



New South Wales

Water Management (Water Supply Authorities) Regulation 2025

under the

Water Management Act 2000

The following enacting formula will be included if this regulation is made—

Her Excellency the Governor, with the advice of the Executive Council, has made the following regulation under the *Water Management Act 2000*.

Minister for Water

Explanatory note

The object of this regulation is to remake, with amendments, the part of the *Water Management (General) Regulation 2018* relating to water supply authorities.

The regulation provides for the following in relation to water supply authorities—

- (a) specification of the area of operations and exercise of functions,
- (b) the carrying out of water supply services and sewerage services,
- (c) plumbing permits and drainage approvals,
- (d) conduct within the special areas of Essential Energy,
- (e) charges and fees,
- (f) offences under the Act and this regulation that may be dealt with by penalty notice, and the corresponding penalty.

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Water Management (Water Supply Authorities) Regulation 2025

under the

Water Management Act 2000

Part 1 Preliminary

1 Name of regulation

This regulation is the *Water Management (Water Supply Authorities) Regulation 2025*.

2 Commencement

This regulation commences on 1 September 2024.

3 Definitions

The dictionary in Schedule 2 defines words used in this regulation.

Note— The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this regulation.

Part 2 Functions

Division 1 Area of operations—the Act, s 289(1)

4 Essential Energy

(cl 116 2018 Reg)

- (1) Essential Energy's area of operations is the area of land shown by distinctive marking on the map titled "Area of Operations of Broken Hill Water Board" held by the Department.
- (2) The area of operations includes the following land—
 - (a) land in the local government area of the Broken Hill City Council,
 - (b) the Stephens Creek, Umberumberka Creek and Yancowinna Creek Special Areas,
 - (c) land in Menindee and Sunset Strip,
 - (d) the land over which the Menindee to Stephens Creek pipeline is located,
 - (e) the land on which the Broken Hill Pumping Station is located,
 - (f) the land from the Broken Hill Pumping Station to Broken Hill on which the Broken Hill pipeline is located.

5 Cobar Water Board

(cl 118 2018 Reg)

- (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" held by the Department.
- (2) The area of operations includes the following—
 - (a) the land on which the Cobar Storage Dam is located, as shown on DP 755660,
 - (b) the locality of Canbelego,
 - (c) the land over which the Nyngan to Cobar pipeline is located.

6 Sydney Olympic Park Authority

(cl 120 2018 Reg)

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*.

7 Water NSW—Fish River water supply scheme

(cl 119 2018 Reg)

- (1) Water NSW's area of operations, in relation to the Fish River water supply scheme, is the area of land shown by distinctive marking in the map titled Fish River Area of Operations held in the Department.
- (2) The area of operations includes the following land—
 - (a) land owned, occupied or used by Water NSW in relation to the Fish River water supply scheme in the following local government areas—
 - (i) Blue Mountains City Council,
 - (ii) Lithgow City Council,
 - (iii) Oberon Council,

- (b) land on which the following works, and water management works incidental to or connected to the works, are located—
 - (i) the concrete dam on Fish River at Oberon,
 - (ii) Duckmaloi weir,
 - (iii) Rydal storage,
 - (c) land on which access roads and easements in relation to the works and water management works are located.
- (3) In this section—
Fish River water supply scheme has the same meaning as in the *Water NSW Act 2014*.

Division 2 Exercise of functions

8 Limits on exercise of functions

- (1) For the Act, section 289(2), the Cobar Water Board must not exercise any function within its area of operations other than the function of providing water supply services.
- (2) The Sydney Olympic Park Authority must not exercise any function within its area of operations other than functions relating to the Water Reclamation and Management Scheme at Sydney Olympic Park, including—
 - (a) the collection and treatment of waste water, and
 - (b) the distribution of treated waste water.
- (3) The Sydney Olympic Park Authority may exercise functions in relation to the distribution of treated waste water in the same way as a water supply authority may exercise functions in relation to the distribution of water.
- (4) Water NSW must not exercise any function within its area of operations other than the function of providing water supply services.

9 Ministerial approval for water supply works

(cl 121 2018 Reg)

- (1) For the Act, section 292(4), the Minister must not grant an approval for works to which an approval is required under the Act, section 292(1)(a), unless—
 - (a) the water supply authority has given the Minister—
 - (i) information the Minister has requested, and
 - (ii) the relevant documentation, and
 - (b) the Minister is satisfied that—
 - (i) the 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 obtaining the approval have been carried out, and
 - (ii) the water supply authority is competent to construct, maintain and operate the proposed works.
- (2) The Minister may revoke an approval if satisfied the water supply authority has failed to do the following with respect to the construction, maintenance or operation of the works to which the approval relates—
 - (a) to comply with a requirement to give information or documentation,
 - (b) to comply with a direction given by the Minister,
 - (c) to accept supervision that the Minister has required.

- (3) In this section—

relevant documentation means the following—

- (a) the plans and specifications of the proposed works,
- (b) all documents and data relating to the proposed works held by the water supply authority,
- (c) other documents that are necessary to satisfy the Minister of matters referred to in subsection (1)(b).

10 Ministerial approval not required for certain works

(cl 121 2018 Reg)

For the Act, section 400(2), a water supply authority is exempt from the requirement for the Minister's approval under the Act, section 292(1)(a) in relation to the construction, maintenance and operation of water management works and other associated works, except for the following works—

- (a) dams for the impounding or diversion of water for public use, and associated works,
- (b) declared dams under the *Dams Safety Act 2015*,
- (c) water treatment works,
- (d) sewage works.

11 Strategic planning

(cl 121B 2018 Reg)

For the Act, section 322(a), a water supply authority must undertake strategic planning for the exercise of its functions that, in the opinion of the Secretary or person nominated by the Secretary, is effective and evidence-based.

12 Consent of water supply authorities

(cl 129, 187 2018 Reg)

- (1) For this regulation, the consent of a water supply authority must be given by written notice.
- (2) The consent may be—
 - (a) given unconditionally or subject to conditions, and
 - (b) varied or revoked.

Part 3 Water supply

Division 1 Preliminary

13 Application

(cl 122 2018 Reg)

This part applies to, and in relation to, water supplied by a water supply authority.

Division 2 Water supply services—the Act, s 301B

14 Owner must not share water supply service without consent

(cl 124 2018 Reg)

- (1) An owner of land must not, without the consent of a water supply authority, operate or use a water supply service that extends over, or supplies water to, 2 or more separately owned lots.

Maximum penalty—20 penalty units.

- (2) Subsection (1) does not apply to separately owned lots in a strata scheme under the *Strata Schemes Development Act 2015*.

15 Persons must not misuse and waste water

(cl 126 2018 Reg)

A person must not waste, or cause or allow anything to be done to waste, water supplied by a water supply authority.

Maximum penalty—20 penalty units.

16 Persons must not contaminate water

(cl 126 2018 Reg)

A person must not cause or allow anything to be done to contaminate water in a water supply authority's water supply system.

Maximum penalty—20 penalty units.

17 Persons must take water using approved stop taps

(cl 127 2018 Reg)

A person must not, without the consent of a water supply authority, take water from a water main other than by a water supply service pipe connected to the water main with a stop tap approved by the water supply authority.

Maximum penalty—20 penalty units.

18 Supply of plans to owners

(cl 224 2018 Reg)

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

Division 3 Measurement of water supply—the Act, s 301C

19 Measurement of water supply

(cl 130 2018 Reg)

- (1) A water supply authority must measure the supply of water from a water main to land by—

- (a) a meter provided by the water supply authority, or

- (b) another method approved by the 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 measured and recorded by the meter.

