

(Reprint No. 1)

SOUTH AUSTRALIA

SEWERAGE REGULATIONS 1996

*These regulations are reprinted pursuant to the Subordinate Legislation Act 1978 and incorporate all amendments in force as at **1 July 1997**.*

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SEWERAGE REGULATIONS 1996

being

No. 189 of 1996: *Gaz.* 22 August 1996, p. 733¹

as varied by

No. 60 of 1997: *Gaz.* 13 May 1997, p. 1826²

¹ Came into operation 1 September 1996: reg. 2.

² Came into operation 1 July 1997: reg. 2.

NOTE:

- Asterisks indicate repeal or deletion of text.
- For the legislative history of the Act see Appendix.

**PART 1
PRELIMINARY**

Citation

1. These regulations may be cited as the *Sewerage Regulations 1996*.

Commencement

2. These regulations will come into operation on 1 September 1996.

Revocation

3. The *Sewerage Regulations 1973* are revoked.

Interpretation

4. (1) In these regulations, unless the contrary intention appears—

"**the Act**" means the *Sewerage Act 1929*;

"**adjacent land**" in relation to a sewer means—

- (a) land abutting upon part of a street in, or adjacent to, which a sewer has been laid;
or
- (b) land abutting upon, or traversed by, a sewer;

"**adjacent sewer**" in relation to land means a sewer in relation to which the land is adjacent land;

"**allotment**" has the same meaning as in Part 19AB of the *Real Property Act 1886* but also includes common property and community and development lots within the meaning of the *Community Titles Act 1996* and common property and units within the meaning of the *Strata Titles Act 1988*;

"**AWT system**" means an advanced wastewater treatment system being a system designed for the treatment of wastewater by means of a septic tank and a secondary treatment process that includes the disinfection of effluent;

"**business day**" means every day except Saturday, Sunday or a public holiday;

"**capital contribution**" means the amount for the time being payable under Part 5 Division 1;

"**complying AWT system**" means an AWT system that—

- (a) was manufactured or constructed in accordance with the Waste Control Regulations; and
- (b) was installed (and, if altered, was altered) in accordance with those regulations; and
- (c) is used and maintained in accordance with those regulations,

and includes an AWT system installed before the commencement of the Waste Control Regulations that was—

- (d) manufactured or constructed; and

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(e) installed (and, if altered, was altered); and

(f) used until the commencement of the Waste Control Regulations,

in accordance with the law applicable at the time and since the commencement of the *Waste Control Regulations* has been used and maintained and, if altered, has been altered in accordance with those regulations;

"**council**" means a municipal or district council;

"**Directions**" means the directions published by the Corporation under regulation 17 that are for the time being in force;

"**entry point**" means a fitting connected to the undertaking to enable a person to enter the pipes, fittings and other works of the undertaking;

"**the higher rebate**"—see regulation 37;

"**inspection point**" means a fitting designed to provide for inspection of pipes or other fittings or to provide access by means of tools to the inside of pipes or fittings;

"**licensed plumbing contractor**" means a person who is the holder of a plumbing contractor's licence granted under the *Plumbers, Gas Fitters and Electricians Act 1995*;

"**the lower rebate**"—see regulation 37;

"**owner**" of land means—

(a) where the land is unalienated Crown land—the Crown;

(b) where the land has been alienated from the Crown by grant in fee simple—the holder of an estate in fee simple in the land;

(c) where the land is held of the Crown by lease or licence—the lessee or licensee;

(d) where the land is held of the Crown under an agreement to purchase—the person who is entitled to the benefit of the agreement;

"**non-complying AWT system**" means an AWT system that is not a complying AWT system;

"**non-urban area**" means an area that is not an urban area;

"**registered plumbing worker**" means a person authorised by registration under Part 3 of the *Plumbers, Gasfitters and Electricians Act 1995* to carry out sanitary plumbing or draining work;

"**the revoked regulations**" means the *Sewerage Regulations 1973* revoked by these regulations;

"**septic tank**" means a septic tank that is designed for the collection and treatment of wastewater;

"**sewer connection**" in relation to an allotment means—

- (a) the pipes and fittings (including an inspection point) connecting (or installed for the purpose of connecting) the allotment to a sewer across part of a street, road or other land;
- (b) where the sewer is situated in the allotment—the fitting (including an inspection point) connecting (or installed for the purpose of connecting) the allotment to the sewer;

"**standard capital contribution**"—see regulation 36;

"**urban area**" means an area designated as an urban area in the Urban Service Areas Handbook;

"**the Urban Service Areas Handbook**" means the handbook of that name maintained by the Corporation;

"**vent**" means a pipe, fitting or equipment connected to the undertaking to ventilate the undertaking or pipes connected to the undertaking;

"**Waste Control Regulations**" means the *Public and Environmental Health (Waste Control) Regulations 1995* (see *Gazette* 10 May 1995 p. 1803) as varied from time to time;

"**wastewater**" means—

- (a) water used to flush human waste into the undertaking or other sewage disposal or treatment system; and
- (b) water used for personal washing; and
- (c) water used for washing clothes or dishes; and
- (d) water used in a swimming pool,

and includes material of the kind and quantity usually dissolved or suspended in, or mixed with, water of any of those kinds.

(2) For the purpose of applying the definition of "**adjacent land**"—

- (a) where the land comprised in a strata plan under the *Strata Titles Act 1988* is adjacent land in relation to a sewer, the common property and each of the units comprising the land will be taken to be adjacent land in relation to the sewer;
- (b) where land that is a community parcel within the meaning of the *Community Titles Act 1996* is adjacent land in relation to a sewer and is divided by a strata plan under that Act, the common property and each of the strata lots comprising the parcel will be taken to be adjacent land in relation to the sewer;

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- (c) where land that is a community parcel within the meaning of the *Community Titles Act 1996* is adjacent land in relation to a sewer and is divided by a community plan (not being a strata plan) under that Act, those parts of the common property and those lots comprising the parcel that are, or are to be, connected to the sewer will be taken to be adjacent land in relation to the sewer.

