspended or cancelled, a discharge approval has effect:
- (a) for such period as is specified in the approval, or
 - (b) if no such period is so specified, for 5 years,
- from the date on which it is granted.
- (2) A water supply authority may, on the application of the holder of a discharge approval, extend the period for which the approval has effect.

42 Renewal of discharge approvals

- (1) An application for renewal of a discharge approval:
- (a) must be made in a form approved by the relevant water supply authority, and
 - (b) must be lodged personally or by post at an office of the relevant water supply authority.
- (2) An applicant must pay the fee determined by the relevant water supply authority for the renewal of a discharge approval.
- (3) Clauses 39, 40 and 41 apply to an application for the renewal of a discharge approval in the same way as they apply to an application for a discharge approval.

43 Suspension or cancellation of discharge approval

- (1) A water supply authority may, by written notice served on the holder of a discharge approval, suspend or cancel the approval if:
- (a) the approval has been granted on the basis of false or misleading information, or
 - (b) the holder of the approval has contravened a condition of the approval, or
 - (c) the holder of the approval has contravened the Act, this Regulation or a direction under the Act or this Regulation.
- (2) The notice must set out the reason for the suspension or cancellation.
- (3) A water supply authority may suspend or cancel a discharge approval at the request of the holder of the approval.

Part 5 – Plumbing fittings, plumbing work and plumbing permits

Division 1 – Preliminary

44 Application

This Part applies to plumbing work carried out in the area of operations of Country Energy.

45 Definitions

In this Part:

"authorised plumbing fitting" means a plumbing fitting that is authorised for use under clause 59 within the area of operations of the relevant water supply authority.

"certificate of compliance" means a certificate of the kind referred to in clause 49.

"plumbing permit" means a permit issued under Division 3.

"plumbing work" means work comprising or affecting:

- (a) a water service or its connection to a water supply authority's water supply system, or
- (b) a sewerage service or its connection to a water supply authority's sewerage system.

"working day" means a day that is not a Saturday, Sunday or public holiday.

Division 2 – Plumbing work

46 Permit required for plumbing work

(1) A person must not do plumbing work otherwise than in accordance with a plumbing permit authorising the person to do the work.

(2) A person is not guilty of an offence against this clause 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 applies for a plumbing permit for the work within 2 working days after the work is done.

(3) This clause does not apply to or in respect of plumbing work done by an employee of a water supply authority.

(4) A water supply authority may grant plumbing permits for the purposes of this clause in accordance with the Plumbing and Drainage Code of Practice.

47 Plumbing work to comply with specified standards

A person must not do plumbing work otherwise than in accordance with the Plumbing and Drainage Code of Practice.

48 Plumbing work to use authorised plumbing fittings

A person must not use any plumbing fitting for plumbing work unless it is an authorised plumbing fitting.

49 Certificate of compliance following completion of plumbing work

(1) A person who does plumbing work must, within 48 hours after completing the work:

(a) give a water supply authority a certificate of compliance duly completed and signed by the person, and

(b) give a copy of the certificate to the owner of the land on which the work was done or to which the work was connected.

(2) A certificate of compliance must be in a form approved by the relevant water supply

authority and must certify that the plumbing 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.

(4) This clause does not apply to or in respect of plumbing work done by an employee of a water supply authority.

50 Notification of damage arising in the course of plumbing work

A person who, in the course of doing plumbing work, damages a work or other property of a water supply authority must immediately notify it of the damage.

51 Rectification of defective plumbing work

(1) A water supply authority may, by written notice served on a person who is doing plumbing work, direct the person:

(a) to repair, as specified in the notice, work done otherwise than in a professional 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 bring into conformity with the conditions imposed on a plumbing permit work done otherwise than in accordance with those conditions, or

(d) to repair or replace, as specified in the notice, a defective plumbing fitting used in any of the work done, or

(e) to bring into conformity with its approval any plumbing 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.

(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.

(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.

52 Exemption from certain requirements

(1) A water supply authority may exempt all persons, or any specified class of persons, from any or all of the following requirements of this Division:

(a) the requirement to hold a plumbing permit authorising the doing of plumbing work,

(b) the requirement to complete a certificate of compliance with respect to plumbing work,

(c) the requirement to use only authorised plumbing fittings for plumbing work.

(2) An exemption under subclause (1) (a) or (b) may relate to plumbing work generally or to any specified kind or kinds of plumbing work.

(3) An exemption under subclause (1) (c) may relate to plumbing fittings generally or to any specified kind or kinds of plumbing fitting.

(4) A water supply authority may vary or revoke any exemption under this clause.

(5) Notice of any exemption granted under this clause, or of any variation or revocation of such an exemption, may be given in such manner as a water supply authority considers appropriate.

(6) A person in respect of whom an exemption under this clause ceases to have effect by reason only of the fact that the exemption is varied or revoked is not guilty of an offence in respect of any act or omission unless it is established that he or she was aware of that fact when the act or omission occurred.

(7) A person is taken to be aware that an exemption has been varied or revoked if written notice of that fact is served on the person, either personally or by post.

(8) Subclause (7) does not limit any other circumstances in which it may be taken that a person is aware of the fact that an exemption has been revoked or varied.

53 Supply of plans

On completion of any sewerage work, the person doing the work must supply a plan of the work to the owner of the land (or the owner's agent) and to the relevant water supply authority.

Division 3 – Plumbing permits

54 Application for plumbing permit

- (1) An application for a plumbing permit:
 - (a) must be made in a form approved by the relevant water supply authority, and
 - (b) must be lodged personally or by post at an office of the relevant water supply authority.
- (2) The application must be lodged at least 2 working days before the day on which the work to which the application relates is proposed to be done.
- (3) An applicant must pay the fee determined by the relevant water supply authority for the issue of a plumbing permit.