20 Information about supply

(cl 128 2018 Reg)

- (1) A water supply authority may direct an owner or occupier of land to provide information necessary to enable the water supply authority to assess the amount of water supplied to the land.
- (2) A person must comply with a direction given under this section.
Maximum penalty—10 penalty units.

21 Property in meters and plumbing fittings

(cl 131 2018 Reg)

A 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 water supply authority.

22 Installation of meters and hire fees

(cl 136 2018 Reg)

- (1) A water supply authority may, for an owner or occupier of land, install the following works—
 - (a) a meter for measuring the quantity of water supplied to the land, and
 - (b) the pipes and apparatus for the conveyance, reception and storage of the water.
- (2) A water supply authority may charge an owner or occupier of land a hire fee for any of the works installed.
- (3) A water supply authority may require an owner or occupier of land requiring a supply of water—
 - (a) to install the appropriate meters, pipes or apparatus, and
 - (b) to maintain meters, pipes and apparatus in good working order.
- (4) A meter installed for measuring the quantity of water supplied to land must be installed on the water supply service pipe for the land, at a point that, in the opinion of the water supply authority, is as near as practical to the boundary of the land.

23 Access to meters

(cl 132 2018 Reg)

- (1) A water supply authority may direct an owner or occupier of land—
 - (a) to install a meter in a specified location, or
 - (b) to take other action the authority considers necessary to enable a meter to be conveniently read or examined.
- (2) The owner or occupier of land must comply with the direction.
Maximum penalty—10 penalty units.

24 Care of meters

(cl 133 2018 Reg)

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

Maximum penalty—10 penalty units.

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

25 Testing of meters

(cl 135 2018 Reg)

- (1) An owner or occupier of land for which a meter has been installed may apply to the water supply authority to test the meter in objection to a meter reading.
- (2) An application to test a meter must be in a form approved by the water supply authority.
- (3) If the meter registers less than 3% above the quantity of water passed through it, the person who required the test must pay the fee determined by the water supply authority for carrying out the test.
- (4) If the meter registers 3% or more above the quantity of water passed through it—
- (a) an adjustment proportionate to the percentage of error must be made in the reading objected to and in further readings before the meter is removed, and
 - (b) the water supply authority must bear the expenses of the test.

26 Adjustment of charges for faulty meters

(cl 135 2018 Reg)

- (1) A water supply authority may adjust the charge for water supplied during the period to which a meter reading relates on the basis of a daily consumption equal to the average daily consumption during a corresponding previous period if—
- (a) the meter is registering inaccurately, or
 - (b) the meter has stopped registering.
- (2) A water supply authority may assess the quantity of water used or may adjust the charge on another basis, as agreed by the authority and the owner or occupier of the land if—
- (a) there is no reading for a corresponding previous period, or
 - (b) the water supply authority is of the opinion that an adjustment on the basis of the period would not be reasonable.

27 Discontinuance of use of meters

(cl 134 2018 Reg)

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

Maximum penalty—10 penalty units.

Division 4 Firefighting services and fire hydrants—the Act, s 301E

28 Persons must install firefighting services compliant with Plumbing Code of Australia

(cl 125 2018 Reg)

A person must not install or maintain a firefighting water supply service that does not comply with the Plumbing Code of Australia.

Maximum penalty—20 penalty units.

29 Persons must comply with direction about installation of firefighting services

(cl 125 2018 Reg)

- (1) A water supply authority may direct a person to comply with the Plumbing Code of Australia in relation to a firefighting water supply service.
- (2) A person must comply with a direction given under this section.
Maximum penalty—20 penalty units

30 Persons must use firefighting services for approved purpose only

(cl 125 2018 Reg)

A person must not use a firefighting water supply service other than for—

- (a) the purpose of controlling or extinguishing a fire, or
- (b) another purpose approved by a water supply authority.

Maximum penalty—20 penalty units.

31 Use of fire hydrants by authorised persons

(cl 140 2018 Reg)

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

32 Installation of fire hydrants

(cl 137 2018 Reg)

- (1) A water supply authority must, subject to subsection (2), install fire hydrants in its water mains at the distances and places considered necessary for the ready supply of water to control and extinguish fires.
- (2) A water supply authority may provide other means for the ready supply of water to control and extinguish fires if—
 - (a) its water main is less than 100mm in diameter, or
 - (b) the water supply system is not sufficient for the operation of fire hydrants.
- (3) A water supply authority may, at the request and expense of the owner or occupier of a building, install a fire hydrant for use for controlling or extinguishing fires in or near the building.

33 Maintenance of fire hydrants

(cl 138 2018 Reg)

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

34 Removal of fire hydrants

(cl 137 2018 Reg)

A water supply authority may remove a fire hydrant installed by the authority if satisfied on reasonable grounds that the hydrant is no longer needed.

35 Supply of water to fire hydrants

(cl 139 2018 Reg)

- (1) A water supply authority must keep charged with water a water main or pipe supplying water to a fire hydrant installed by the authority.
- (2) Subsection (1) does not apply if—

- (a) the water supply authority is prevented from keeping the water main or pipe charged with water because of a drought or other emergency, or
 - (b) necessary repairs to the water main, pipe or fire hydrant are being carried out.
- (3) A water supply authority is not required to comply with subsection (1) in relation to a pipe supplying water to a fire hydrant if—
 - (a) the pipe is a water transfer pipe that is not in continuous operation, and
 - (b) the water supply authority has, by written notice, informed the relevant fire authority that the fire hydrant may not be operable because the pipe supplying water to the fire hydrant is not in continuous operation.
- (4) In this section—
relevant fire authority means—
 - (a) for a location in a fire district constituted under the *Fire and Rescue NSW Act 1989*—the Commissioner of Fire and Rescue NSW, or
 - (b) for a location in a rural fire district constituted under the *Rural Fires Act 1997*—the Commissioner of the NSW Rural Fire Service.

Division 5 Water restrictions—the Act, s 322

36 Restrictions on use of water during periods of shortage

(cl 141 2018 Reg)

- (1) A water supply authority may, by publishing a notice in the Gazette, regulate or restrict the use of water in the area of operations of the authority if the authority considers it necessary in order to conserve the supply of water in drought conditions or in another emergency.
- (2) The notice may specify measures or requirements to regulate or restrict the use of water, including by regulating or restricting 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 methods by which water may be used.
- (3) The notice must specify the following—
 - (a) the period during which the notice has effect,
 - (b) the area of operations or the part of the area of operations to which the notice applies.
- (4) The notice has effect despite the provisions of a contract relating to the supply of water by the water supply authority.
- (5) The water supply authority must publish the notice in a way the water supply authority is satisfied will bring the notice to the attention of persons in the area of operations of the authority.
- (6) A person must comply with the notice.
Maximum penalty—20 penalty units.
- (7) Nothing in this section authorises the use of water in contravention of a restriction or requirement imposed under the *Essential Services Act 1988*.

37 Restrictions on use of water for non-compliance

(cl 209 2018 Reg)

- (1) A water supply authority may cut off or restrict the supply of water to land if the landholder fails to do the following—
 - (a) pay a service charge or other charge by the due date,
 - (b) 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 authority,
 - (c) comply with a notice given under section 36,
 - (d) comply with a condition of the supply of water,
 - (e) comply with a requirement relating to the installation, repair or alteration of a meter used to measure the supply of water,
 - (f) comply with a requirement of the *Plumbing and Drainage Act 2011* or the regulations made under that Act relating 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.
- (2) A water supply authority must notify a landholder who the water restrictions are imposed on under this section.
- (3) However, failure to notify the landholder under subsection (2) does not affect the validity of anything done by the authority under this section.