**PART 2
DESIGN, MATERIAL AND WORK STANDARDS**

DIVISION 1—DESIGN STANDARDS

Pipes must not lie across allotment boundaries

5. (1) Subject to this regulation, a pipe connected to the undertaking must not lie across the boundary between adjoining allotments and accordingly—

(a) a person must not—

(i) lay a pipe that is, or is to be, connected to the undertaking across the boundary of adjoining allotments; or

(ii) connect a pipe that has been laid across the boundary of adjoining allotments to the undertaking;

(b) if, upon the division of land, the boundary of adjoining allotments intersects the line on which a pipe connected to the undertaking has been laid, the owner or occupier of each allotment may be directed by the Corporation under this regulation to disconnect the pipe from the undertaking.

(2) Subregulation (1) does not apply in relation to allotments in the same site under the *Strata Titles Act 1988* or in the same community parcel under the *Community Titles Act 1996*.

(3) It is a defence to prosecution for an offence against subregulation (1)(a) to prove that the laying or connecting of the pipe was done with the written approval of the Corporation.

(4) Where a pipe connected to the undertaking lies across the boundary between adjoining allotments (except allotments in the same site under the *Strata Titles Act 1988* or in the same community parcel under the *Community Titles Act 1996*), the Corporation may give written notice to the owner or occupier of each of the allotments directing that the pipe be disconnected from the undertaking in the manner, at the point and within the time stated in the notice.

(5) A person to whom a notice is given under subregulation (4), or a person acting on his or her behalf, is entitled to carry out such work as is reasonably necessary in order to comply with the notice and for that purpose may enter either or both of the allotments or any adjoining land.

(6) A person who fails to comply with a notice is guilty of an offence.

(7) If the persons to whom notice has been given fail to comply with it, the Corporation or a person authorised by the Corporation may enter either allotment or any adjoining land and carry out the necessary work and those persons are jointly and severally liable to the Corporation for its costs in carrying out that work.

(8) The owners of the allotments are jointly and severally liable to—

(a) the Corporation for its costs in carrying out work under subregulation (7); and

(b) an occupier of either allotment for—

(i) the occupier's costs in carrying out work required by a notice given to the occupier under subregulation (4); and

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- (ii) for any amount that the occupier is liable to pay to the Corporation under subregulation (7).

Size of sewer connections

6. (1) In the area bounded by North Terrace, East Terrace, South Terrace and West Terrace in the City of Adelaide all sewer connections must be 150 millimetres nominal diameter unless the Corporation requires or authorises the connection to be of some other diameter.

(2) Sewer connections must be 100 millimetres nominal diameter in every other part of the State unless the Corporation requires or authorises the connection to be of some other diameter.

Allotments, etc., created by division to be connected to the undertaking

7. (1) Where adjacent land is divided under Part 19AB of the *Real Property Act 1886* or by a plan of community division (not being a strata plan) under the *Community Titles Act 1996* a sewer connection must be installed in relation to each allotment or community lot created by the division unless the Corporation decides that a sewer connection is not required.

(2) Where a standard capital contribution is not payable in relation to an allotment referred to in subregulation (1), the owner and occupier of the allotment are liable to pay to the Corporation a charge calculated by subtracting the connection charge under regulation 36 from the installation charge under that regulation.

Fittings and equipment

8. (1) Where, in the opinion of the Corporation, there is a risk of the backflow of wastewater in pipes, fittings or equipment on land connected to the undertaking the Corporation may direct the owner of the land—

- (a) to discharge wastewater to the undertaking at a point directed by the Corporation and where necessary to install an ejector pump or other equipment approved by the Corporation for that purpose; or
- (b) to install reflux fittings in accordance with the Corporation's directions; or
- (c) to take such other action as the Corporation directs.

(2) Where the vents connected to a building ("the existing building") cease to comply with the requirements of these regulations and the Directions because another building ("the new building") has been erected next to, or in the vicinity of, the existing building, the owner of the existing building must alter the vents so that they comply with those requirements and the cost of doing so may be recovered as a debt by the owner of the existing building from the owner of the new building.

(3) Subject to the Directions, where a pipe on an allotment is connected by a sewer connection to a sewer having a nominal diameter of 375 millimetres or more and the sewer connection does not incorporate a water seal, a trap or a water seal that blocks the movement of air or other gases must be installed on the allotment as close to the boundary of the allotment as is practicable.

(4) A grating that complies with the Directions must be used to cover an inlet to a pipe connected to the undertaking (except a toilet or any other fitting or equipment designed to flush wastewater into pipes connected to the undertaking) that would otherwise be open.

Applications under s. 35 of Act

9. An application to the Corporation for its authorisation under section 35 of the Act must be in a form approved by the Corporation and should be made at least seven days before the applicant wishes to commence the proposed work.

Fittings, etc., to be flush with road surface

10. (1) Entry points, inspection points and similar fittings situated in a road, footpath or an easement must be flush with the surface of the road, footpath or easement.

(2) If the surface height of a road, footpath or easement is altered—

(a) the council, other authority or person who made the alteration must give notice in writing to the Corporation of the alteration; and

(b) the Corporation must, at the cost of the council, other authority or person who made the alteration, alter the height of the entry point, inspection point or other fitting.

(2) The Corporation may recover its costs as a debt from the council, other authority or person.

Disconnection of pipe, etc., from sewer connection

11. (1) A person must not disconnect a pipe or fitting that is directly connected to a sewer connection from the sewer connection unless he or she is authorised to do so by the Corporation.

(2) If a pipe or fitting that is directly connected to a sewer connection is no longer used to drain wastewater into the undertaking the owner of the land on which the pipe or fitting is situated must inform the Corporation in writing that the pipe or fitting is no longer used.

(3) The Corporation may direct the owner of land referred to in subregulation (2) to disconnect the land from the sewer connection.

(4) If a building, or part of a building, that is connected to the undertaking is to be demolished, the owner of the building must inform the Corporation in writing that the building, or part of the building, is to be demolished at least seven days before the demolition commences.

(5) The Corporation may direct the owner of the building referred to in subregulation (4) to disconnect the land from the sewer connection or to disconnect the building from the undertaking but leave the land connected to the sewer connection.

(6) If a person fails to comply with a direction under this regulation, the Corporation, or a person authorised by the Corporation, may take the necessary action (and for that purpose may enter the land or any adjoining land) and the Corporation's costs will be a debt due by the person to the Corporation.

(7) A person must give the Corporation at least seven days notice of his or her intention of complying with a direction under this regulation.

Removal of disused pipes

12. (1) The Corporation may direct the owner of land to disconnect a pipe or fitting (not being a pipe or fitting connected directly to the sewer connection) from the undertaking if the pipe or fitting is no longer used to drain wastewater into the undertaking.

