

Hunter Water Regulation 2015 remake

We seek your views on any changes required for the Hunter Water Regulation to remain useful and relevant.

The *Hunter Water Act 1991* (the Act) establishes the Hunter Water Corporation (Hunter Water) as a statutory State-owned corporation. Hunter Water’s role is to provide drinking water, wastewater, recycled water and some stormwater services for the Lower Hunter region of New South Wales, encompassing the local government areas of Newcastle, Lake Macquarie, Maitland, Cessnock, Port Stephens, Dungog and parts of Singleton.

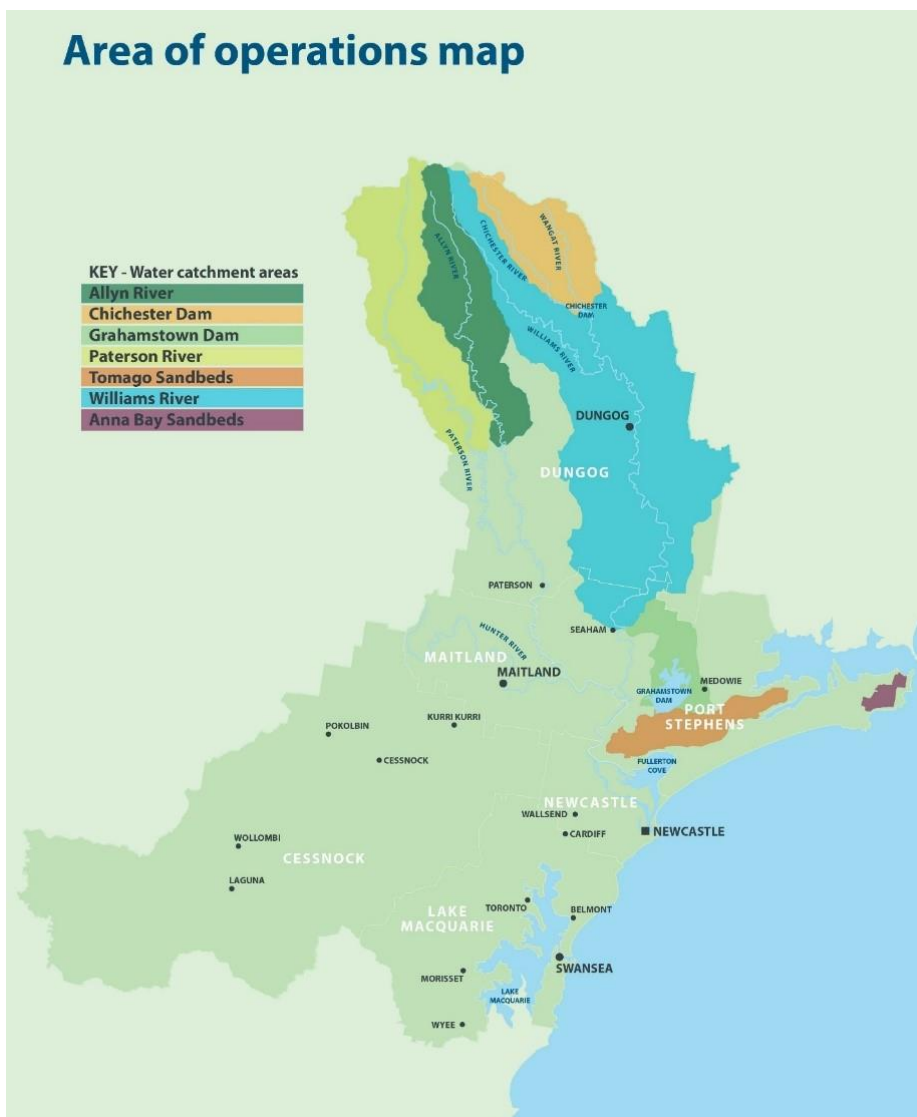


Figure 1. Map of Hunter Water's area of operation.