38 Restrictions on use of water for repairs

(cl 209 2018 Reg)

- (1) A water supply authority may impose water use restrictions to land if the authority considers it necessary—
 - (a) to repair or alter a water or sewerage connection, plumbing fitting or appliance connected, or intended to be connected, directly or indirectly to a water main or sewer main, or
 - (b) to repair or clean a water main or sewer main, or
 - (c) because of a drought, accident or other emergency.
- (2) A water supply authority must notify a landholder who the water restrictions are imposed on under this section.
- (3) However, failure to notify the landholder under subsection (2) does not affect the validity of anything done by the authority under this section.

Division 6 Development contributions to the construction of works

39 Information for certificate of compliance applications

(cl 225 2018 Reg)

- (1) For the Act, section 305(2), an application for a certificate of compliance for development must be accompanied by—
 - (a) information about whether the development is the subject of a development consent or complying development certificate, and
 - (b) a copy of the development consent or complying development certificate, if any, relating to the development.
- (2) In this section—

complying development certificate has the same meaning as in the *Environmental Planning and Assessment Act 1979*.

development consent has the same meaning as in the *Environmental Planning and Assessment Act 1979*.

40 Development subject to requirements

(cl 226 2018 Reg)

For the Act, section 306(1), the following kinds of development are prescribed—

- (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 a building on land.

Part 4 Drainage

41 Definition

In this part—

drainage area notice—see section 42.

42 Drainage area notice

(cl 208 2018 Reg)

- (1) For the Act, section 301D, a water supply authority must ensure a map of its drainage area is available for inspection, free of charge, at a reasonable time.
- (2) A water supply authority must, by written notice (a *drainage area notice*) given to each owner of land in its drainage area, notify each owner that the drainage area has been declared.
- (3) The notice must contain the following information—
 - (a) the place at which a map of the drainage area is available for inspection, including in electronic form, if available,
 - (b) the period within which drainage service charges will be levied on the owner's land,
 - (c) the method for objecting to the inclusion of the owner's land in the drainage area,
 - (d) the way in which the objection will be dealt with.

43 Objections to inclusion of land in drainage area

(cl 208(3) and (4) 2018 Reg)

- (1) For the Act, section 301D, the owner of land in a drainage area may object to the inclusion of the owner's land in a drainage area on the ground that surface or run-off water is not capable of draining from the owner's land into the drainage area.
- (2) The objection must be—
 - (a) in the form approved by the water supply authority, and
 - (b) given to the water supply authority not later than 14 days after the drainage area notice is given to the owner.
- (3) On receiving the objection, the water supply authority must—
 - (a) appoint an individual as an adjudicator to assess the objection, and
 - (b) refer the objection to the adjudicator.
- (4) The water supply authority must, after receiving the adjudicator's decision on the objection, give written notice of the decision to the objector.
- (5) An objector is not entitled to appear, or be represented, before the adjudicator unless the adjudicator approves the appearance or representation.

Part 5 Essential Energy—water supply

Division 1 Preliminary

44 Application

This part applies to Essential Energy’s water supply, sewerage and drainage systems.

Division 2 Water supply services

45 Owners must not install water supply service without plumbing permit

(cl 123 2018 Reg)

- (1) For the Act, sections 318B and 322, an owner of land to which a water main is connected or available for connection must ensure the following are done by the holder of a plumbing permit—

- (a) the installation of a water supply service, and
- (b) the connection of the water supply service to Essential Energy’s system.

Maximum penalty—20 penalty units.

- (2) This section does not apply to plumbing and drainage work.

Note— Plumbing and drainage work must comply with the Plumbing Code of Australia and certain other standards and requirements—see the *Plumbing and Drainage Act 2011*, section 7.

46 Owners must maintain water supply service

(cl 123 2018 Reg)

- (1) For the Act, sections 301B and 318B, an owner of land to which a water supply service is installed and connected to Essential Energy’s water supply system must ensure the water supply service—

- (a) complies with the Plumbing Code of Australia, and
- (b) is kept in good order and condition and free from blockages or leakages.

Maximum penalty—20 penalty units.

- (2) This section does not apply to plumbing and drainage work.

47 Persons must not use water to dilute substances requiring discharge approvals

(cl 126(2) 2018 Reg)

For the Act, sections 300A, and 301B, a person must not cause or allow water supplied by Essential Energy to be used to dilute a substance if the discharge of the substance into a sewerage system requires a discharge approval.

Maximum penalty—20 penalty units.

Division 3 Sewerage services—the Act, ss 318B and 322

48 Owner must not install sewerage service without plumbing permit

(cl 143(1)(a) 2018 Reg)

- (1) An owner of land to which a sewer main is connected or available for connection must ensure the following is done by a holder of a plumbing permit—

- (a) the installation of a sewerage service, and
- (b) the connection of the sewerage service to the sewer main.

Maximum penalty—20 penalty units.

- (2) This section does not apply to plumbing and drainage work.

Note— Plumbing and drainage work must comply with the Plumbing Code of Australia and certain other standards and requirements—see the *Plumbing and Drainage Act 2011*, section 7.

49 Owner must maintain sewerage service

(cl 143(1)(b) 2018 Reg)

- (1) An owner of land to which a sewerage service is installed and connected to the sewer main must ensure the sewerage service—
 - (a) complies with the Plumbing Code of Australia, and
 - (b) is kept in good order and condition and free from blockages or leakages.Maximum penalty— 20 penalty units.
- (2) This section does not apply to plumbing and drainage work.

50 Persons must not share sewerage service without consent

(cl 144 2018 Reg)

- (1) A person must not, without the consent of Essential Energy, operate or use a sewerage service that extends over, or receives sewage from, 2 or more separately owned lots.
Maximum penalty—20 penalty units.
- (2) Subsection (1) does not apply to separately owned lots in a strata scheme under the *Strata Schemes Development Act 2015*.
- (3) A person must not, without the consent of Essential Energy, install, maintain or use a sewerage service for land beyond the boundary of the owner's land, other than to connect the service to the authority's sewer main.
Maximum penalty—20 penalty units.
- (4) This section does not apply to plumbing and drainage work.
Note— Plumbing and drainage work must comply with the Plumbing Code of Australia and certain other standards and requirements—see the *Plumbing and Drainage Act 2011*, section 7.

51 Persons must not discharge into sewerage system without discharge approval

(cl 148 2018 Reg)

- (1) For the Act, section 300A, a person must not cause or allow anything, including stormwater, to be discharged, whether directly or indirectly, into Essential Energy's sewerage system unless the person holds a discharge approval for the discharge.
Maximum penalty—20 penalty units.
- (2) Subsection (1) does not apply to the discharge into Essential Energy's sewerage system of the following substances—
 - (a) kitchen, laundry, bathroom and toilet waste discharged from residential premises,
 - (b) backwash from swimming pools located on residential premises,
 - (c) bathroom and toilet waste from commercial and industrial premises,
 - (d) kitchen waste from individual caravan sites in a caravan park,
 - (e) laundry waste from common caravan park facilities,
 - (f) a substance that is exempt from the requirements of subsection (1) by Essential Energy's approved discharge policy.

- (3) Subsection (2) does not authorise the discharge into Essential Energy's sewerage system of the contents of a human waste storage facility within the meaning of the *Local Government Act 1993*.

