

South Australia

Waterworks Regulations 2011

under the *Waterworks Act 1932*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Waterworks Regulations 2011*.

2—Commencement

These regulations will come into operation on 1 September 2011.

3—Interpretation

In these regulations—

Act means the *Waterworks Act 1932*;

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*;

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

capital contribution means the amount for the time being payable under Part 4 Division 1;

council means a council within the meaning of the *Local Government Act 1999*;

Directions means the directions published by the Corporation under regulation 13 that are for the time being in force;

fire service means a hydrant connected to the waterworks and designed to supply water for fighting fires;

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

meter means a meter connected (or that is designed for connection) to the waterworks to measure the quantity of water supplied from the waterworks;

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-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, Gas Fitters and Electricians Act 1995* to carry out water plumbing work;

standard capital contribution—see regulation 25;

the undertaking means the undertaking defined in the *Sewerage Act 1929*;

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

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

water connection in relation to an allotment means—

- (a) the pipes and fittings (excluding a meter) connecting (or installed for the purpose of connecting) the allotment to a main pipe across part of a street, road or other land;
- (b) where the main pipe is situated in the allotment—the fitting (but not a meter) connecting (or installed for the purpose of connecting) the allotment to the main pipe;

water heater means an appliance (not being pressure equipment as defined by clause 2 of Schedule 2 of the *Occupational Health, Safety and Welfare Act 1986*) the principal function of which is to heat water for supply to parts of a building by means of pipes.

Part 2—Design, material and work standards

Division 1—Design standards

4—Pipes must not lie across allotment boundaries

- (1) Subject to this regulation, a pipe connected to the waterworks 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 waterworks across the boundary of adjoining allotments; or

- (ii) connect a pipe that has been laid across the boundary of adjoining allotments to the waterworks;
 - (b) if, on the division of land, the boundary of adjoining allotments intersects the line on which a pipe connected to the waterworks 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 waterworks.
- (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 waterworks 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 him or her to disconnect the pipe from the waterworks in the manner and 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
 - (ii) for any amount that the occupier is liable to pay to the Corporation under subregulation (7).

5—Allotments etc created by division to be connected to the waterworks

- (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 water connection must be installed in relation to each allotment or community lot created by the division unless the Corporation decides that a water 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 charge for installation of a meter under regulation 25 from the charge for installation of a water connection under that regulation.

6—Underground meter box

A meter must not be housed underground in a box without the approval of the Corporation.

7—Prohibition of certain connections

- (1) A person must not without the written approval of the Corporation, connect the waterworks either directly or indirectly to—
- (a) a pump; or
 - (b) any pipe, fitting, appliance, apparatus, machine or other thing if there is a risk that any solid, liquid or gaseous material will be introduced into water in the waterworks.
- (2) A person must not connect the waterworks either directly or indirectly to—
- (a) any other water supply or water supply system; or
 - (b) the undertaking or any other sewerage or drainage system,
- except in accordance with the directions or with the approval of the Corporation.
- (3) A person must not lay or install a pipe, fitting, appliance or apparatus that is connected, or is to be connected, to the waterworks—
- (a) within a pipe or any other part of the undertaking or within any other sewerage or drainage system; or
 - (b) within a pipe connected to the undertaking or to any other sewerage or drainage system; or
 - (c) in proximity to any material that would, if it entered the water in the waterworks, be likely to affect the health of persons using the water.
- (4) A person must not lay or install a pipe, fitting or equipment that is connected, or is to be connected to the undertaking—
- (a) within a pipe or any other part of the waterworks; or
 - (b) within a pipe connected to the waterworks.