The Hunter Water Regulation 2015 is a statutory instrument under the *Hunter Water Act 1991* and is used to regulate activities in the catchment areas and water storages, compliance with plumbing and drainage standards, protection of Hunter Water works or property or assets, and implementation of water restrictions. The

Regulation supports effective, efficient and prudent operations of Hunter Water in delivering its services to the community.

The Hunter Water Regulation 2015 is due for repeal on 1 September 2024 unless it is remade. The Department and Hunter Water propose to remake the existing regulation with amendments as the Hunter Water Regulation 2024 (the Regulation).

Key changes

The Regulation is being re-made with proposed minor changes.

- These changes are intended to reflect current practices, simplify administration and provide more clarity on the roles and responsibilities of Hunter Water, residents and businesses.

Table 1. Summary of key differences between the 2015 and 2024 Hunter Water Regulations.

Part	2015 regulation	Proposed change in the 2024 regulation
Part 1 (Name of Regulation, commencement, definitions)		<ul style="list-style-type: none"> • Legislative references have been updated to be current, with references to repealed provisions removed. Definitions expanded to provide clarity regarding application.
Part 2 Special Areas	<ul style="list-style-type: none"> • This part regulates activities within Special Areas that have potential to impact water. It prohibits intensive plant and stock agriculture, aquaculture, sewage disposal, pollution of waters, leaving of waste and entry of animals like livestock and leaving carcasses. In some areas, boating is restricted. • The Regulation allows the Secretary to delegate approval and direction functions to Hunter Water and its staff, as authorised by the Act. • It is an offence for persons and corporations to undertake certain activities in Special Areas that may affect drinking water quality without approval. 	<ul style="list-style-type: none"> • Exemptions for the Williams River Catchment Area from catchment protection powers have been removed to achieve consistency across all Special Areas. However, this change is administrative only and has no practical impact. Rules and regulations for the Williams River Catchment Special Area already apply under the Dungog Local Environmental Plan 2014.
Part 3 Plumbing and drainage works	<ul style="list-style-type: none"> • This part sets out requirements for performance of plumbing and drainage works, including the requirement for a permit to do plumbing or drainage work, conditions around the permits, exemptions, the remedying of defective work and the giving of certificates of compliance by 	<ul style="list-style-type: none"> • The proposed Regulation is restructured to set out powers for Hunter Water to authorise connections to its assets (Part 3) and works for water supply, sewerage or drainage (Part 4). • Changes are made to reflect current practice (such as online lodgement of documents),

Part	2015 regulation	Proposed change in the 2024 regulation
	<p>persons who have completed plumbing or drainage work.</p> <ul style="list-style-type: none"> It also allows Hunter Water to direct a person to remedy defective plumbing work within 2 years of the works being completed. 	<p>and better protect assets. For example, the proposed new Regulation allows Hunter Water to direct a person to repair or replace faulty work or fix work that is not done in line with the relevant standard/authorisation, provided the direction is issued no more than 6 years after the work has been completed (up from 2 years).</p>
Part 4 Miscellaneous	<ul style="list-style-type: none"> This part sets out the authorised persons to issue penalty notices, and powers for Hunter Water to enforce drought measures. It also includes a requirement to notify Hunter Water of damage to its works or property. 	<ul style="list-style-type: none"> This part remains largely unchanged from the current Regulation.
Schedule 1 penalty notice offences	<ul style="list-style-type: none"> The existing Regulation includes offences for failing to give Hunter Water a certificate of compliance for plumbing and drainage work completed (clause 30) and failure to comply with a direction to remedy defective plumbing work (clause 29) or notify Hunter Water about damage to its works or property (Clause 32) as well as failure to comply with water restrictions (clause 33). 	<ul style="list-style-type: none"> Penalty amounts have been added for penalty offences under the Act, sections 30(1) and 69(1) and the Regulation, sections 27, 28, 29 and 30(4), for completeness. This would enable on the spot fines to be issued for all offences or breaches against the Act and Regulation where allowed. The penalty for contravening water restrictions has been increased to \$750 for a person or \$1,500 for a corporation, in line with the penalty amount for other offences of similar consequence. All other penalty amounts remain unchanged. The penalty for failing to notify Hunter Water about damage to its works or property has been removed.