55 Refusal of plumbing permits

- (1) A water supply authority may refuse to grant a plumbing permit to a person who, in its opinion, has previously done plumbing work in contravention of the Act, this Regulation or a direction under the Act or this Regulation.
- (2) A water supply authority may also refuse to grant a plumbing permit to a person while any relevant information that was not supplied with the application and that has been requested by it from the applicant is outstanding.

56 Conditions of plumbing permits

- (1) A water supply authority may grant a plumbing permit subject to conditions.
- (2) From time to time, a water supply authority:
 - (a) may vary or revoke the conditions of a plumbing permit, or
 - (b) may impose further conditions on a plumbing permit.
- (3) A person must not contravene a condition of a plumbing permit.

57 Duration of plumbing permits

Unless sooner suspended or cancelled, a plumbing permit has effect from the time it is granted until such time as it is expressed to expire.

58 Suspension or cancellation of plumbing permits

- (1) A water supply authority may, by written notice served on the holder of a plumbing 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 Regulation or a direction under the Act or this Regulation.
- (2) The notice must set out the reason for the suspension or cancellation.
- (3) A water supply authority may suspend or cancel a plumbing permit:
 - (a) at the request of the holder of the permit, or
 - (b) in the case of a plumbing permit, at the request of the owner of the land on which the work authorised by the permit is to be, or is being, done.

Division 4 – Authorisation of plumbing fittings

59 Authorisation of plumbing fittings

- (1) A water supply authority may authorise plumbing fittings for use in connection with plumbing work.
- (2) Before authorising a plumbing fitting of a particular kind, a water supply authority:
 - (a) may require:
 - (i) a fitting of that kind to be submitted to it for examination and testing, or
 - (ii) submission to it of a satisfactory result of tests of a fitting of that kind carried out by a person or body approved by it, and

(b) may require fittings of that kind to be manufactured under a system of quality assurance approved by it.

(3) A water supply authority must not authorise a particular kind of plumbing fitting unless it is satisfied that it complies with the requirements of SAA MP52 (2001).

(4) In this clause, "**SAA MP52 (2001)**" means the document entitled *Manual of Authorization Procedures for Plumbing and Drainage Products*, published by Standards Australia, Sixth edition (2001).

Part 6 – Special areas

Division 1 – Preliminary

60 Application

This Part applies to special areas in the area of operations of Country Energy.

61 Definitions

In this Part:

"public land" means:

- (a) land owned or vested in Country Energy, or
- (b) Crown land within the meaning of the *Crown Lands Act 1989*.

"restricted portion", in relation to the Stephens Creek and Umberumberka Creek Special Areas, means:

- (a) Stephens Creek Reservoir, and the area of land surrounding the reservoir, as shown by hatched edging on the map in Part 2 of Schedule 1, and
- (b) Imperial Lake, and the area of land surrounding the lake, as shown by hatched edging on the map in Part 3 of Schedule 1, and
- (c) Umberumberka Reservoir, and the area of land surrounding the reservoir, as shown by hatched edging on the map in Part 4 of Schedule 1.

"rural portion", in relation to the Stephens Creek, Umberumberka Creek and Yancowinna Creek Special Areas, means such part of those areas as is situated outside the City of Broken Hill, and includes such part of the City of Broken Hill as comprises Willyama Common.

"special area" means any of the following areas:

- (a) Stephens Creek Special Area,
- (b) Umberumberka Creek Special Area,
- (c) Yancowinna Creek Special Area.

"Stephens Creek Special Area" means the area described in a proclamation under the former *Broken Hill Water and Sewerage Act 1938* published in Gazette No 8 of 19 January 1940 at page 181, being the land described as the Stephens Creek Special Area on the map in Part 1 of Schedule 1.

"Umberumberka Creek Special Area" means the area described in a proclamation under the former *Broken Hill Water and Sewerage Act 1938* published in Gazette No 8 of 19 January 1940 at page 181, being the land described as the Umberumberka Creek Special Area on the map in Part 1 of Schedule 1.

"Yancowinna Creek Special Area" means the area described in a proclamation under the former *Broken Hill Water and Sewerage Act 1938* published in Gazette No 8 of 19 January 1940 at page 181, being the land described as the Yancowinna Creek Special Area on the map in Part 1 of Schedule 1.

Division 2 – Special areas generally

62 Livestock farming

- (1) A person must not:
 - (a) erect, maintain or use any building or structure in connection with the raising of cattle, sheep, pigs or poultry, or
 - (b) engage in any intensive agricultural activity (such as an animal feedlot), on land in a special area.
- (2) This clause does not apply to anything that is done in accordance with:
 - (a) the consent of Country Energy, or
 - (b) a development consent in force under the *Environmental Planning and Assessment Act 1979*.

63 Sewage disposal

A person must not install, maintain or use any sewage collection, treatment or disposal system on land in a special area without the consent of Country Energy.

64 Notification of waterborne infectious diseases

An owner or occupier of land in a special area who becomes aware that any person, animal or property in a special area is carrying, infected with or affected by any waterborne infectious disease must notify Country Energy of that fact within 24 hours after first becoming so aware.

65 Slaughtering

- (1) A person must not slaughter a beast in any manner or under any circumstances or conditions so as to pollute, or cause a reasonable risk of polluting, the water supply in a special area.
- (2) A person who slaughters a beast in a special area must immediately:
 - (a) collect all blood, offal and refuse products, and
 - (b) deposit all blood, offal and refuse products in a receptacle made of metal or some other non-absorbent material, and
 - (c) remove all blood, offal and refuse products from the special area and dispose of them in a manner that avoids pollution of the water supply in that area.
- (3) A person who slaughters a beast in a special area must, as soon as practicable after doing so, thoroughly wash and clean the premises where the slaughter took place.