(2) If a person fails to comply with a direction, the Corporation, or a person authorised by the Corporation, may take the necessary action (and for that purpose may enter the land or any adjoining land) and the Corporation's costs will be a debt due by the person to the Corporation.

(3) A person must give the Corporation at least seven days written notice of his or her intention of complying with subregulation (1).

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DIVISION 2—MATERIAL STANDARDS

Restrictions on the use of pipes, fittings, etc.

13. (1) A person must not use a pipe, fitting or equipment for connection to the undertaking unless—

(a) —

(i) Standards Australia or a person acting on its behalf has authorised the marking of the pipe, fitting or equipment with a StandardsMark, a WaterMark or a TypeTest Mark and the Corporation has authorised the use of pipes, fittings or equipment of that type in this State; or

(ii) the Corporation has determined that the pipe, fitting or equipment is suitable for connection to the undertaking; and

(b) the pipe, fitting or equipment is free from defects.

(2) An authorisation given or determination made by the Minister under regulation 8.4A.1 of the repealed regulations being an authorisation or determination that was in force immediately before the commencement of these regulations will be taken to be an authorisation given or determination made by the Corporation under subregulation (1).

(3) Subregulation (1) does not apply in relation to a pipe, fitting or equipment of a type excluded from the operation of that subregulation by the Corporation.

(4) An authorisation given, or a determination made, by the Corporation under subregulation (1) will be subject to such conditions as it thinks fit.

(5) The Corporation may vary or revoke an authorisation given, or a determination made, by it under subregulation (1) at any time.

(6) A person applying for a determination by the Corporation under subregulation (1) must pay to the Corporation such charges as it thinks are reasonable for its consideration (including examination and testing) and determination of the application.

(7) Where the Corporation has made a determination under subregulation (1) it may, in order to ensure that the original standard is maintained, arrange for the periodical inspection of—

(a) the premises at which pipes, fittings or equipment to which the determination relates are manufactured and the processes used in manufacture;

(b) the premises at which pipes, fittings or equipment to which the determination relates are stored and the pipes, fittings and equipment stored on those premises,

and the occupier of the premises must pay the Corporation's reasonable costs of inspection.

(8) A person must not mark a pipe, fitting or equipment with a mark that suggests that the pipe, fitting or equipment is the subject of a determination by the Corporation under subregulation (1) unless it is the subject of such a determination.

DIVISION 3—WORK STANDARDS

Work to be carried out in a competent manner

14. All work comprising, or relating to, the installation, replacement, repair, maintenance or cleaning of pipes, fittings or equipment connected to the undertaking must be performed in a competent manner in accordance with the Act, these regulations and the Directions by a licensed plumbing contractor authorised to perform the work under the *Plumbers, Gas Fitters and Electricians Act 1995*.

Inspection of work

15. (1) The Corporation, or a person authorised by the Corporation is entitled, but is not obliged, to inspect work comprising, or relating to, the installation, replacement, repair, maintenance or cleaning of pipes, fittings or equipment connected to the undertaking.

(2) A licensed plumbing contractor or other person must not cover work of a kind referred to in subregulation (1) or do anything else that will prevent or hinder the inspection of the work unless—

- (a) the Corporation has informed him or her that the Corporation does not wish to inspect the work or work of that kind; or
- (b) the contractor or other person has agreed with the Corporation on the time for a person authorised by the Corporation to inspect the work and the same time on the next business day has passed,

and, where the work comprises or includes the installation of pipes, fittings or equipment, the licensed plumbing contractor or other person has made a record of all information needed for the preparation of the drawing referred to in subregulation (3)(b).

(3) A licensed plumbing contractor who has carried out work of a kind referred to in subregulation (1) must, within seven days after completing the work, provide the Corporation, and the owner or occupier of the land on which the work was carried out, with—

- (a) a certificate signed by the contractor certifying that the work has been carried out in accordance with the Act, these regulations and the Directions; and
- (b) in the case of the installation of pipes, fittings or equipment—a drawing showing the position and dimensions of the work which has been carried out.

(4) If the Corporation rejects a drawing, the person who carried out the work must, within 14 days, provide a new drawing that meets the Corporation's requirements.

(5) If the Corporation does not reject a drawing within 7 days after it has been provided, the Corporation will be taken to have accepted it.

Defective work

16. (1) If within the prescribed period the Corporation—

- (a) finds that a pipe, fitting or equipment has been installed in contravention of the Act, these regulations or the Directions; or
- (b) finds that a pipe or fitting connected to the undertaking is defective; or

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(c) forms the opinion that the work has not been performed to an acceptable standard, the plumbing contractor must remedy the defect at his or her expense.

(2) In subregulation (1)—

"the prescribed period" means—

- (a) if a drawing of the work is required under regulation 15(3)(b)—the period from the completion of the work until the expiration of 12 months after the drawing of the work is accepted by the Corporation; or
- (b) if a drawing of the work is not required—the period from the completion of the work until the expiration of 12 months after the certificate referred to in regulation 15(3)(a) was provided to the Corporation.

(3) If a plumbing contractor fails to remedy the defect as required by subregulation (1), the owner of the land on which the work was done must cause the defect to be remedied and may recover the cost from the plumbing contractor as a debt.

DIVISION 4—DIRECTIONS

Directions by the Corporation

17. (1) In order to ensure the safe and proper operation of the undertaking and the pipes, fittings and equipment connected to it, the Corporation may publish written directions—

- (a) specifying the nature and quality of the materials from which pipes, fittings and equipment connected to the undertaking must be constructed; and
- (b) specifying the design and size of pipes, fittings and equipment that may be connected to the undertaking; and
- (c) specifying the number of pipes, fittings and equipment that may be connected to the undertaking; and
- (d) specifying the position of pipes, fittings and equipment connected to the undertaking; and
- (e) specifying the procedures to be adopted when installing, replacing, repairing, maintaining, cleaning or connecting pipes, fittings or equipment.

(2) The Corporation may vary or revoke a direction.

(3) The Directions published by the Minister under regulation 16 of the revoked regulations that were in force immediately before the commencement of these regulations will be taken to have been published by the Corporation as Directions under this regulation.

(4) A person who installs, replaces, repairs, maintains or cleans pipes, fittings or equipment for connection or that are connected to the undertaking or who connects or disconnects pipes, fittings or equipment to or from the undertaking must comply with the specifications, standards or procedures specified in the Directions.