Division 2—Material standards

8—Restrictions on the use of pipes, fittings etc

- (1) A person must not use a pipe, fitting, appliance or apparatus for connection to the waterworks unless—
- (a) —

- (i) Standards Australia or a person acting on its behalf has authorised the marking of the pipe, fitting, appliance or apparatus with a StandardsMark, a WaterMark or a TypeTest Mark and the Corporation has authorised the use of pipes, fittings, appliances or apparatus of that type in this State; or
 - (ii) the Corporation has determined that the pipe, fitting, appliance or apparatus is suitable for connection to the waterworks; and
- (b) the pipe, fitting, appliance or apparatus is free from defects.
- (2) Subregulation (1) does not apply in relation to a pipe, fitting, appliance or apparatus of a type excluded from the operation of this regulation by the Corporation.
- (3) An authorisation given or determination made by the Corporation under subregulation (1) will be subject to such conditions as the Corporation thinks fit.
- (4) The Corporation may vary or revoke—
 - (a) an authorisation given or determination made under subregulation (1); or
 - (b) a condition attached to such an authorisation or determination,at any time.
- (5) A person applying for a determination by the Corporation under subregulation (1) must pay to the Corporation such charges as the Corporation thinks are reasonable for its consideration (including examination and testing) and determination of the application.
- (6) Where the Corporation has made a determination under subregulation (1) the Corporation may, in order to ensure that the original standard is maintained, arrange for the periodical inspection of—
 - (a) the premises at which pipes, fittings, appliances or apparatus to which the determination relates are manufactured and the processes used in manufacture;
 - (b) the premises at which pipes, fittings, appliances or apparatus to which the determination relates are stored and the pipes, fittings, appliances and apparatus stored on those premises,and the occupier of the premises must pay the Corporation's reasonable costs of inspection.
- (7) A person must not mark a pipe, fitting, appliance or apparatus with a mark that suggests that the pipe, fitting, appliance or apparatus 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

9—Work to be carried out in a competent manner

All work comprising, or relating to, the installation, replacement, repair, maintenance or cleaning of pipes, fittings, appliances or apparatus connected to the waterworks must be performed in a competent manner in accordance with the Act, these regulations and the Directions.

10—Water heaters

- (1) A person must not install, replace, repair or maintain a water heater that is, or is to be, connected to the waterworks or connect the heater to the waterworks unless he or she is a licensed plumbing contractor or registered plumbing worker.
- (2) Work of a kind referred to in subregulation (1) must be carried out in a competent manner in accordance with the Directions and, to the extent that the applicable specifications and codes of practice for the time being published by the Standards Association of Australia are not in conflict with the Directions, in accordance with those specifications and codes of practice.
- (3) In an emergency the Corporation or a person authorised by the Corporation may turn off the supply of water and the supply of gas or electricity to a water heater without the consent of the owner or occupier of the land on which the water heater is situated.
- (4) The Corporation or other person incurs no civil liability as a result of acting under subregulation (3).

11—Inspection of work

- (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 appliances or apparatus connected to the waterworks.
- (2) A 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 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.
- (3) A licensed plumbing contractor or registered plumbing worker who has carried out work of a kind referred to in subregulation (1) must, within 7 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 certificate signed by the licensed plumbing contractor or registered plumbing worker certifying that the work has been carried out in accordance with the Act, these regulations and the Directions.
- (4) Subregulations (2) and (3) do not apply in relation to pipes, or fittings, appliances or apparatus connected to pipes, that are 25 millimetres or less in diameter and are not connected, or intended to be connected, to a supply of hot water.

12—Defective work

- (1) If within 12 months after work is completed the Corporation—
 - (a) finds that a pipe, fitting, appliance or apparatus has been installed or connected to the waterworks in contravention of the Act, these regulations or the Directions; or
 - (b) finds that a pipe or fitting connected to the waterworks is defective; or

- (c) forms the opinion that the work has not been performed to an acceptable standard,

the person who performed the work must remedy the defect at his or her expense.

- (2) If a person 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 by a licensed plumbing contractor or registered plumbing worker and may recover the cost from the person who originally performed the work as a debt.