66 Stock control

The owner or person in charge of any stock must ensure that the stock does not enter any public land in a special area.

Division 3 – Rural portions of special areas

67 Application of Division

This Division applies to the rural portion of the Stephens Creek, Umberumberka Creek and Yancowinna Creek Special Areas.

68 Destruction or removal of timber

- (1) A person must not, without the consent of Country Energy, destroy, cut, damage or remove any tree or shrub in the rural portion of a special area.
- (2) This clause does not apply to land that is privately owned, nor does it affect the rights conferred on the holder of a licence granted under the *Forestry Act 1916*.

69 Waste and pollutants

- (1) A person must not bring into the rural portion of a special area, or use or leave in the rural portion of a special area, any waste or pollutant.
- (2) In this clause: "**pollutant**" means anything that causes pollution within the meaning of the *Protection of the Environment Operations Act 1997*. "**waste**" has the same meaning as

it has in the *Protection of the Environment Operations Act 1997*.

70 Erection and alteration of buildings and structures

A person must not:

- (a) erect any building or structure, or
- (b) carry out any work, or
- (c) alter or extend any existing building, structure or work,

in the rural portion of a special area without the consent of Country Energy.

71 Pesticides and pest control

(1) A person must not:

- (a) bring into, or use or keep in, the rural portion of a special area any pesticide, herbicide or other toxic material, or
- (b) take steps to control or eradicate by the use of pesticides, herbicides or other toxic materials any feral animal, animal pest or noxious weed in the rural portion of a special area, without the consent of Country Energy.

(2) In this clause: "**herbicide**" means any substance that is capable of destroying plants or preventing the spread of plants. "**noxious weed**" has the same meaning as it has in the *Noxious Weeds Act 1993*. "**pesticide**" has the same meaning as it has in the *Pesticides Act 1999*.

Division 4 – Restricted portions of special areas

72 Application of Division

This Division applies to the restricted portion of the Stephens Creek and Umberumberka Creek Special Areas.

73 Entry

A person must not enter or remain in the restricted portion of a special area without the consent of Country Energy.

74 Fishing

A person must not fish in any waters in the restricted portion of a special area without the consent of Country Energy.

75 Fees and charges

(1) Country Energy may from time to time determine the fees and charges payable in respect of the entry of persons and vehicles into the restricted portion of a special area, either for tours or for recreational purposes.

(2) An authorised officer may refuse to allow a person to enter the restricted portion of a special area if the person fails to pay any such fee or charge.

76 Prohibited conduct

A person must not:

- (a) destroy, capture, injure or annoy an animal in the restricted portion of a special area, or
- (b) interfere with an animal, or interfere with the habitat of an animal, in the restricted portion of a special area, or
- (c) bury a human or animal body in the restricted portion of a special area, or
- (d) swim or wash in any waters in the restricted portion of a special area, or
- (e) cause any animal, animal matter, plant or plant matter to enter or remain in any waters in the restricted portion of a special area, or
- (f) drive, row, sail or paddle any boat or other waterborne craft on any waters in the restricted portion of a special area, or
- (g) remove or damage a plant, shrub or tree growing in the restricted portion of a special

area, or

(h) drive or ride a vehicle or ride or lead an animal into or on the restricted portion of a special area, or

(i) bring into or have in the person's possession in the restricted portion of a special area a firearm or prohibited weapon (within the meaning of the *Firearms Act 1996* or the *Weapons Prohibition Act 1998*) unless the person is a police officer on duty, or

(j) land an aircraft (including an ultra-light aircraft, hang-glider or balloon) on the restricted portion of a special area, or

(k) sell or offer for sale any goods on or by any public road in the restricted portion of a special area,

without the consent of Country Energy.

77 Gates not to be opened

A person must not:

(a) remove anything that bars entry to public land in the restricted portion of a special area, or

(b) open any gate to any public land in the restricted portion of a special area,

without the consent of Country Energy.

78 Camping and picnicking

(1) Country Energy may reserve any portion of public land in the restricted portion of a special area for camping or picnicking by means of signs displayed on or adjacent to the portion.

(2) Country Energy may impose conditions, including conditions requiring the payment of fees, subject to which a reserved portion of land may be used for camping or picnicking.

(3) A person must not camp or picnic on public land in the restricted portion of a special area otherwise than:

(a) in a place reserved for that purpose, and

(b) in accordance with any conditions subject to which that place may be so used.

(4) In this clause, "**camp**" means reside temporarily, whether or not in a tent, caravan, cabin or other structure.

79 Fires

A person must not:

(a) light a fire in the restricted portion of a special area otherwise than in a fireplace approved by Country Energy, or

(b) do anything in the restricted portion of a special area that may cause fire to spread beyond such a fireplace.

Division 5 – Miscellaneous

80 Consents may be conditional, and may be varied and revoked

A consent given by Country Energy for the purposes of this Part is to be in writing, may be given unconditionally or subject to conditions and may be varied or revoked by it (by written notice served on the holder of the consent) at any time and for any reason.

81 Investigation of suspected contraventions

(1) An authorised officer who has reason to believe that a person in a special area has in his or her possession or control anything that, in the officer's opinion, has been, is being or is about to be used in connection with a contravention of this Part may request the person to do either or both of the following:

(a) to surrender any such thing to the authorised officer,

(b) to make available for inspection by the authorised officer any vehicle or

- receptacle in which the officer suspects any such thing to be concealed.
- (2) If a person fails to comply with the request, the authorised officer may direct the person to leave the special area.
- (3) A person to whom such a direction is given must immediately comply with the direction.

82 Notice by public agencies

For the purposes of section 304 (1) of the Act, the notice to be given to Country Energy of the proposed exercise of a function by a public agency in relation to land in a special area:

- (a) must be in writing, and
- (b) must be sent by post to or lodged at any of its offices, and
- (c) must contain a full description of the proposed function, including any associated activities, and a statement of the objectives of the proposed function, and
- (d) must be given at least 28 days before the function is proposed to be exercised.