Division 4 Plumbing work—the Act, s 318B(2)

52 Application of division

(cl 154 2018 Reg)

This division applies to plumbing work carried out in the area of operations of Essential Energy, other than—

- (a) plumbing and drainage work, and
- (b) work comprising or affecting a drainage service pipe or its connection with Essential Energy's drainage system.

53 Persons must not do plumbing work without plumbing permit

(cl 156 2018 Reg)

- (1) A person must not carry out plumbing work unless the person holds a plumbing permit authorising the carrying out of the work.
Maximum penalty—20 penalty units.
- (2) A person is not guilty of an offence against this section if—
 - (a) the work is done in an emergency—
 - (i) to prevent the waste of water, or
 - (ii) to restore a water supply shut off to prevent the 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 no later than 2 business days after the work is done.
- (3) This section does not apply to, or in relation to, plumbing work carried out by an employee of Essential Energy.

54 Plumbing work must comply with Plumbing Code of Australia

(cl 157 2018 Reg)

A person must do plumbing work in accordance with the Plumbing Code of Australia.

Maximum penalty—20 penalty units.

55 Plumbing work must use authorised plumbing fittings

(cl 158 and cl 167 2018 Reg)

- (1) A person must not use a plumbing fitting for plumbing work unless the fitting is a fitting authorised by Essential Energy.
Maximum penalty—20 penalty units.
- (2) Essential Energy may authorise a plumbing fitting.
- (3) Before authorising a plumbing fitting, Essential Energy may require one or more of the following—
 - (a) a fitting of the same kind to be provided for examination and testing,
 - (b) a satisfactory result of tests of a fitting of the same kind carried out by a person or body approved by Essential Energy,

- (c) a fitting of the same kind to be manufactured under a system of quality assurance approved by the authority.
- (4) Essential Energy must not authorise a plumbing fitting unless it is satisfied that it complies with MP52—2005, *Manual of authorization procedures for plumbing and drainage products*, published by Standards Australia on 5 January 2005.

56 Statement of compliance required for completed plumbing work

(cl 159 2018 Reg)

- (1) A person who carries out plumbing work must, not later than 48 hours after completing the work, give—
 - (a) Essential Energy a statement (a ***statement of compliance***) completed and signed by the person, and
 - (b) a copy of the statement to the owner of the land—
 - (i) on which the work was done, or
 - (ii) to which the work was connected.

Maximum penalty—20 penalty units.

- (2) A statement of compliance must—
 - (a) be in a form approved by Essential Energy, and
 - (b) state that the plumbing work has been completed in accordance with the Plumbing Code of Australia.

Note— The *Crimes Act 1900*, Part 5A contains offences relating to the making of false or misleading applications or providing false or misleading information or documents. The offences have a maximum penalty of imprisonment for 2 years or a fine of \$22,000, or both.

- (3) This section does not apply to, or in relation to, plumbing work done by an employee of Essential Energy.

57 Rectification of defective plumbing work

(cl 160 2018 Reg)

- (1) Essential Energy may, by written notice served on a person who is doing plumbing work, direct the person to do one or more of the following—
 - (a) repair, in the way specified in the notice, work done by the person,
 - (b) repair or complete, in the way specified in the notice, work done otherwise than in accordance with the Plumbing Code of Australia,
 - (c) repair or complete work done otherwise than in accordance with the conditions imposed on a plumbing permit for the work,
 - (d) repair or replace, in the way specified in the notice, a defective plumbing fitting,
 - (e) remove a plumbing fitting that is not an authorised plumbing fitting and replace the plumbing fitting with an authorised plumbing fitting.

- (2) A direction must be given no later than 2 years after the work to which it relates has been completed.

- (3) A person must comply with a direction given to the person under this section.

Maximum penalty—20 penalty units.

- (4) If a direction is given to a person before a statement of compliance is given for the work, the person must not continue the work until the direction has been complied with.

Maximum penalty—20 penalty units.

58 Notification of damage during plumbing work

(cl 248 2018 Reg)

A person who, in the course of carrying out plumbing work, damages a work or other property of Essential Energy must immediately notify Essential Energy of the damage.

Maximum penalty—20 penalty units.

Division 5 Discharge approvals and plumbing permits—the Act, ss 300A and 318B

Subdivision 1 Preliminary

59 Definitions

In this division—

authorisation means a discharge approval or a plumbing permit.

grant, of an authorisation, includes a renewal or restoration of an authorisation.

60 Discharge policies

(cl 147 2018)

- (1) For the Act, section 300A(2)(a), Essential Energy's discharge policy must be approved by the Minister and made publicly available.
- (2) The Minister must—
 - (a) approve the policy in the form in which it has been submitted for approval, or
 - (b) approve the policy with specified modifications, or
 - (c) refuse to approve the policy.
- (3) The discharge policy must include the following—
 - (a) the classification of different categories of substances,
 - (b) categories of exempt substances for which no discharge approval is required,
 - (c) categories of prohibited substances for which no discharge approval is to be granted,
 - (d) the procedures to be followed by the authority in dealing with an application for a discharge approval, including the matters to be taken into consideration when dealing with an application,
 - (e) the conditions to be met in relation to discharge approvals, including conditions as to the concentration limits of substances to be discharged,
 - (f) the charging methods for discharge approvals,
 - (g) other matters as the Minister may determine.

Subdivision 2 Applications

61 Application for authorisations

(cl 149 and 162 2018 Reg)

- (1) A person may apply to Essential Energy for an authorisation.
- (2) An application must—
 - (a) be in the form approved by Essential Energy, and
 - (b) for an application for a plumbing permit—

- (i) be made no later than 2 business days before the day on which the work to which the application relates is proposed to be done, or
 - (ii) be made no later than 2 business days after the day on which the work began for an emergency in accordance with section 53(2)(a),
 - (c) include or be accompanied by information or evidence reasonably required by Essential Energy to assess the application.
- Note—** The *Crimes Act 1900*, Part 5A contains offences relating to the making of false or misleading applications or providing false or misleading information or documents. The offences have a maximum penalty of imprisonment for 2 years or a fine of \$22,000, or both.
- (3) Without limiting subsection (2)(c), an application for a discharge approval must be accompanied by the following in relation to the discharge—
 - (a) plans and specifications of plumbing work required to be carried out,
 - (b) plans and specifications of apparatus required to be used,
 - (c) details of the nature and quantity of the discharge,
 - (d) details of the frequency or rate at which the discharge is intended to be discharged,
 - (e) the written consent of the owner of land affected by the discharge.
- (4) If Essential Energy considers it necessary to do so, the authority may require further documents or information to be provided by the applicant.
- (5) If a requirement made under this section is not complied with, Essential Energy may refuse to consider the application while the non-compliance continues.
- (6) For the Act, section 310(3), an applicant must pay the fee determined by Essential Energy for the issue of an authorisation.

62 Grant or refusal of authorisations

(cl 163, 149, 150, 151 2018 Reg)

- (1) Essential Energy may grant or refuse an application for an authorisation.
- (2) Without limiting subsection (1), Essential Energy may refuse an application if the application does not comply with a requirement imposed by or under this division.
- (3) Essential Energy must give the applicant written notice of the decision to grant or refuse the application.
- (4) A plumbing permit must be consistent with the Plumbing Code of Australia.

63 Term of authorisations

(cl 151 and 165 2018 Reg)

- (1) An authorisation remains in force for the following period, unless sooner cancelled—
 - (a) the period specified in the authorisation, or
 - (b) if no period is specified in the authorisation—for a period of 5 years.
- (2) An authorisation has no effect during a period in which the authorisation is suspended.