PART 3
MAINTENANCE OF PIPES, FITTINGS AND EQUIPMENT

Obligations of landowners

18. (1) The owner of land must ensure that the pipes and fittings connected to the undertaking that are situated on the land are properly maintained and repaired and replaced when necessary by a licensed plumbing contractor or a registered plumbing worker authorised to perform the necessary work under the *Plumbers, Gas Fitters and Electricians Act 1995*.

(2) A person must not, without the written approval of the Corporation, introduce any substance into pipes, fittings or equipment connected to the undertaking for the purpose of cleaning, clearing or repairing, or preventing the growth of roots in, pipes or fittings connected to the undertaking.

(3) Without limiting the manner in which it may give its approval under subregulation (2), the Corporation may give its approval by notice published in the *Gazette*.

(4) An approval, whether published in the *Gazette* or given in any other manner, may be revoked or varied by the Corporation at any time.

(5) A licensed plumbing contractor or a registered plumbing worker may use an inspection point in the undertaking to gain access to pipes or fittings connected to the undertaking.

(6) The Corporation's costs of repairing any damage caused to the undertaking by a person using an inspection point under subregulation (5) is a debt due by that person to the Corporation.

(7) A person must not enter the undertaking unless he or she is—

(a) an employee of the Corporation; or

(b) authorised by the Corporation to enter the undertaking.

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**PART 4
PROTECTION OF THE UNDERTAKING**

Interpretation

19. In this Part, unless the contrary intention appears—

"**public land**" means—

- (a) land vested in, or that is under the care control and management, of a municipal or district council; and
- (b) unalienated land of the Crown;

"**trade waste**" means material (other than wastewater) that is discharged or otherwise introduced into the undertaking in the course of carrying out an industrial or manufacturing process or carrying on a business of any kind;

"**wastewater**" does not include material from a septic tank, an AWT system or any other facility for the on site treatment or storage of wastewater.

What material may be discharged into undertaking

20. (1) A person may discharge the following kinds of material into the undertaking:

- (a) wastewater; and
- (b) all other kinds of material except those referred to in subregulation (2); and
- (c) material of a kind referred to in subregulation (2) that the Corporation has authorised the person to discharge into the undertaking.

(2) Subject to subregulation (1)(c), a person must not discharge into the undertaking material of the following kinds:

- (a) material that is in a solid or gaseous form (except wastewater);
- (b) material from a septic tank, an AWT system or any other facility for the on site treatment or storage of wastewater;
- (c) trade waste;
- (d) rainwater;
- (e) sea water;
- (f) blood, urine or any other bodily fluid of an animal (except wastewater);
- (g) petrol or any other inflammable or explosive material;
- (h) liquid that is radioactive;
- (i) any liquid that is likely to—
 - (i) damage the undertaking either directly or indirectly; or

- (ii) have a detrimental effect on the efficiency with which the undertaking is able to dispose of wastewater; or
- (iii) be a danger to employees of the Corporation or any other persons engaged in maintaining the undertaking.

Corporation may authorise the discharge of material

21. (1) A person may apply to the Corporation for its consent to discharge material into the undertaking.

(2) The Corporation may require the applicant to provide it with such information as it thinks is necessary to consider the application.

(3) The Corporation may grant the application subject to such conditions (including the payment of a charge for the discharge of the material) as it thinks fit.

(4) The Corporation may, on giving one month's notice in writing to the person who has the benefit of an authorisation under this regulation, revoke the authorisation on the ground—

- (a) that there has been a breach of a condition on which the authorisation was granted; or
- (b) on such other ground as the Corporation thinks fit.

Damage, etc., to the undertaking

22. If a person—

- (a) causes a partial or total blockage of the undertaking; or
- (b) closes, or obstructs access to, an entry point, inspection point or other similar fitting; or
- (c) causes damage to the undertaking,

the Corporation may recover its costs in clearing the blockage, opening, or removing the obstruction from, the entry point, inspection point or other fitting or repairing the damage as a debt from the person responsible.

Interference with property of the Corporation

23. A person must not interfere with any property of the Corporation used in, or in connection with, the administration of the Act or these regulations without the authority of the Corporation.

Trees, etc., on public land

24. (1) Trees and shrubs (except those listed in schedules 1 and 2) must not be planted on public land without the written approval of the Corporation.

(2) The trees and shrubs listed in schedule 1 must not be planted in a public street or road closer than 2 metres to any part of the undertaking.

(3) The trees and shrubs listed in schedule 2 must not be planted in a public street or road closer than 3.5 metres to any part of the undertaking.

(4) If a council plants a tree or shrub on land that is situated in a drainage area and that is owned by the council or is under its care control or management, the council must, within one year after planting the tree or shrub, inform the Corporation in writing of the botanical name and location of the tree or shrub.

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Action in relation to trees and shrubs

25. (1) If—

- (a) a tree or shrub has been planted in contravention of regulation 24; or
- (b) the Corporation is of the opinion that a tree or shrub is causing, or is likely to cause, damage to any part of the undertaking or a reduction in the efficiency with which the undertaking operates,

the Corporation may, by written notice served on the council or other person who owns or has the care, control and management, of the land on which the tree or shrub is situated, direct that action specified in the notice (including the killing of the tree or shrub) be taken.

(2) If a person on whom a notice has been served fails to comply with the notice, the Corporation may enter the land and take the action specified in the notice or such other action as it thinks fit (including the killing of the tree or shrub).

(3) The Corporation may recover its costs in taking action under subregulation (2) as a debt from the person on whom the notice was served.

(4) A person is not entitled to compensation for action taken under subregulation (2).

Damage caused by trees or shrubs

26. The Corporation's costs of repairing damage to the undertaking caused by a tree or shrub may be recovered as a debt by the Corporation from the owner for the time being of the land on which the tree or shrub is, or was, situated or, in the case of land under the care, control or management of a council, from the council.

**PART 5
CHARGES**

DIVISION 1—CAPITAL CONTRIBUTION

Land in urban area

27. (1) An amount is payable to the Corporation in relation to each allotment in an urban area that comprises adjacent land in relation to a sewer laid after the commencement of this regulation as follows:

- (a) in the case of an allotment that is not used solely or predominantly for residential purposes and has an area of 1 200 square metres or more—an amount calculated in accordance with the following formula:

$$A = SC \times \sqrt{\frac{AA}{1200}}$$

Where—

- A is the amount payable
SC is the standard capital contribution
AA is the area of the allotment expressed in square metres;

- (b) in every other case—the standard capital contribution.