Part 7 – Finance generally

Division 1 – Preliminary

83 Application

This Part applies to and in respect of the following water supply authorities and to and in respect of matters arising within the areas of operations of those authorities:

- (a) Country Energy,
- (b) Gosford City Council,
- (c) Wyong Shire Council,
- (d) Cobar Water Board,
- (d1) State Water Corporation,
- (d2) Upper Parramatta River Catchment Trust (except clauses 87, 90 and 99),
- (e) the Sydney Olympic Park Authority.

84 Definitions

In this Part, land means:

- (a) a parcel within the meaning of the *Strata Schemes (Freehold Development) Act 1973* or the *Strata Schemes (Leasehold Development) Act 1986*, or
- (b) an existing lot within the meaning of the *Conveyancing Act 1919*.

Division 2 – Service charges and other charges

85 Fees and charges other than service charges

The fees and charges (other than service charges) that a water supply authority may, under section 310 (2) of the Act, impose for goods supplied, or for services provided, are to be determined by resolution.

86 Classification of land

(1) For the purposes of section 313 of the Act, a water supply authority may classify land for the purpose of levying service charges according to one or more of the following factors:

- (a) the purpose for which the land is actually being used,
- (b) the intensity with which the land is being used for that purpose,
- (c) the purposes for which the land is capable of being used,
- (d) the nature and extent of any water supply, sewerage or drainage systems connected to, or available for connection to, the land.
- (2) Subclause (1) (c) and (d) do not apply with respect to the Upper Parramatta River Catchment Trust.

87 Basis of levying service charges

- (1) For the purposes of section 314 of the Act, a water supply authority may levy service charges according to one or more of the following bases:
 - (a) on the basis of the availability of the service (the "**access component**"),
 - (b) on the basis of the usage of the service (the "**usage component**").
- (2) The access component may vary according to any of the following:
 - (a) the size of the water meter registering water supply to the land,
 - (b) the nominal size of the water supply service pipe supplying water to the land,
 - (c) the cost of providing the service, as assessed by the authority,
 - (d) the classification of the land, as determined by the authority under this Division.
- (3) The usage component may vary:
 - (a) in the case of a water service charge, according to the volume of water supplied to the land concerned, or
 - (b) in the case of any other service charge, according to the degree of use of the service, as assessed by the authority.
- (4) For the purposes of subclause (2) (b), the nominal size of a water supply service pipe supplying water to land is:
 - (a) the nominal size of the pipe at the point where it joins the water meter registering water supply to the land, or
 - (b) if there is no such water meter the nominal size of the pipe at the point where it joins the water supply authority's water main.
- (5) In this clause, "**nominal size**" has the same meaning as "**nominal size (DN)**" has in the document entitled *AS/NZS 3500--2003: Plumbing and Drainage*, as in force from time to time, published by Standards Australia.

87A Basis of levying service charges--Upper Parramatta River Catchment Trust

For the purposes of section 314 of the Act, the Upper Parramatta River Catchment Trust may only levy service charges according to either or both of the following bases:

- (a) a flat rate for all land of a particular classification,
- (b) the area of the land on which the service charge is being levied.

88 Method of levying service charge on dwelling under company title

- (1) For the purposes of this Regulation:
 - (a) a person who, because of the ownership of shares in a company, is entitled to occupy a dwelling in a building containing 2 or more such dwellings is taken to be the owner of the land comprising the dwelling, and
 - (b) the service charge for the dwelling is to be an amount that bears the same proportion to the service charge for the building as the number of shares in the company owned by the person bears to the total number of shares issued by the company.
- (2) The secretary of such a company must notify the water supply authority of:
 - (a) the names and addresses of all owners of shares in the company and of the number of shares held by each owner, and
 - (b) changes in ownership of any shares in the company.
- (3) A service charge is not payable by the company to the extent to which it is payable by the owners of shares in the company.

89 Determination of service charges

A determination by a water supply authority under section 315 (1) of the Act is to be made by resolution.

90 Approval of service charge determinations

- (1) Approval of a water supply authority's determination for any charging year under section 315 (1) of the Act is not to be granted unless:
 - (a) a strategic business plan for the water supply authority has been approved by the

Minister under clause 10 within the last 3 years, and

(b) the water supply authority has furnished the Minister with a performance report with respect to the exercise of its functions under the Act during the charging year last ended.

(2) The performance report referred to in subclause (1) (b) must comply with such requirements as the Minister may from time to time determine.

(3) This clause does not apply to an application relating to a determination for a charging year beginning before 1 July 2005.

91 Payment of service charges and other charges

Payment to a water supply authority of a service charge or other charge:

(a) is due within the time, and

(b) may be made in any manner,

notified by the authority when giving notice of the service charge or other charge.

92 Payment by instalments

(1) A water supply authority may notify a person liable to pay service charges levied, or other charges imposed, that payment of the service charges or other charges may be made to the authority by a stated number of instalments of specified amounts.

(2) If there is a failure to make a payment in accordance with the notification, the total unpaid balance may be treated by the water supply authority as an overdue amount of service charges or other charges even if payment by instalments had commenced.

93 General power to defer or waive payment of service charges or other charges or fees

(1) A water supply authority may, if of the opinion that reasonable cause has been shown:

(a) defer payment of a service charge, or any other charge or fee, on such conditions as it thinks fit, or

(b) waive such a payment or any part of it.

(2) A water supply authority may establish an account from which to fund any such deferral or waiver.

94 Adjustment of service charge

(1) If a service charge has been levied on land on the basis of a classification made by a water supply authority under this Division and the water supply authority later decides that the classification was incorrect, it must adjust the service charge according to the correct classification.