Division 4—Directions

13—Directions

- (1) The Corporation may publish written directions relating to the waterworks and the pipes, fittings, appliances and apparatus connected to it—
 - (a) specifying the nature and quality of the materials from which pipes, fittings, appliances and apparatus connected to the waterworks must be constructed; and
 - (b) specifying the design and size of pipes, fittings, appliances and apparatus that may be connected to the waterworks; and
 - (c) specifying the number of pipes, fittings, appliances and apparatus that may be connected to the waterworks; and
 - (d) specifying the position of pipes, fittings, appliances and apparatus connected to the waterworks; and
 - (e) specifying the procedures to be adopted when installing, replacing, repairing, maintaining, cleaning or connecting pipes, fittings, appliances or apparatus; and
 - (f) specifying performance or other standards that must be met by pipes, fittings, appliances or apparatus that may be connected to the waterworks (and, in so doing, specifying methodologies or other processes or criteria for assessing compliance with those standards, including as to the efficiency, impact or effectiveness of any such pipes, fittings, appliances or apparatus).
- (2) A direction under these regulations may—
 - (a) be of general or limited application;
 - (b) make different provision according to the matters or circumstances to which it is expressed to apply;
 - (c) provide that a matter or thing is to be determined according to the discretion of the Corporation.
- (3) The Corporation may vary or revoke a direction.
- (4) A person who installs, replaces, repairs, maintains or cleans pipes, fittings, appliances or apparatus for connection, or that are connected, to the waterworks or who connects pipes, fittings, appliances or apparatus to the waterworks must comply with the specifications, standards and procedures specified in the Directions.

Part 3—Meters

14—Access to meters

- (1) The owner or occupier of land on which a meter or an associated fitting is situated must ensure that access to the meter or fitting for the purposes of reading, replacement, repair or maintenance is not obstructed.
- (2) If a person fails to comply with subregulation (1), the Corporation may serve written notice on the person requiring him or her to take such action as is specified in the notice to provide access to the meter or fitting.
- (3) If a person on whom notice has been served fails to comply with the notice within 1 month, the Corporation or a person authorised by the Corporation may enter the land and take such action (including altering the position of the meter or fitting) as the Corporation thinks fit to provide access to the meter or fitting.
- (4) The Corporation's costs in taking action under subregulation (3) may be recovered from the person on whom the notice was served as a debt.

15—Reading of meters

- (1) A person authorised by the Corporation is entitled to enter land at any reasonable time to inspect and read a meter situated on the land or to replace, repair or maintain a meter situated on the land.
- (2) If the Corporation is unable for any reason to gain access to a meter or to read a meter it may estimate the quantity of water supplied through the meter and that quantity will be taken for the purpose of the rate or any other amount payable for the supply of the water to be the quantity of water supplied.

16—Testing of meters

- (1) A consumer who is dissatisfied with the measurement by a meter of the quantity of water supplied during a particular period may request the Corporation to test the meter.
- (2) A request under subregulation (1) must—
 - (a) be made in writing; and
 - (b) be lodged with the Corporation—
 - (i) in the case of a consumer who is advised of water use by notice known as a "Notice of Water Use"—within 14 days of the date of the meter reading specified in the notice;
 - (ii) in the case of a consumer who is advised of water use by notice known as a "Rate Notice"—before the date specified in the notice on which water rates become due and payable.
- (3) Where a consumer has made a request in accordance with subregulation (2) and has paid the fee prescribed for testing the meter, the Corporation must test the meter.

- (4) Where, on the testing of a meter, the meter shows a measurement greater than 5% above the quantity that has passed through the meter during the test—
 - (a) the fee paid by the consumer (if any) for testing the meter must be refunded by the Corporation; and
 - (b) the Corporation must allow the consumer a proportionate rebate in respect of the consumption year in which the test was conducted; and
 - (c) the Corporation must replace the meter at its expense.
- (5) Where, on testing a meter, the Corporation forms the view that the meter has not accurately measured, is not accurately measuring or will not in the future accurately measure (see section 42 of the Act) the quantity of water supplied through the meter, the Corporation must repair or replace the meter at its expense.

17—Damage to meters

The occupier of land on which a meter or associated fitting is situated must inform the Corporation of damage to the meter or associated fitting as soon as practicable after the damage occurs.

Part 4—Charges

Division 1—Capital contribution

18—Land in urban area

- (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 main pipe 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 main pipe 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 main pipe; or

- (b) a notice has been published in the Gazette under section 90(1) of the Act in relation to the main pipe.