(2) Subregulation (1) does not apply in relation to allotments created by the division of land in relation to a sewer laid within the boundaries of that land to service those allotments.

(3) The amount referred to in subregulation (1) is payable on the date for payment specified in a notice given by the Corporation to the owner or occupier of the land.

- (4) A notice may not be given under subregulation (3) until—

- (a) the land has been connected to the sewer; or
(b) a notice has been published in the *Gazette* under section 78(1) of the Act in relation to the sewer.

Division of land in an urban area

28. (1) Where land in an urban area that is adjacent land in relation to a sewer is divided so as to create additional allotments, an amount is payable to the Corporation in respect of each of those additional allotments as follows:

- (a) in the case of an allotment that will not be used solely or predominantly for residential purposes and will have an area of 1 200 square metres or more—an amount calculated in accordance with the following formula:

$$A = SC \times \sqrt{\frac{AA}{1200}}$$

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Where—

- A is the amount payable
- SC is the standard capital contribution
- AA is the area of the allotment expressed in square metres;

(b) in every other case—the standard capital contribution.

(2) The allotments to be regarded as additional allotments for the purpose of subregulation (1) will be determined as follows:

- (a) for the purposes of the determination "original allotments" will be the allotment or allotments comprising the land before the division being land that comprised adjacent land in relation to the sewer and "new allotments" will be confined to those allotments created by the division that comprise adjacent land in relation to the sewer;
- (b) only new allotments will be regarded as additional allotments and of those a number equivalent to the number of original allotments will be rejected in accordance with subparagraphs (c) or (d);
- (c) where all of the new allotments are not of the same size—
 - (i) a larger allotment must be rejected before a smaller allotment;
 - (ii) if a group of those allotments are of the same size—an allotment in the group to be used solely or predominantly for residential purposes (a "residential allotment") must be rejected before a non-residential allotment in the group;
- (d) where all of the new allotments are of the same size—a residential allotment must be rejected before a non-residential allotment.

(3) For the purposes of subregulation (2)(a) where the land comprised in a strata plan under the *Strata Titles Act 1988* is to be divided under Part 19AB of the *Real Property Act 1886*, that land will be regarded as the original allotment and the allotments comprised of the strata units and the common property will be disregarded.

Land in non-urban area

29. (1) The following amounts are payable to the Corporation for the extension of a sewer to an allotment in a non-urban area and for the connection of the sewer to the allotment:

- (a) capital contribution—estimated cost quoted by the Corporation; and
- (b) connection charge—see regulation 36.

(2) Subregulation (1) does not impose any obligation on the Corporation to extend a sewer.

(3) The following amounts are payable to the Corporation for the connection of an allotment in a non-urban area to an adjacent sewer laid after 1 July 1987:

- (a) standard capital contribution; and
- (b) connection charge—see regulation 36.

Charge for extension of sewer in other cases

30. Where a person applies for the extension of a sewer in circumstances for which no fee or charge is provided under this Part, the Corporation may extend the sewer and charge the applicant an amount that does not exceed the estimated cost quoted by the Corporation.

Rebate for septic tank or AWT system

31. (1) Where—

- (a) at the time at which a capital contribution becomes payable under regulation 27 or 29 in relation to an allotment, there was situated on the allotment one or more septic tanks or non-complying AWT systems, the amount payable under that regulation is reduced by the lower rebate;
- (b) if the owner or occupier of an allotment referred to in regulation 27 or 29 satisfies the Corporation that, at the time at which a capital contribution becomes payable under that regulation in relation to the allotment, there was situated on the allotment one or more complying AWT systems with the capacity to properly treat all the wastewater produced on the allotment, the amount payable under that subregulation is reduced by the higher rebate.

(2) The owner or occupier of an allotment is not entitled to a rebate under both paragraphs (a) and (b) of subregulation (1).

Division of land in non-urban area

32. (1) Where land that comprises one or more allotments in a non-urban area and that constitutes adjacent land in relation to a sewer is divided so as to create additional allotments, the standard capital contribution is payable to the Corporation in respect of each of a number of allotments determined by subtracting the number of allotments comprising the land before the division from the number of allotments created by the division that constitute adjacent land in relation to that sewer.

(2) For the purposes of subregulation (1) where the land comprised in a strata plan under the *Strata Titles Act 1988* is to be divided under Part 19AB of the *Real Property Act 1886*, that land will be regarded as one allotment and the allotments comprised of the strata units and the common property will be disregarded.

Exemption from capital contribution

33. (1) Notwithstanding regulation 27 or 29, a capital contribution is not payable in relation to an allotment if—

- (a) the allotment is not connected to a sewer; and
- (b) the owner or occupier of the allotment satisfies the Corporation that all the wastewater produced on the allotment is treated by means of a complying AWT system that is situated on the allotment and has the capacity to properly treat the wastewater; and
- (c) the owner or occupier of the allotment complies with subregulation (5).

(2) A capital contribution, less the rebate prescribed by subregulation (4), becomes payable in relation to an allotment referred to in subregulation (1) if, at any time in the future, the requirements of paragraph (a) or (c) of subregulation (1) are not satisfied.

(3) The amount of the capital contribution referred to in subregulation (2) is the amount prescribed by regulation 27 or 29 at the time at which the capital contribution becomes payable under that subregulation.

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(4) A capital contribution that becomes payable in relation to an allotment under subregulation (2) is subject to—

- (a) the higher rebate if it becomes payable within one year after notice of the laying of the sewer was published in the *Gazette*; or
- (b) the lower rebate in all other cases.

(5) For the purposes of subregulation (1), the owner or occupier of an allotment referred to in that subregulation, or a person acting on behalf of the owner or occupier, must satisfy the Corporation at three monthly intervals that the AWT system situated on the allotment—

- (a) has the capacity to properly treat all the wastewater produced on the allotment; and
- (b) has been used and maintained in accordance with the Waste Control Regulations during the immediately preceding period of three months.

(6) The owner or occupier of an allotment will be taken to have complied with subregulation (5) if he or she, or a person acting on his or her behalf, satisfies the Corporation of the matters referred to in that subregulation at any time during a period commencing 14 days before and ending 14 days after the time prescribed by that subregulation or the time as extended by the Corporation under subregulation (8).