(2) If a service charge has been levied, or has been adjusted under subclause (1), on land on the basis of a classification made by a water supply authority under this Division and the land later ceases to belong to that class, the water supply authority must adjust the service charge according to the new classification, on and from the date of the change of classification.

(3) If the water supply authority has not acted under subclause (1) or (2) and an application for it to do so is made to the authority in writing stating the grounds of the application, the authority:

(a) may act under subclause (1) or (2) or may refuse to do so, and

(b) must give the applicant written notice of its decision.

(4) If a service charge is adjusted under this clause, the water supply authority:

(a) must give written notice of the adjustment to the person liable to pay the service charge, and

(b) may recover any increase as if it were part of the service charge, even if an objection or appeal has been lodged but not determined, and

(c) must refund any amount by which a service charge already paid has been decreased, or credit the amount towards payment of any amount then payable by the person liable to pay the service charge to the authority.

95 Objection to levying of service charge

(1) If a service charge is levied on land on the basis of a classification made by a water supply authority under this Division, the person liable to pay the service charge may, within one month after being served with notice of the levying of the service charge, object to the service charge.

(2) An objection under this clause may be made only on the ground that the classification of the land according to which the service charge was levied was incorrect.

96 Objection to adjustment of service charge

(1) If an adjustment results in a service charge being increased, the person liable to pay the amount of the increase may, within one month after being given notice of the increase, object to the adjustment.

(2) An objection under this clause may be made only on the ground that the classification of the land according to which the service charge was adjusted was incorrect.

97 Objection to refusal to adjust service charge

(1) If application is made to a water supply authority for an adjustment of a service charge and the water supply authority:

(a) refuses to adjust the service charge, or

(b) refuses to adjust the service charge in the manner sought in the application, the applicant may, within one month after being notified of the refusal, object to the refusal.

(2) An objection under this clause may be made only on the ground that the refusal by the water supply authority was incorrect.

98 Objections generally

(1) An objection is to be made by lodging with the water supply authority, or by serving on it by post, a written statement of the ground for the objection and the reasons why the objector believes the ground exists.

(2) A water supply authority:

(a) may allow, or disallow, an objection, and

(b) must give the objector written notice of its decision on the objection.

Division 3 – Drainage areas

99 Notice of drainage area

(1) On the declaration under section 308 (2) of the Act of a drainage area for a water supply authority, the water supply authority must deposit a map of the drainage area in its office.

(2) The water supply authority must make the map available for inspection at reasonable times during its ordinary office hours.

(3) The water supply authority must serve on each owner of land in the drainage area, personally or by post at the address of the owner last known to it, a notice to the effect that:

(a) the drainage area has been declared, and

(b) a map of the drainage area may be inspected at a specified place or specified places, and

(c) drainage service charges are to be levied on land in the drainage area within a specified time, and

(d) an objection to inclusion of the owner's land in the drainage area may be lodged with the water supply authority, but only on the ground that surface or run-off water could not drain from the objector's land into the drainage area, and

(e) an objection must be in writing and must be lodged with the water supply authority before a specified date (being a date that is not earlier than 14 days after service of the notice), and

(f) an objection will be referred by the water supply authority to an adjudicator for determination, and

(g) an objector is not entitled to appear, or be represented, before the adjudicator unless the adjudicator so orders.

- (4) The water supply authority:
- (a) must appoint an independent person (that is, a person who is not subject to its direction or control) to be the adjudicator with respect to objections arising from the declaration of a particular drainage area, and
 - (b) must refer all duly lodged objections to the adjudicator, and
 - (c) must serve notice of the adjudicator's decision on each objection on the objector concerned, either personally or by sending it by post to the objector's address last known to the authority.

Division 3A – Flood plain and river management area

99A Notice of flood plain or river management area

- (1) The Upper Parramatta River Catchment Trust must keep in its office a map of any flood plain or river management area within its area of operations.
- (2) The Upper Parramatta River Catchment Trust must make the map available for inspection at reasonable times during its ordinary office hours.
- (3) The Upper Parramatta River Catchment Trust must publish in at least one newspaper circulating in the flood plain or river management area, as the case may be, a notice to the effect that:
- (a) the land concerned has been declared to be a flood plain or a river management area, and
 - (b) a map of the flood plain or river management area may be inspected at a specified place or specified places, and
 - (c) flood mitigation service charges or river management service charges, as the case may be, are to be levied on the land in the flood plain or river management area within a specified time, and
 - (d) an objection to the inclusion of an owners land in the flood plain or river management area may be lodged with the Upper Parramatta River Catchment Trust but only on the ground:
 - (i) in the case of land within a flood plain--that the land does not benefit from the flood mitigation services proposed to be undertaken, or
 - (ii) in the case of the land within a river management area--that the surface run-off water from the land does not drain into other land within the area, and
 - (e) an objection must be in writing and must be lodged with the Upper Parramatta River Catchment Trust before a specified day (being a date that is not earlier than 14 days after the publication of the notice), and
 - (f) an objection will be referred by the Upper Parramatta River Catchment Trust to an adjudicator for determination, and
 - (g) an objector is not entitled to appear, or be represented before the adjudicator without being required by the adjudicator to do so.
- (4) The Upper Parramatta River Catchment Trust must:
- (a) appoint a person (other than a person subject to the direction or control of the Upper Parramatta Catchment Trust) as an adjudicator on objections relating to the flood plain or river management area, and
 - (b) refer all duly lodged objections to the adjudicator, and
 - (c) serve personally or by post on each objector, at the address of the objector last known to the Upper Parramatta Catchment Area Trust, notice of the determination of the adjudicator on the objection.