Subdivision 3 Conditions

64 Conditions of authorisations

(cl 150 and 164 2018 Reg)

- (1) An authorisation is subject to the following conditions—
 - (a) conditions prescribed by this regulation,

- (b) conditions imposed by Essential Energy.
- (2) Essential Energy may impose conditions on an authorisation—
 - (a) at the time of granting the authorisation, or
 - (b) at another time by variation of the authorisation.
- (3) Without limiting subsection (1), the conditions of a discharge approval may relate to one or more of the following—
 - (a) the volume of substances discharged that are to be measured or determined by a meter or other device specified by Essential Energy,
 - (b) requirements for the following—
 - (i) the maximum aggregate daily quantity of substances discharged,
 - (ii) the characteristics of the substances permitted to be discharged,
 - (iii) the maximum permissible rate of discharge,
 - (iv) the times during which the discharge is permitted,
 - (v) the size and capacity of the drain for conveying substances into Essential Energy's sewerage system,
 - (c) specified measures to ensure 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 Essential Energy's sewerage system are in accordance with specified requirements,
 - (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.

65 Variation of conditions of authorisation

(cl 150 and 164 2018 Reg)

- (1) Essential Energy may, at any time, by written notice to the holder of an authorisation, vary the conditions of the authorisation.
- (2) Essential Energy must not vary a condition of the authorisation—
 - (a) that is imposed by this regulation, or
 - (b) in a way that is inconsistent with a condition imposed by this regulation.
- (3) In this section, a reference to a variation of a condition includes—
 - (a) the imposition of a new condition, and
 - (b) the substitution, removal or amendment of a condition.

66 Offence of contravening condition

(cl 164(3) 2018 Reg)

The holder of an authorisation, including a former holder of an authorisation, must not contravene a condition of an authorisation.

Maximum penalty—20 penalty units.

Subdivision 4 Suspension or cancellation

67 Suspension or cancellation of authorisation

(cl 153 and 166 2018 Reg)

- (1) Essential Energy may, by written notice served on the holder of an authorisation, suspend or cancel the authorisation if satisfied of one or more of the following—
 - (a) the holder of the authorisation—
 - (i) has failed to comply with a direction or requirement under the Act or this regulation, or
 - (ii) has contravened the Act or this regulation, whether or not the holder is prosecuted or convicted for the contravention, or
 - (iii) has contravened a law of this or another Australian jurisdiction, whether the contravention is an offence or the holder has been prosecuted or convicted for the contravention, in relation to the following—
 - (A) the discharge of a substance into a sewerage system,
 - (B) an authorisation or an equivalent authorisation,
 - (C) fraud or dishonesty, including providing false or misleading information,
 - (b) the holder of the authorisation has applied in the approved form by Essential Energy for the authorisation to be suspended or cancelled,
 - (c) the authorisation was granted in error,
 - (d) for a plumbing permit—the owner of the land on which the work authorised by the plumbing permit relates to has applied for the permit to be suspended or cancelled.
- (2) The notice must specify the following—
 - (a) the date or time from which the suspension or cancellation takes effect,
 - (b) for a suspension—the period of the suspension,
 - (c) the grounds for the suspension or cancellation.
- (3) Essential Energy may suspend or cancel the authorisation unconditionally or subject to conditions.
- (4) The conditions may include, but are not limited to, conditions to which the approval was subject immediately before it was suspended or cancelled.
- (5) Essential Energy may, by written notice given to the former holder of the authorisation—
 - (a) impose new conditions of the suspension or cancellation, or
 - (b) vary or revoke existing conditions of the suspension or cancellation.

68 Offence of contravening a condition of suspension or cancellation

The holder of an authorisation, including a former holder of an authorisation, must not contravene a condition of a suspension or cancellation of an authorisation.

Maximum penalty—20 penalty units.

Division 6 Exemptions—the Act, s 318B(2)

69 Essential Energy may grant exemptions

(cl 161 2018 reg)

- (1) Essential Energy may exempt a person, or a class of persons, from one or more of the following—
 - (a) the requirement to hold a plumbing permit,
 - (b) the requirement to complete a statement of compliance for plumbing work,
 - (c) the requirement to use only authorised plumbing fittings for plumbing work.
- (2) An exemption may be granted unconditionally or subject to conditions.
- (3) Essential Energy may vary or revoke an exemption.
- (4) A person who has been exempt from a requirement under this section is not guilty of an offence in relation to the requirement if the person was not aware the exemption no longer applied because of a variation or revocation of the exemption.
- (5) A person is taken to be aware that an exemption has been varied or revoked if written notice of the variation or revocation is served on the person.

Part 6 Essential Energy—special areas—the Act, s 304A

Division 1 Preliminary

70 Definitions

In this division—

1938 Act means the *Broken Hill Water and Sewerage Act 1938*.

public land means—

- (a) land owned or vested in Essential Energy, or
- (b) Crown land.

specified special area—see section 71.

Stephens Creek Special Area means the area declared under the 1938 Act to be the Stephens Creek Special Area.

Umberumberka Creek Special Area means the area declared under the 1938 Act to be the Umberumberka Creek Special Area.

Yancowinna Creek Special Area means the area declared under the 1938 Act to be the Yancowinna Creek Special Area.

71 Application of part

This part applies only to the following special areas, as shown on the map approved by the Minister and published on the Department's website (the **specified special areas**)—

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

Division 2 Offences—specified special areas

72 Livestock farming

(cl 169 2018 Reg)

- (1) A person must not, on land in a specified special area—
 - (a) erect, maintain or use a building or structure in connection with the raising of cattle, sheep, pigs or poultry, or
 - (b) engage in intensive agricultural activity.

Example— an animal feedlot

Maximum penalty—20 penalty units.

- (2) This section does not apply to anything done in accordance with—
 - (a) the consent of Essential Energy, or
 - (b) a development consent.

73 Sewage disposal

(cl 170 2018 Reg)

A person must not, without the consent of Essential Energy, install, maintain or use the following on land in a specified special area—

- (a) a sewage collection system,
- (b) a sewage treatment system,
- (c) a sewage disposal system.

Maximum penalty—20 penalty units.

74 Notification of waterborne infectious diseases

(cl 171 2018 Reg)

An owner or occupier of land in a specified special area must notify Essential Energy within 24 hours of becoming aware of one or more of the following—

- (a) a person or animal in the specified special area is carrying or infected with a waterborne infectious disease, or
- (b) property in the specified special area is affected by a waterborne infectious disease.

Maximum penalty—20 penalty units.

75 Slaughtering

(cl 172 2018 Reg)

- (1) A person must not slaughter an animal in a way that pollutes, or causes a reasonable risk of polluting, the water supply in a specified special area.

Maximum penalty—20 penalty units.

- (2) A person who slaughters an animal in a specified special area must, as soon as practicable after the slaughter—

- (a) collect all blood, offal and refuse products, and
- (b) deposit the products in a receptacle made of metal or another non-absorbent material, and
- (c) remove the products from the specified special area, and
- (d) dispose of the products in a way that avoids pollution of the water supply in the specified special area.

Maximum penalty—20 penalty units.

- (3) A person who slaughters an animal in a specified special area must, as soon as practicable after the slaughter, thoroughly wash and clean the premises where the slaughter took place.

Maximum penalty—20 penalty units.

76 Stock control

(cl 173 2018 Reg)

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

Maximum penalty—20 penalty units.