(7) The Corporation may release a person who is liable to pay sewerage rates in respect of land from one half (or such lesser proportion as the Corporation thinks fit) of the rates if, at the commencement of the period in respect of which the rates are payable, all the wastewater produced on the land was treated by means of a complying AWT system that is situated on the land and has the capacity to properly treat the wastewater.

(8) The Corporation may, to avoid or reduce hardship in a particular case, extend—

- (a) the period of one year referred to in subregulation (4);
- (b) a three monthly interval referred to in subregulation (5),

either prospectively or retrospectively.

DIVISION 2—OTHER CHARGES

Information as to rates and charges already paid

34. (1) The Corporation must on application by a person who has paid rates or charges under the Act or these regulations or the revoked regulations provide the person with a statement of the rates or charges paid.

(2) The Corporation may on application by any other person provide that person with information of the kind referred to in subregulation (1).

(3) A charge is not payable to the Corporation on application under subregulation (1) if the statement relates only to rates or charges that became due and were paid in the financial year in which the application is made or in the preceding financial year.

(4) The charge prescribed by regulation 36 is payable for all other statements under subregulation (1) and must be paid when the application is made.

(5) Where a person applies to the Corporation under the *Waterworks Regulations 1996* and under this regulation at the same time and in relation to the same land for—

- (a) a certificate of rates or charges unpaid; or
- (b) a statement of rates or charges already paid; or
- (c) a statement as to encumbrances,

the prescribed charge for the certificates or statements is payable under these regulations or the *Waterworks Regulations 1996* but not under both regulations.

Certificate as to encumbrance

35. The Corporation must on application by an interested person and payment of the charge prescribed by regulation 36, provide the person with a statement as to—

- (a) the existence or non-existence of encumbrances in relation to the land to which the application relates that are prescribed encumbrances for the purposes of the *Land and Business (Sale and Conveyancing) Act 1994* and the regulations under that Act and that are in favour of the Corporation;
- (b) whether the Corporation has, or has not, given its consent under regulation 21 to discharge material into the undertaking from land to which the application relates and, if consent has been given, the conditions (if any) to which the consent is subject.

Other charges

36. (1) Subject to the other provisions of these regulations the following charges are payable to the Corporation:

Standard capital contribution: \$3 775

Installation charge (including connection charge)

Nominal diameter	\$
100 mm	1 488
150 mm or less (but greater than 100 mm)	1 651
greater than 150 mm	estimated cost quoted by Corporation

Disconnection charge:

Nominal diameter	\$
150 mm or less	227
greater than 150 mm	estimated cost quoted by Corporation

Connection charge:

Nominal diameter	\$
100 mm	255
150 mm or less (but greater than 100 mm)	333
greater than 150 mm	estimated cost quoted by Corporation

Charge to provide certificate of rates or charges unpaid for the purposes of settlement of land transactions

\$ 6.45

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Charge for statement of existence or non-existence of easements or other encumbrances in favour of the Corporation \$ 5.15.

(2) An installation charge is not payable in addition to the amount payable under regulation 27, 28, 29 or 32.

Rebates under Part 5 Division 1

37. The following rebates are prescribed for the purposes of regulations 31 and 33:

(a) the lower rebate \$1 500;

(b) the higher rebate \$2 500.

Release from or deferral of charge

38. The Corporation or the Minister may, on such conditions as the Corporation or the Minister thinks fit, release a person from, or defer, the obligation to pay part or all of an amount due under these regulations.

**PART 6
MISCELLANEOUS**

Entry points, etc., must not be permanently closed, etc.

39. (1) A person must not permanently close or permanently obstruct an entry point, inspection point or other similar fitting comprising part of the undertaking.

(2) The Corporation may open, or remove an obstruction from, an entry point, inspection point or other similar fitting and may recover its costs from the person who closed or obstructed the entry point, inspection point or other similar fitting as a debt.

Exemption

40. (1) The Minister may by notice published in the *Gazette* exempt a person from any provision of these regulations.

(2) An exemption may be made subject to such limitations and conditions as the Minister thinks fit and sets out in the notice.

Offence

41. A person who contravenes, or fails to comply with, a provision of these regulations is guilty of an offence whether or not the provision states explicitly that the person is guilty of an offence.

Maximum penalty: \$2 000.

Applications and notices

42. (1) All applications to the Corporation under these regulations and all notices relating to plumbing and drainage work required to be given under these regulations must be in writing in a form approved by the Corporation.

(2) All drawings to be submitted to the Corporation under these regulations must be in a form approved by the Corporation.

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SCHEDULE 1

Botanical Name	Common Name
<i>Acacia cultriformis</i>	Knife-leaved Wattle
<i>Acacia cyclops</i>	W.A. Coastal Wattle
<i>Acacia howitii</i>	Sticky Wattle
<i>Acacia iteaphylla</i>	Flinders Range Wattle
<i>Acacia longifolia</i>	Sallow Wattle
<i>Acacia microbotrya</i>	
<i>Acacia retinodes</i>	Wirilda
<i>Acacia sophorae</i>	S.A. Coastal Wattle
<i>Acacia sowdenii</i>	Western Myall
<i>Acacia trineura</i>	Hindmarsh Wattle
<i>Acacia verniciflua</i>	Varnish Wattle
<i>Acacia victoriae</i>	Elegant or Bramble Wattle
<i>Actinostrobilus pyramidalis</i>	Swan River Cypress
<i>Bauhinia variegata</i> and forms	Orchid Tree, Bauhinia
<i>Callistemon cirtrinus</i> (<i>C. lanceolatus</i>)	Crimson Bottlebrush
<i>Callistemon "Harkness"</i>	Gawler Hybrid Bottlebrush
<i>Callistemon lilacinus</i> (<i>C. violaceus</i>)	Lilac Bottlebrush
<i>Callistemon macropunctatus</i> (<i>C. rugulosus</i>)	S.A. Red Bottlebrush
<i>Callistemon phoeniceus</i>	Fiery Bottlebrush
<i>Callistemon rigidus</i>	Stiff-leaved Bottlebrush
<i>Callistemon salignus</i>	Willow Bottlebrush
<i>Callistemon viminalis</i>	Weeping Bottlebrush
<i>Calothamnus aspera</i>	Rough-leaved Net Bush
<i>Ceanothus</i> species	Ceanothus
<i>Cotoneaster Frigida</i>	Himalayan Cotoneaster
<i>Crataegus lavalleyi</i> (<i>C. carrieri</i>)	Lavalle Hawthorn
<i>Crataegus oxyacantha</i> and forms	Hawthorn, May Tree
<i>Crataegus phaenopyrum</i> (<i>C. cordata</i>)	Washington Thorn
<i>Crataegus pubescens</i> (<i>C. mexicana</i>)	Mexican Hawthorn
<i>Duranta repens</i>	Sky Flower, Duranta
<i>Eucalyptus "Augusta Wonder"</i>	
<i>Eucalyptus caesia</i>	Gungunnu
<i>Eucalyptus calycogona</i>	Square-fruited Mallee
<i>Eucalyptus cosmophylla</i>	S.A. Cup Gum