Division 4 – Miscellaneous

100 Cutting off or restricting supply

A water supply authority may cut off or restrict the supply of water to land in any one or more of the following circumstances:

- (a) if any service charges or other charges relating to the land are unpaid,
- (b) if the person requiring a supply of water:
 - (i) fails to do anything that, under the Act or this Regulation, is required to be done to prevent waste, misuse, undue consumption, backflow or contamination of the water supplied by the water supply authority, or
 - (ii) fails to comply with a notice under clause 31 regulating or restricting the use of water, or
 - (iii) fails to comply with its conditions of supply, or
 - (iv) fails to comply with its requirements in relation to the installation, repair or alteration of a meter for measuring water, or
 - (v) fails to comply with its requirements in relation to the installation, repair or alteration of water or sewerage connections, plumbing fittings or appliances connected, or intended to be connected, directly or indirectly to a water main or sewer main,
- (c) if it is necessary to do so:
 - (i) in order to repair or alter any connections, plumbing fittings or appliances referred to in paragraph (c) (v), or
 - (ii) in order to effect repairs or to clean a water main or sewer main, or
 - (iii) in order to conserve supplies in time of drought or other emergency, or
 - (iv) because of an accident.

101 Service of notices

- (1) A notice under the Act to a Government Department may be served on the Department Head.
- (2) A notice under the Act to a corporation constituted by or under an Act may be served:
 - (a) by leaving it at the corporation's registered office or principal place of business with a person who appears to be employed there and to be at least 16 years old, or
 - (b) in any manner authorised by or under the Act by which the corporation is constituted.
- (3) A notice under the Act to a person liable for payment of a service charge or other charge, or to a person who is owner or occupier of land or a building, may be served:
 - (a) personally, or
 - (b) by leaving it, at the person's residential or business address, with a person who appears to be employed or to reside there and to be at least 16 years old, or
 - (c) by sending it by post to the person's residential or business address last known to the water supply authority serving the notice, or
 - (d) by affixing it to a conspicuous part of the land or building.
- (4) A notice under the Act may be served on a person who appears to be absent from the State, and who has authorised service on an agent, by serving it on the agent of the person as if the agent were the person to be served.
- (5) If a notice relates to unoccupied land and the address of the owner is not known to the water supply authority serving the notice, it may be served by an advertisement that:
 - (a) is published in a newspaper circulating in its area, and
 - (b) states the name of the owner of the land, if known to it, and
 - (c) if the notice is notice of a service charge, states its amount, the period to which the charge relates and that a detailed notice of the service charge may be obtained at its offices, and
 - (d) states that the advertisement operates as service of the notice.
- (6) It is a sufficient description of the addressee of a notice to be served if the notice specifies "the owner", "the occupier" or other appropriate description.

102 Recording of service charge

- (1) A water supply authority must keep records relating to each service charge as required by the Minister and must keep the records in a manner approved by the Minister.

- (2) An amendment of the records kept under this clause may be made:
- (a) so as to insert the name of a person who claims to be, and is, entitled to be recorded as owner or occupier, or
 - (b) so as to insert the name of a person to whom an account for a service charge should have been rendered or who has, since the levying of a service charge, become liable to pay it, or
 - (c) so as to omit the name of a person whose name should not have been recorded, or
 - (d) so as to vary the amount of a service charge, whether as a result of an error in recording or notifying it, as a result of an adjustment or objection or as a result of an appeal, or
 - (e) so as to insert particulars of land that should have been the subject of a service charge, or
 - (f) so as to make such other corrections as will ensure conformity of the records with the Act.
- (3) A liability to make a payment as a result of an amendment accrues on the making of the amendment, but the payment is not overdue if made within one month after written notice of the amendment, and of the resulting liability, has been given to the person liable.

103 Writing off of certain service charges

- (1) This clause applies to any service charge that had been postponed under Division 5 of Part 3 of the *Water Management (Water Supply Authorities--Finance) Regulation 1996* before the repeal of that Regulation.
- (2) If 5 years have elapsed since the commencement of a charging year for which part of the service charge had been postponed, the postponed part (together with any accrued interest) is to be written off.
- (3) Nothing in this clause affects the right of the water supply authority concerned to recover the service charge and interest, even if they have been written off under this clause, if it subsequently appears that they should not have been written off.

Part 8 – Concessions for eligible pensioners and others

Division 1 – Preliminary

104 Application

This Part (Division 5 excepted) applies to and in respect of the following water supply authorities:

- (a) Country Energy,
- (b) Cobar Water Board.

105 Definitions

- (1) In this Part: "**eligible pensioner**", in relation to a dwelling, means a person who occupies the dwelling as his or her sole or principal residence and:
- (a) who receives a pension, benefit or allowance under Chapter 2 of the *Social Security Act 1991* of the Commonwealth, or a service pension under Part III of the *Veterans' Entitlements Act 1986* of the Commonwealth, and who is the holder of a pensioner concession card issued by or on behalf of the Commonwealth, or
 - (b) who receives a pension from the Commonwealth Department of Veterans' Affairs as:
 - (i) the widow or widower of a member of the Australian Defence or Peacekeeping Forces, or
 - (ii) the unmarried mother of a deceased unmarried member of either of those Forces, or
 - (iii) the widowed mother of a deceased unmarried member of either of those Forces,
- and does not have income and assets that would prevent the person from being

granted a pensioner concession card (assuming he or she was eligible for such a card), or

(c) who receives a special rate of pension under section 24 of the *Veterans' Entitlements Act 1986* of the Commonwealth.

"Gazetted amount" means an amount specified by the Minister, by order published in the Gazette, for the purposes of this Part. **"instalment"**, in relation to a service charge, means an instalment payable under clause 92 in respect of the charge. **"nominal amount"**, in relation to the service charges payable for any land, means the lesser of the following amounts:

- (a) an amount equal to half of all service charges for that land for the current charging year,
- (b) an amount equal to:
 - (i) except as provided by subparagraph (ii), the whole of the Gazetted amount, or
 - (ii) if the only service charge payable for that land is a water service charge, half of the Gazetted amount.