Division 3 Offences—restricted areas

77 Definition of restricted area

For this division, *restricted area* means the following areas, as shown on the maps approved by the Minister published on the Department’s website—

- (a) Stephens Creek Reservoir, identified on the map as “Fenced area” and the area of land surrounding the reservoir, identified on the map as “Part 2—Special area”,
- (b) Imperial Lake, and the area of land surrounding the lake identified on the map as “Restricted Portion” and “Fenced Area”,
- (c) Umberumberka Reservoir, and the area of land surrounding the reservoir on the map as “Restriction Portion”.

78 Entry

(cl 180 2018 Reg)

A person must not, without the consent of Essential Energy, enter or remain in a restricted area.

Maximum penalty—10 penalty units.

79 Fishing

(cl 181 2018 Reg)

A person must not, without the consent of Essential Energy, fish in waters in a restricted area.

Maximum penalty—10 penalty units.

80 Prohibited conduct

(cl 183 2018 Reg)

A person must not, without the consent of Essential Energy, do the following in or in relation to a restricted area—

- (a) destroy, capture, injure or annoy an animal,
- (b) interfere with an animal, or interfere with the habitat of an animal,
- (c) bury a human or animal body,
- (d) swim or wash in waters,
- (e) cause an animal, animal matter, a plant or plant matter to enter or remain in waters,
- (f) drive, row, sail or paddle a boat or other waterborne craft on waters,
- (g) remove or damage a plant, shrub or tree,
- (h) drive or ride a vehicle, or ride or lead an animal,
- (i) possess a firearm, imitation 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,
- (j) land an aircraft, including an ultra-light aircraft, hang-glider or balloon,
- (k) sell or offer for sale goods on or by a public road.

Maximum penalty—10 penalty units.

81 Gates must not be opened

(cl 184 2018 Reg)

A person must not, without the consent of Essential Energy—

- (a) remove a thing that bars entry to public land in a restricted area, or
- (b) open a gate to public land in a restricted area.

Maximum penalty—10 penalty units.

82 Camping and picnicking

(cl 185 2018 Reg)

(1) Essential Energy may—

- (a) reserve a part of public land in a restricted area for camping or picnicking by displaying signs on or near the part, and
- (b) impose conditions, including conditions requiring the payment of fees, relating to the part reserved for camping or picnicking.

- (2) A person must not camp or picnic on public land in a restricted area other than in a place reserved for camping or picnicking.
Maximum penalty—10 penalty units.
- (3) In this section—
camp means reside temporarily, whether in a tent, caravan, cabin or other structure.

83 Fires

(cl 186 2018 Reg)

A person must not, in a restricted area—

- (a) light a fire other than in a fireplace approved by Essential Energy, or
- (b) do anything likely to cause fire to spread beyond a fireplace.

Maximum penalty—10 penalty units.

Division 4 Offences—rural areas

84 Definition of rural area

In this division, **rural area** means the part of a specified special area that is located—

- (a) outside of the City of Broken Hill, or
- (b) within the Willyama Common.

85 Destruction or removal of timber

(cl 175 2018 Reg)

- (1) A person must not, without the consent of Essential Energy, destroy, cut, damage or remove a tree or shrub in a rural area.
Maximum penalty—20 penalty units.
- (2) This section does not—
 - (a) apply to land that is privately owned, or
 - (b) affect the rights conferred on the holder of a licence granted under the *Forestry Act 2012*.

86 Waste and pollutants

(cl 176 2018 Reg)

- (1) A person must not bring into a rural area, or use or leave in a rural area, waste or a pollutant.
Maximum penalty—20 penalty units.
- (2) In this section—
pollutant means anything that causes pollution, within the meaning of the *Protection of the Environment Operations Act 1997*.
waste has the same meaning as in the *Protection of the Environment Operations Act 1997*.

87 Erection and alteration of buildings and structures

(cl 177 2018 Reg)

A person must not, without the consent of Essential Energy, carry out works in a rural area, including—

- (a) the erection of a building or structure, and
- (b) the alteration or extension of an existing building or a structure or work.

Maximum penalty—20 penalty units.

88 Pesticides and pest control

(cl 178 2018 Reg)

- (1) A person must not, without the consent of Essential Energy, do the following in or in relation to a rural area—
 - (a) bring into, or use or keep a pesticide, herbicide or other toxic material,
 - (b) take steps to control or eradicate, by the use of pesticides, herbicides or other toxic materials, a game animal or pest.

Maximum penalty—20 penalty units.

- (2) In this section—

herbicide means a substance capable of destroying plants or preventing the spread of plants.

game animal has the same meaning as within the *Game and Feral Animal Control Act 2002*.

pest has the same meaning as within the *Biosecurity Act 2015*.

Note—Pest includes a weed under the *Biosecurity Act 2015*.

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

Division 5 Miscellaneous

89 Notice by public agencies

(cl 189 2018 Reg)

- (1) For the Act, section 304(1), written notice of the following must be given to Essential Energy—
 - (a) a description of the function proposed to be exercised, including associated activities,
 - (b) a statement of the objectives of the proposed function.
- (2) The notice must be given to Essential Energy no later than 28 days before the day on which the function is proposed to be exercised.

90 Investigation of suspected contraventions

(cl 188 2018 Reg)

- (1) An authorised person may give a direction under this section if the authorised person has reason to believe—
 - (a) that a person is in a specified special area, and
 - (b) the person has a thing in the person's possession or control in contravention of the Act or this regulation or for use in contravening the Act or this regulation.
- (2) The authorised person may direct the person—
 - (a) to surrender the thing to the authorised person, or
 - (b) to make the thing 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.
- (3) If a person fails to comply with the request, the authorised person may direct the person to leave the specified special area.
- (4) A person given a direction under this section must comply immediately.
Maximum penalty—20 penalty units.

- (5) In this section—
authorised person means a person authorised by Essential Energy for the purposes of this section.

Part 7 Charges and fees

Division 1 Preliminary

91 Definitions

(cl 191 2018 Reg)

In this part—

due date for the payment of a service charge includes the due date for the payment of an instalment of the service charge.

dwelling has the same meaning as in the standard instrument set out in the *Standard Instrument (Local Environmental Plans) Order 2006*.

land means—

- (a) a parcel within the meaning of the *Strata Schemes Development Act 2015*, or
- (b) an existing lot within the meaning of the *Conveyancing Act 1919*.

Division 2 Service charges

92 Classification of land

(cl 193 2018 Reg)

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

- (a) the purpose for which the land is 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 the water supply, sewerage or drainage systems connected to, or available for connection to, the land.

93 Basis of levying service charges

(cl 194 2018 Reg)

- (1) For the Act, section 314, a water supply authority may levy service charges according to one or more of the following bases—
 - (a) the availability of the service (the **access component**),
 - (b) the usage of the service (the **usage component**).
- (2) The access component may vary according to the following—
 - (a) the size of the water meter registering water supply to the land,
 - (b) the nominal size (DN) of the water supply service pipe supplying water to the land at the point where it joins—
 - (i) the water meter registering water supply to the land, or
 - (ii) if there is no water meter—the water supply authority’s water main,
 - (c) the cost of providing the service, as assessed by the water supply authority,
 - (d) the classification of the land, as determined by the water supply authority under this subdivision.
- (3) The usage component may vary—
 - (a) for a water supply service charge—according to the volume of water supplied to the land, or
 - (b) for another service charge—according to the degree of use of the service, as assessed by the water supply authority.