<i>Eucalyptus crucis</i>	Southern Cross Mallee
<i>Eucalyptus dielsii</i>	Diels Gum
<i>Eucalyptus diversifolia</i>	S.A. Coastal Mallee
<i>Eucalyptus eremophila</i>	Tall Sand Mallee
<i>Eucalyptus erythrocorys</i>	Red-capped Gum
<i>Eucalyptus erythronema</i>	Lindsay Gum
<i>Eucalyptus foecunda (E. leptophylla)</i>	Slendor-leaved Mallee
<i>Eucalyptus forrestiana</i>	Fuchsia Gum
<i>Eucalyptus orbifolia</i>	Round-leaved Mallee
<i>Eucalyptus preissiana</i>	Bell-fruited Mallee
<i>Eucalyptus pyriformis</i> subspecies <i>youngiana</i>	Oooldea Mallee
<i>Eucalyptus rodantha</i>	Rose Gum
<i>Eucalyptus rugosa</i>	Kingscote Mallee
<i>Eucalyptus socialis</i>	Red Mallee, Morrel
<i>Eucalyptus stoatei</i>	Pear-fruited Gum
<i>Eucalyptus tetraptera</i>	Four-winged Mallee
<i>Eucalyptus websterana</i>	Webster's Mallee
<i>Euonymus japonicus</i>	Evergreen Spindle Tree
<i>Feijoa sellowiana</i> and forms	Pineapple Guava
<i>Geijera parviflora</i>	Wilga
<i>Hakea elliptica</i>	Oval-leaved Hakea
<i>Hakea laurina</i>	Pincushion Hakea
<i>Hakea petiolaris</i>	Broad-leaf Sea Urchin
<i>Hakea salicifolia (H. saligna)</i>	Willow Hakea
<i>Hakea sulcata</i>	Furrowed Hakea
<i>Hakea undulata</i>	Wavy-leaved Hakea
<i>Hibiscus</i> species	Hibiscus
<i>Homalanthus populifolius</i>	Queenslander Poplar, Bleeding-Heart Tree
<i>Lagerstroemia "Eavesii"</i>	Mauve Crepe-Myrtle
<i>Lagerstroemia indica</i>	Pink Crepe-Myrtle
<i>Leptospermum laevigatum</i>	Victoria Coastal Tea Tree
<i>Malus</i> species	Flowering Crabs and Apples
<i>Melaleuca elliptica</i>	Granite Honey Myrtle
<i>Melaleuca Fulgens</i>	Scarlet Honey Myrtle
<i>Melaleuca Glomerata</i>	
<i>Melaleuca hypericifolia</i>	Hillock Bush

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<i>Melaleuca incana</i>	Yellow-Flowered Grey Honey Myrtle
<i>Melaleuca lateritia</i>	Robin Redbreast Bush
<i>Melaleuca nesophila</i>	Western Honey Myrtle
<i>Melaleuca pentagona</i>	
<i>Melaleuca radula</i>	Graceful Honey Myrtle
<i>Melaleuca squamea</i>	
<i>Photinia serrulata</i>	Chinese Hawthorn
<i>Pittosporum crassifolium</i> and variegated form	Karo
<i>Pittosporum phylliraeoides</i>	Native Apricot, Weeping Pittosporum
<i>Pittosporum tenuifolium</i>	New Zealand Kohuhu
<i>Pittosporum tenuifolium "Pirpureum"</i>	
<i>Prunus</i> species	Flowering Almonds, Plums, Apricots, Cherries, Peaches
<i>Pyracantha coccines "Lalandei"</i>	Lalande Firethorn
<i>Pyracantha crenulata</i>	Nepal Firethorn
<i>Pyracantha rogersiana</i>	Yellow-Berry Firethorn
<i>Sophora tetraptera</i>	Yellow Kowhai
<i>Spartium junceum</i>	Spanish Broom
<i>Stenolobium alatum (Tecoma smithii)</i>	Winged Yellow-Trumpet
<i>Stenolobium stans (Tecoma stans)</i>	Florida Tellow-Trumpet
<i>Syzygium Coolminianum</i>	Blue Lilly Pilly
<i>Viburnum tinus</i>	Laurustinus
<i>Vitex agnus-castus</i>	Lilac Chaste Tree