"service charge" includes an instalment of a service charge. **"water service charge"** includes a drainage service charge levied in conjunction with the water service charge.

(2) In this Part, a reference to the time at which a service charge is levied is, in the case of an instalment of the service charge, a reference to the time at which the instalment is due for payment.

Division 2 – Reductions for pensioners

106 When entitlement arises

A water supply authority is to reduce a service charge under this Division if:

- (a) an application for the reduction is made to it by an eligible pensioner, and
- (b) as at the day on which the service charge is levied or imposed, it is satisfied that the eligible pensioner is solely or jointly liable for payment of the charge, and
- (c) sufficient evidence is produced to it to enable the reduction to be calculated.

107 Reduction of total charges

An eligible pensioner who is liable for a service charge for any land for any charging year is required to pay, for all service charges payable for that land for that year, no more than an amount calculated by dividing the nominal amount in relation to those charges by the number of persons liable for those charges.

108 Reduction of instalments for charges

An eligible pensioner who is liable for an instalment of a service charge for any land for any charging year is required to pay, as an instalment for all service charges payable for that land for that year, no more than an amount calculated by dividing the nominal amount in relation to those charges by the number of persons liable for those charges, and dividing the result of that division by the number of instalments payable in relation to those charges.

109 Application by person who becomes eligible pensioner after charge is levied

If a person becomes an eligible pensioner after the day on which a service charge is levied or imposed, the person is entitled to a reduction of the charge proportionate to the number of days remaining after the day on which the person becomes an eligible pensioner in the charging year for which the charge is levied or imposed.

Division 3 – Other reductions

110 Extension of reduction to avoid hardship

- (1) If the Minister considers it proper to do so to avoid hardship, the Minister may, by order, direct that:

- (a) a person specified in the order:
 - (i) who occupies a dwelling as his or her sole or principal residence together with an eligible pensioner for whom the dwelling is his or her sole or principal residence, and
 - (ii) who is jointly liable with that eligible pensioner or with that eligible pensioner and one or more other persons for a service charge for the land on which that dwelling is situated, and
 - (iii) who would not otherwise be entitled to a reduction of the service charge under this Part, or
- (b) any person belonging to a class of persons specified in the order, being persons referred to in paragraph (a),

is taken, for the purposes of this Part, to be or to have been an eligible pensioner.

(2) If the Minister considers it proper to do so to avoid hardship, the Minister may, by order, direct that:

- (a) an eligible pensioner specified in the order who, although not liable, or although not liable jointly with one or more persons, to the whole of the service charges for the land on which that dwelling is situated:
 - (i) has paid the whole of those charges for such period as, in the opinion of the Minister, warrants the making of such an order, or
 - (ii) is, in the opinion of the Minister, likely to pay the whole of those charges in such circumstances as, in the opinion of the Minister, warrant the making of such an order, or
- (b) any person belonging to a class of persons specified in the order, being persons referred to in paragraph (a),

is taken, for the purposes of this Part, to be or to have been the person solely liable in respect of the land on which the dwelling is situated.

(3) An order under this clause takes effect on the day that it is made or on such earlier or later day as is specified in the order.

Division 4 – General provisions concerning reductions

111 Making of application

An application to a water supply authority under this Part must be made to it within the time, and in the manner, determined by the authority.

112 Refund of certain overpayments

If a person:

- (a) has paid in full a service charge for a charging year, and
 - (b) would have been entitled to a reduction of the service charge if it had been paid by instalments, and
 - (c) applies to the water supply authority for a refund of the amount of the reduction,
- the water supply authority must make the refund or credit the amount towards payment of any amount then payable in relation to the land concerned by the person liable to pay the amount to the authority.

113 Exemption from liability

An eligible pensioner is not liable for a service charge beyond the amount of his or her liability as reduced in accordance with this Part.

114 Recovery of amount of reduction

A water supply authority is not entitled to repayment of an amount by which a service charge is reduced under this Part unless the reduction was made on the basis of a false statement in the application for the reduction.

Division 5 – Water supply authorities that are also local councils

115 Water supply authorities that are also local councils

- (1) This clause applies to and in respect of the following water supply authorities:
 - (a) Gosford City Council,
 - (b) Wyong Shire Council.
- (2) The provisions of the *Local Government Act 1993* (and the regulations under that Act) that apply to the reduction and postponement of rates and charges under that Act apply to the reduction and postponement of service charges and other charges under the *Water Management Act 2000*.
- (3) Subclause (2) does not extend to the requirement, under section 581 of the *Local Government Act 1993*, for councils to be reimbursed for a proportion of amounts written off under that Act.

Part 9 – Miscellaneous

116 Supply of plans

On application by an owner or an owner's agent, a water supply authority must issue a plan showing the point of connection to its sewerage system of any land.

116A Water supply authority to comply with guidelines

In carrying out its functions, a water supply authority is to comply, as far as is reasonably practicable, with the guidelines published under section 409 (6) (a) of the *Local Government Act 1993*.

117 Information to accompany applications under section 305

For the purposes of section 305 (2) of the Act, an application for a certificate of compliance for development must be accompanied by information as to whether or not the development is the subject of development consent or a complying development certificate under the *Environmental Planning and Assessment Act 1979* and, if so, must also be accompanied by a copy of the development consent or complying development certificate.

118 Development that may be subject to section 306 requirements

For the purposes of section 306 (1) of the Act, the following kinds of development are prescribed as development to which that section applies:

- (a) the erection, enlargement or extension of a building or the placing or relocating of a building on land,
- (b) the subdivision of land,
- (c) the change of use of land or of any building situated on the land.