- (4) In this section—

nominal size (DN) has the same meaning as in AS/NZS 3500.0:2021, *Plumbing and Drainage, Part 1: Glossary Terms*, as in force from time to time, published by Standards Australia.

94 Method of levying service charge on dwelling under company title—the Act, s 315

(cl 195 2018 Reg)

- (1) This section applies to a person who is the owner, under a company title scheme, of shares that give rise to a residence right in a dwelling (a ***shareholder***).
- (2) The service charge for the dwelling, expressed as a percentage of the service charge for the building, must be equal to the number of shares owned by the shareholder, expressed as a percentage of the total number of shares issued by the company.
- (3) The secretary of the company must give the water supply authority written notice of the following—
 - (a) the name and address of each shareholder,
 - (b) the number of shares held by each shareholder,
 - (c) changes in the ownership of the shares.
- (4) A service charge for a building is not payable by the company to the extent to which it is payable by the shareholders.
- (5) 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 dwellings is taken to be the owner of the land comprising the dwelling.

95 Determination of service charges

(cl 196 2018 Reg)

A determination under the Act, section 315, must be made by the water supply authority by resolution.

96 Record of service charges

(cl 211 2018 Reg)

- (1) For the Act, section 310(4), a water supply authority must keep a record of each service charge levied by the authority.
- (2) The record must be kept in written or electronic form.
- (3) The record must include the following information in relation to each service charge levied—
 - (a) the name of each person liable to pay the service charge,
 - (b) the amount of the service charge, including adjustments, if any, made to the amount of the service charge,
 - (c) the date on which the service charge is payable,
 - (d) a description of the land in relation to which the service charge is levied.
- (4) If as a result of an amendment to a record for the purposes of subsection (3), it becomes known a person is liable for payment of a service charge, the payment is not due until 1 month after written notice of the amendment is given by the water supply authority to the person.

97 Service charges payable on notice

(cl 200 and 201 2018 Reg)

- (1) A notice given to a landholder under the Act, section 316 must contain the following information—
 - (a) the due date of the payment,
 - (b) the method of payment, including whether the payment may be made by instalments.
- (2) The water supply authority may treat the total unpaid balance of a service charge as an overdue amount if the person fails to make payment of an instalment by the due date.

98 Adjustment of service charge

(cl 203 2018 Reg)

- (1) For the Act, section 310(4), a water supply authority must adjust a service charge levied on land if—
 - (a) the service charge has been levied on the basis of an incorrect classification of the land, or
 - (b) the land no longer belongs to the class of land on which the levy of the service charge was based, or
 - (c) the amount of the service charge has been incorrectly recorded in the record of service charges kept by the authority.
- (2) An adjustment may be made—
 - (a) on the application of the landowner in the form approved by the water supply authority, or
 - (b) on the initiative of the water supply authority.
- (3) For an adjustment under subsection (1)(b), the adjusted service charge must be calculated from the date on which the land stopped belonging to the class of land.
- (4) The water supply authority must give written notice of the adjustment to the landholder.
- (5) If a water supply authority decreases the amount of a service charge payable by a landholder, the authority must—
 - (a) refund to the landholder the difference between the adjusted service charge and the amount paid by the landholder, or
 - (b) credit the difference towards payment of another amount payable to the authority by the landholder.

99 Objections relating to service charges

(cl 204, 205, 206, 207 2018 Reg)

- (1) For the Act, section 310(4), a landholder may, by written notice, object to the determination or adjustment of, or a refusal to adjust, a service charge levied on land.
- (2) The notice must be—
 - (a) in the form approved by the water supply authority, and
 - (b) given to the authority not later than one month after the landholder receives the notice to which the objection relates.
- (3) An objection may be made only on the following grounds—
 - (a) that the classification of the land is incorrect,

- (b) that the land no longer belongs to the class of land on which the levy of the service charge was based.
- (4) The water supply authority may—
 - (a) allow the objection and, in accordance with this division, adjust the service charge in the way it considers appropriate, or
 - (b) disallow the objection.
- (5) The water supply authority must give the landholder written reasons for its decision.

Division 3 Charges generally

100 Fees and charges other than service charges

(cl 192 2018 Reg)

- (1) For the Act, section 310(2), a water supply authority may impose a fee or charge on a person for a service or thing—
 - (a) if the water supply authority has, by resolution, determined the fee or charge may be imposed, and
 - (b) has given written notice to the person.
- (2) The notice must contain the following information—
 - (a) the amount of the fee or charge payable,
 - (b) a description of the service or thing supplied or provided in relation to which the fee or charge is payable,
 - (c) the due date of the payment,
 - (d) the method of payment, including whether the payment may be made by instalments.
- (3) The water supply authority may treat the total unpaid balance of a charge as an overdue amount if there is a failure to make payment of an instalment by the due date.
- (4) This section does not apply to service charges.

101 Waiver or deferral of charges and fees

(cl 202 2018 Reg)

For the Act, section 310(4), a water supply authority may waive or defer, in whole or in part, a charge or fee imposed by the authority if it is appropriate to because—

- (a) the person who must pay the charge or fee is suffering financial hardship, or
- (b) special circumstances exist.

Example— The person is impacted by, or recovering from, a natural disaster.

102 Liability for rates and charges levied after transfer of estate or interest

(cl 255 2018 Reg)

For the Act, section 361, the prescribed notice of disposal is a written notice containing the following information—

- (a) a statement that the document is notice of a disposal of an estate or interest in land,
- (b) details of the land for which rates or charges have been or may be levied,
- (c) the date on which the estate or interest in land was disposed of,
- (d) the name and address of the person disposing of the estate or interest,

- (e) the name and address of the person to whom the estate or interest was transferred.

Division 4 Essential Energy and Cobar Water Board—concessions for eligible pensioners and others—the Act, s 310

103 Definitions

(cl 213 2018 Reg)

In this division—

charging year means a period of 12 months commencing on 1 July.

concession amount, in relation to the service charges payable for land, means the lesser of the following amounts—

- (a) an amount equal to half of the service charge for the land,
- (b) an amount equal to—
 - (i) if the only service charge for the land, other than a drainage service charge levied in conjunction with a water service charge, is a water service charge—half of the amount specified by the Minister by order published in the Gazette, or
 - (ii) otherwise—the amount specified by the Minister by order published in the Gazette.

eligible pensioner, in relation to a dwelling, means a person who occupies the dwelling as the person's sole or principle residence and is a person who—

- (a) is the holder of a pensioner concession card issued by or on behalf of the Commonwealth and receives—
 - (i) a pension, benefit or allowance under the *Social Security Act 1991*, Chapter 2, of the Commonwealth, or
 - (ii) a service pension under the *Veterans' Entitlements Act 1986*, Part III of the Commonwealth, or
- (b) has income and assets that prevent the person from otherwise being eligible for a pensioner concession card and is a person who receives a pension from the Commonwealth Department of Veteran's Affairs as—
 - (i) the surviving spouse of a deceased member of the Australian Defence or Peacekeeping Forces, or
 - (ii) the unmarried mother of a deceased unmarried member of either of the Australian Defence or Peacekeeping Forces, or
 - (iii) the widowed mother of a deceased unmarried member of either of the Australian Defence or Peacekeeping Forces, or
- (c) receives a special rate of pension under the *Veterans' Entitlements Act 1986*, section 24, of the Commonwealth.

service charge includes an instalment of a service charge.