SCHEDULE 2

Botanical Name	Common Name
<i>Acacia acuminata</i>	Raspberry Jam Wattle
<i>Acacia cyanophylla</i>	Orange Wattle
<i>Acacia pendula</i>	Weeping Myall
<i>Acacia salicina</i>	Broughton Willow or Wattle
<i>Acacia terminalis</i> (<i>A. elata</i>)	Cedar Wattle
<i>Acer negundo</i>	Box Elder
<i>Agonis Flexuosa</i>	W.A. Willow Myrtle or Peppermint
<i>Albizia julibrissin</i>	Silk Tree
<i>Amygdalus pollardii</i>	Flowering Almond
<i>Angophora cordata</i>	Dwarf or Scrub Apply Myrtle
<i>Angophora costata</i>	Smooth-barked Apply Myrtle
<i>Arbutus unedo</i>	Irish Strawberry
<i>Bauhinia carronii</i>	Queensland Bean or Ebony Tree
<i>Berberis</i> species	Barberry, Berberis
<i>Betula pendula</i> (<i>B. alba</i>)	Silver Birch
<i>Brachychiton acerifolium</i>	Flame Tree
<i>Brachychiton discolor</i>	Queenland Lace Bark
<i>Brachychiton acerifolium x populneum</i> (<i>B. Hybridum</i>)	Hybrid Flame Tree
<i>Brachychiton populneum</i>	Kurrajong
<i>Callitris columellaris</i>	White Cypress Pine
<i>Callitris preissii</i>	Slender Cypress Pine
<i>Casuarina cristata</i>	Black Oak, Belah
<i>Casuarina stricta</i>	Weeping Sheoak
<i>Casuarina torulosa</i>	Rose Sheoak
<i>Celtis australis</i>	Southern Hackberry, Celtis
<i>Celtis occidentalis</i>	Americal Hackberry, Celtis
<i>Cercis siliquastrum</i>	Judas Tree
<i>Citharexylum</i> species	Fiddlewood
<i>Cotoneaster serotina</i>	Cotoneaster
<i>Cupressus glabra</i>	Arizona Cypress
<i>Erythrina "Indica"</i>	Hybrid Indian Coral Tree
<i>Eucalyptus behriana</i>	Broad-leaved Box
<i>Eucalyptus campaspe</i>	Silver Gimlet
<i>Eucalyptus Cinerea</i>	Mealy Stringybark, Argyle Apple
<i>Eucalyptus cneorifolia</i>	Kangaroo Island Narrow-leaved Gum

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<i>Eucalyptus conglobata</i>	S.A. Coastal Gum
<i>Eucalyptus dundasii</i>	Dundas Blackbutt
<i>Eucalyptus "Ericoides"</i>	
<i>Eucalyptus Ficifolia</i>	W.A. Scarlet Flowering Gum
<i>Eucalyptus flocktoniae</i>	Merrit
<i>Eucalyptus gardneri</i>	Blue Mallett
<i>Eucalyptus gracilis</i>	Yorrell
<i>Eucalyptus incrassata</i>	Ridge-fruited Mallee
<i>Eucalyptus intertexta</i>	Smooth-barked Coolibah
<i>Eucalyptus landsdowneana</i>	Port Lincoln Gum
<i>Eucalyptus lehmanni</i>	Bushy Yate
<i>Eucalyptus le souefii</i>	Le Souef's Blackbutt
<i>Eucalyptus leucoxydon "Rosea"</i>	Pink-flowering Blue Gum
<i>Eucalyptus megacornuta</i>	Warty Yate
<i>Eucalyptus nutans</i>	Nodding Gum
<i>Eucalyptus oleosa</i>	Red Mallee
<i>Eucalyptus pileata</i>	Ravensthorpe Mallee
<i>Eucalyptus platypus</i>	Round-leaved Moort
<i>Eucalyptus "Pterocarpa"</i>	
<i>Eucalyptus pulverulenta</i>	Silver-leaved Mountain Gum
<i>Eucalyptus salubris</i>	Gimlet Gum
<i>Eucalyptus sargentii</i>	Salt or Sargent's Mallet
<i>Eucalyptus sideroxydon</i>	Manna Red Ironbark, Mugga
<i>Eucalyptus spathulata</i>	Swamp Mallee
<i>Eucalyptus steedmanii</i>	Steedman's Gum
<i>Eucalyptus stricklandii</i>	Yellow-flowering Gum
<i>Eucalyptus torquata</i>	Coral or Coolgardie Gum
<i>Eucalyptus "Torwood"</i>	Hybrid Coral gum
<i>Eucalyptus "Urrbrae Gum"</i>	
<i>Eucalyptus viridis</i>	Green Mallee
<i>Eucalyptus woodwardii</i>	Lemon-flowering Gum
<i>Eugenia smithii (Acmena smithii)</i>	Lilly Pilly
<i>Ficus rubiginosa "Variegata"</i>	Variegated Rusty Fig
<i>Fraxinus excelsior "Aurea"</i>	Golden Ash
<i>Fraxinus ornus</i>	Manna Ash
<i>Hakea kippistiana</i>	
<i>Hakea suaveolens</i>	Sweet Hakea

<i>Harpephyllum caffrum</i>	Kaffir Plum
<i>Hymenosporum flavum</i>	Woolum, Native Frangipani
<i>Jacaranda</i> species	Jacaranda
<i>Juniperus sheppardii</i> var. <i>pyramidalis</i> (" <i>J.africans</i> ")	Juniper
<i>Koelreuteria paniculata</i>	Varnish Tree
<i>Laburnum</i> species	Laburnum
<i>Lagunaria patersonii</i>	Pyramid Tree
<i>Ligustrum japonicum</i> and forms	Japanese Privet
<i>Ligustrum lucidum</i> and forms	Glossy Privet
<i>Liquidambar styraciflua</i>	Liquidambar
<i>Melaleuca alternifolia</i>	Alternate-leaved Honey Myrtle
<i>Melaleuca armillaris</i>	Bracelet Honey Myrtle
<i>Melaleuca halmaturorum</i>	S.A. Swamp paper Bark
<i>Melaleuca huegelii</i>	Chenile Honey Myrtle
<i>Melaleuca Lanceloata</i> (<i>M. pubescens</i>)	Dry Land Tea Tree
<i>Melaleuca linariifolia</i>	Flax-leaved Honey Myrtle
<i>Melaleuca styphelioides</i>	Prickly Paperbark
<i>Melia axedarach</i>	White Cedar
<i>Metrosideros excelsa</i> (<i>M. tomentosa</i>)	New Zealand Christmas Tree
<i>Myoporum insulare</i>	Boobialla
<i>Myoproum montanum</i>	Water Bush
<i>Nerium oleander</i>	Oleander
<i>Parkinsonia aculeata</i>	Jurusalem Thorm
<i>Pittosporum rhombifolium</i>	Queensland Pittosporum
<i>Pittosporum undulatum</i>	Sweet Pittosporum
<i>Pittosporum undulatum</i> " <i>Variegatum</i> "	Varigated Sweet Pittosporum
<i>Quercus ilex</i>	Holm Oak
<i>Sophora japonica</i>	Pagoda Tree
<i>Sorbus aucuparia</i>	Rowan, Mountain Ash
<i>Syzygium paniculatum</i>	Brush Cherry
<i>Tamarix juniperina</i>	Flowering Tamarisk
<i>Tristania conferta</i>	Brush Box

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APPENDIX

LEGISLATIVE HISTORY

Regulation 36(1):

substituted by 60, 1997, reg. 3