119 Penalty notices

For the purposes of section 365 of the Act:

- (a) each offence created by a provision specified in Column 1 of Schedule 2 is declared to be a penalty notice offence, and
- (b) the prescribed penalty for such an offence is the amount specified in Column 2 of Schedule 2.

120 Repeals, savings and transitional provisions

- (1) The following regulations are repealed:
 - (a) the *Water Management (Water Supply Authorities--Water Restrictions) Regulation 1999*,
 - (b) the *Water Management (Sydney Olympic Park Authority) Regulation 2001*.
- (2) Any act, matter or thing that, immediately before the repeal of:

- (a) the *Water Management (Water Supply Authorities--Finance) Regulation 1996*, or
- (b) the *Water Management (Broken Hill Water Supply--General) Regulation 1997*, or
- (c) the *Water Management (Broken Hill Water Supply--Special Areas) Regulation 1997*, or
- (d) the *Water Management (Broken Hill Water Supply--Water, Sewerage and Trade Waste) Regulation 1997*, or
- (e) the *Water Management (Water Supply Authorities--Water Restrictions) Regulation 1999*, or
- (f) the *Water Management (Sydney Olympic Park Authority) Regulation 2001*, or
- (g) the *Water Management (Upper Parramatta River Catchment Trust) Regulation 2000*,

had effect under any of those regulations continues to have effect under this Regulation.

(3) In particular, any savings or transitional provision then having effect under any of those regulations continues to have effect.

Schedule 1 Special areas

(Clause 61)

Part 1 – Stephens Creek, Umberumberka Creek and Yancowinna Creek Special Areas

Part 2 – Part restricted portion of Stephens Creek Special Area

Part 3 – Part restricted portion of Stephens Creek Special Area

Part 4 – Restricted portion of Umberumberka Creek Special Area

Schedule 2 Penalty notice offences

(Clause 119)

| Column 1 | Column 2 |
|--|--------------|
| Provision under which offence arises | Penalty (\$) |
| Clause 13 (1) (Installation and maintenance of water service by owner) | 500 |
| Clause 14 (1) (Water service not to be shared) | 500 |
| Clause 15 (1) or (2) (Fire-fighting services) | 500 |
| Clause 16 (1), (2) or (3) (Misuse and waste of water) | 500 |
| Clause 17 (Water to be taken through approved stoptaps) | 500 |
| Clause 22 (Access to meters) | 200 |
| Clause 23 (1) (Care of meters) | 200 |
| Clause 31 (4) (Use of water contrary to water restrictions notice) | 200 |
| Clause 33 (1) (Installation and maintenance of sewerage service by owner) | 500 |
| Clause 34 (1) (Sewerage service not to be shared) | 500 |
| Clause 46 (1) (Permit required for plumbing work) | 500 |
| Clause 47 (Plumbing work to comply with specified standards) | 500 |
| Clause 49 (1) or (3) (Certificate of compliance following completion of plumbing work) | 500 |
| Clause 51 (2) or (3) (Rectification of defective plumbing work) | 700 |

| | |
|--|-----|
| Clause 56 (3) (Conditions of plumbing permits) | 500 |
| Clause 73 (Entry) | 200 |
| Clause 74 (Fishing) | 200 |
| Clause 76 (Prohibited conduct) | 200 |
| Clause 77 (Gates not to be opened) | 200 |
| Clause 78 (3) (Camping and picnicking) | 200 |
| Clause 79 (Fires) | 200 |

Historical notes

The following abbreviations are used in the Historical notes:

| | | | | | |
|------|--------------------|------|-------------|---------|--------------|
| Am | amended | No | number | Schs | Schedules |
| Cl | clause | p | page | Sec | section |
| Cll | clauses | pp | pages | Secs | sections |
| Div | Division | Reg | Regulation | Subdiv | Subdivision |
| Divs | Divisions | Regs | Regulations | Subdivs | Subdivisions |
| GG | Government Gazette | Rep | repealed | Subst | substituted |
| Ins | inserted | Sch | Schedule | | |

Table of amending instruments *Water Management (Water Supply Authorities) Regulation 2004* published in Gazette No 141 of 1.9.2004, p 7259 and amended as follows: *Water Management (Water Supply Authorities) Amendment (Fish River) Regulation 2004* (GG No 204 of 24.12.2004, p 9687)

| | | |
|------|-------|---|
| 2005 | (130) | <i>Water Management (Water Supply Authorities) Amendment (Country Energy) Regulation 2005</i> . GG No 39 of 1.4.2005, p 1049. Date of commencement, 1.7.2005, cl 2. |
| | (508) | <i>Water Management (Water Supply Authorities) Amendment Regulation 2005</i> . GG No 107 of 26.8.2005, p 5972. Date of commencement, on gazettal. |

Table of amendments

| | |
|--|---|
| Cl 4 | Am 2005 (130), cl 3 (a) (b). |
| Cl 7A | Ins 24.12.2004. |
| Cl 7B | Ins 2005 (508), Sch 1 [1]. |
| Cl 12 | Am 24.12.2004; 2005 (130), cl 3 (b). |
| Cll 32, 44, 60-64, 68, 70, 71, 73-80, 82 | Am 2005 (130), cl 3 (b). |
| Cl 83 | Am 24.12.2004; 2005 (130), cl 3 (b); 2005 (508), Sch 1 [2]. |
| Cl 86 | Am 2005 (508), Sch 1 [3]. |
| Cl 87A | Ins 2005 (508), Sch 1 [4]. |
| Part 7, Div 3A (cl 99A) | Ins 2005 (508), Sch 1 [5]. |
| Cl 104 | Am 2005 (130), cl 3 (b). |
| Cl 116A | Ins 24.12.2004. |
| Cl 120 | Am 2005 (508), Sch 1 [6]. |