104 Application of division

(cl 212 2018 Reg)

This division applies to, and in relation to, the following water supply authorities—

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

105 Water supply authority to apply reduction

(cl 214 2018 Reg)

Without limiting section 101, a water supply authority must reduce a service charge, or an instalment for a service charge, in accordance with this division for an eligible pensioner if satisfied—

- (a) the eligible pensioner has applied for the reduction within the time and form approved by the authority, and
- (b) as at the day on which the service charge, or instalment, is levied or imposed, the eligible pensioner is solely or jointly liable for the charge, and
- (c) the authority has sufficient evidence to calculate the reduction.

106 Reduction of service charges for eligible pensioners

(cl 214, 215, 217, 221 2018 Reg)

- (1) An eligible pensioner liable for a service charge for land for a charging year is not required to pay more than an amount calculated by dividing the concession amount for the service charge by the number of persons liable to pay the service charge.
- (2) An eligible pensioner liable for an instalment of a service charge for land for a charging year is not required to pay more than an amount calculated by way of the following for the instalment—
 - (a) dividing the concession amount by the number of persons liable to pay the service charge for the land, and
 - (b) dividing the result of the division by the number of instalments payable for the service charge.
- (3) If a person becomes an eligible pensioner after the day on which the 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.

107 Reduction of service charges for hardship

(cl 218 2018 Reg)

- (1) The Minister may by order direct the following if the Minister is satisfied it is reasonable to do so to avoid hardship for a person—
 - (a) that a relevant person specified in the order is to be taken to be an eligible pensioner for the purposes of this division,
 - (b) that an eligible pensioner is taken to be, or to have been for a specified period, the person solely liable for the payment of a service charge on the land on which the eligible pensioner's dwelling is located.
- (2) The Minister must not make an order under subsection (1)(b) unless the Minister reasonably believes that the eligible pensioner, whether or not liable for the payment of the service charge—
 - (a) has paid the whole of a service charge for a period that justifies the making of the order, or
 - (b) is likely to pay the whole of the service charge in circumstances that justify the making of the order.
- (3) An order under this section takes effect on—
 - (a) the date specified in the order, or
 - (b) if no date is specified in the order—the date the order is made.

- (4) A reference in this section to a relevant person or eligible pensioner includes a class of relevant persons or eligible pensioners.
- (5) In this section—
relevant person means a person who—
 - (a) occupies a dwelling as the person's sole or principal residence together with an eligible pensioner for whom the dwelling is also a sole or principal residence, and
 - (b) is jointly liable with the eligible pensioner, whether or not with other persons, for a service charge for the land on which the dwelling is located, and
 - (c) is not otherwise entitled to a reduction of the service charge under this division.

108 Refund of certain overpayments

(cl 219, 220 2018 Reg)

A water supply authority must refund or credit the amount by which a service charge is reduced towards payment of another amount payable to the authority by a person if the person—

- (a) has paid the service charge or instalment in full, and
- (b) would, if the service charge had been paid by instalments, have been entitled to a reduction of the service charge under this division, and
- (c) applies within the time and manner determined by the water supply authority for the refund.

109 Recovery of amount of reduction

(cl 222 2018 Reg)

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

Part 8 Miscellaneous

110 Members of Cobar Water Board

(cl 227 2018 Reg)

For the Act, Schedule 5, clause 22(2)(b)(ii), Peak Gold Mines Pty Ltd, ACN 001 533 777, is prescribed.

111 Service of notices

(cl 210 of the 2018 Reg)

- (1) This section applies to a notice under this regulation.
- (2) For the Act, section 394(1), a notice to the following may be served in the following way—
 - (a) to a public service agency—on the head of the agency,
 - (b) to a statutory corporation—
 - (i) by leaving it at the statutory corporation’s principal place of business with a person who appears to be employed there and to be at least 16 years old, or
 - (ii) in any manner authorised by or under the Act by which the corporation is constituted,
 - (c) 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—
 - (i) by sending it by post to the person’s business address or business address last known to the water supply authority serving the notice,
 - (ii) by leaving it at the person’s business address with a person who appears to be employed or to reside there and to be at least 16 years old,
 - (iii) by affixing it to a conspicuous part of the building,
 - (d) to a person who appears to be absent from the State and has authorised service on an agent—by serving it on the agent,
 - (e) to an owner in relation to unoccupied land for which the address of the owner is unknown to the water supply authority—by an advertisement that—
 - (i) is published in a newspaper circulating in its area, and
 - (ii) states the name of the owner of the land, if known to it, and
 - (iii) 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
 - (iv) states that the advertisement operates as service of the notice,
- (3) It is a sufficient description of the addressee of a notice to be served if the notice specifies “the owner”, “the occupier” or another appropriate description.

Note— A notice may also be served in accordance with the Act, section 394.

112 Penalty notices

- (1) For the Act, section 365—
 - (a) each offence created by a provision specified in Schedule 1 is an offence for which a penalty notice may be issued, and
 - (b) the amount payable for the penalty notice is the amount specified opposite the provision.

- (2) If the provision is qualified by words that restrict its operation to limited kinds of offences or to offences committed in limited circumstances, the penalty notice may be issued only for—
 - (a) that limited kind of offence, or
 - (b) an offence committed in those limited circumstances.

113 Savings

An act, matter or thing that, immediately before the repeal of the *Water Management (General) Regulation 2018*, had effect under that regulation about water supply authorities continues to have effect under this regulation.

Schedule 1 Penalty notice offences

section 112

Provision	Penalty for individual	Penalty otherwise
Offences under the Act		
Section 318A	\$750	\$1,500
Section 318B	\$750	\$1,500
Offences under this regulation		
Section 14(1)	\$500	
Section 15	\$500	
Section 16	\$500	
Section 17	\$500	
Section 23(2)	\$200	
Section 24(1)	\$200	
Section 36(6)	\$200	
Section 45(1)	\$500	
Section 46(1)	\$500	
Section 47	\$500	
Section 48(1)	\$500	
Section 49(1)	\$500	
Section 50(1)	\$500	
Section 50(3)	\$500	
Section 54	\$700	
Section 55(1)	\$500	
Section 56(1)	\$700	
Section 57(3)	\$700	
Section 57(4)	\$700	
Section 66	\$500 for plumbing permits	
Section 78	\$200	
Section 79	\$200	
Section 80	\$200	
Section 81	\$200	
Section 82(2)	\$200	
Section 83	\$200	

Schedule 2 Dictionary

(cl 115 2018 Reg)

section 3

authorisation, for Part 5, Division 5—see section 59.

charging year, for Part 7, Division 4—see section 103.

concession amount, for Part 7, Division 4—see section 103.

discharge approval means an approval granted by Essential Energy under section 62.

drainage area notice, for Part 4—see section 41.

due date, for Part 7—see section 91.

dwelling, for Part 7—see section 91.

eligible pensioner, for Part 7, Division 4—see section 103.

grant, for Part 5, Division 5—see section 59.

land, for Part 7—see section 91.

Plumbing Code of Australia means the *Plumbing Code of Australia*, produced for all State governments by the Australian Building Codes Board, as in force from time to time.

plumbing and drainage work has the same meaning as in the *Plumbing and Drainage Act 2011*.

plumbing permit means a permit granted by Essential Energy under section 62.

public land, for Part 6—see section 70.

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

restricted area, for Part 6, Division 3—see section 77.

rural area, for Part 6, Division 4—see section 84.

service charge, for Part 7—see section 91.

specified special areas, for Part 6—see section 71.

Stephens Creek Special Area, for Part 6—see section 70.

the Act means the *Water Management Act 2000*.

Umberumberka Creek Special Area, for Part 6—see section 70.

Yancowinna Creek Special Area, for Part 6—see section 70.