19—Division of land in an urban area

- (1) Where land in an urban area that is adjacent land in relation to a main pipe 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:

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

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 main pipe and *new allotments* will be confined to those allotments created by the division that comprise adjacent land in relation to the main pipe;
- (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 paragraph (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.

20—Land in non-urban area

- (1) The following amounts are payable to the Corporation for the extension of a main pipe to an allotment in a non-urban area and for the connection of the pipe to the allotment:
 - (a) capital contribution—estimated cost quoted by the Corporation; and
 - (b) for installation of a meter—see regulation 25.
- (2) Subregulation (1) does not impose any obligation on the Corporation to extend a main pipe.
- (3) The following amounts are payable to the Corporation for the connection of an allotment in a non-urban area to an adjacent main pipe laid after 1 July 1987:
 - (a) standard capital contribution; and
 - (b) fee for installation of a meter—see regulation 25.

21—Charge for extension of main pipe in other cases

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

22—Division of land in non-urban area

- (1) Where land that comprises 1 or more allotments in a non-urban area and that constitutes adjacent land in relation to a main pipe 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 main pipe.
- (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 1 allotment and the allotments comprised of the strata units and the common property will be disregarded.

Division 2—Other charges

23—Information as to rates and charges already paid

- (1) The Corporation must, on application by a person who has paid rates or charges under the Act or these regulations or the *Waterworks Regulations 1996*, provide the person with a statement of the rates or charges paid.
- (2) The Corporation must, on application by a consumer, provide the consumer with a statement of the quantity of water supplied to the consumer in a consumption year.
- (3) The Corporation may, on application by any other person, provide that person with information of the kind referred to in subregulation (1) or (2).
- (4) A charge is not payable to the Corporation for an application under subregulation (1) or (2) if the statement relates only—
 - (a) 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; or

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Division 2—Other charges

- (b) to water consumed in a consumption year in which the application is made or in the preceding consumption year.
- (5) The charge prescribed by regulation 25 is payable for all other statements under subregulation (1) and must be paid when the application is made.
- (6) Where a person applies to the Corporation under the *Sewerage Regulations 2011* and under these regulations 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 *Sewerage Regulations 2011* but not under both regulations.

24—Certificate as to encumbrance

The Corporation must, on application by an interested person and payment of the charge prescribed by regulation 25, provide the person with a statement as to the existence or non-existence of—

- (a) 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; and
- (b) back flow prevention devices installed on the land to which the application relates.

25—Other charges

- (1) Subject to these regulations, the following charges are payable to the Corporation:

(a)	Standard capital contribution	\$3 116.00
(b)	Installation of water connection (including installation of meter)	
	Nominal diameter:	
	• 20 mm	\$2 177.00
	• 25 mm	\$3 089.00
	• 40 mm	\$4 321.00
	• 50 mm	\$6 039.00
	• greater than 50 mm	estimated cost quoted by Corporation

Note—

A separate fee is payable for installation of a water connection for fire fighting purposes—see item (f).

(c)	Installation of meter	
	Nominal diameter of connection:	
	• 20 mm	\$294.00
	• 25 mm	\$366.00
	• 40 mm	\$662.00

	• 50 mm	\$1 679.00
(d)	Installation of manifold and meters for each unit in a strata or community scheme (Nominal meter diameter on the manifold: 20 mm)	\$429.00 for each meter connected to manifold
(e)	Installation of manifold and meters for each unit in a strata or community scheme (Nominal meter diameter on the manifold: 25 mm with maximum of 5 meters per manifold)	\$551.00 for each meter connected to manifold
(f)	Installation of water connection for fire fighting purposes	
	Nominal diameter:	
	• 100 mm	\$9 605.00
	• 150 mm	\$12 187.00
	• greater than 150 mm	estimated cost quoted by Corporation
(g)	Installation of additional isolating valve for water connection installed for fire fighting purposes	
	Nominal diameter:	
	• 100 mm	estimated cost quoted by Corporation
	• 150 mm	estimated cost quoted by Corporation
	• 200 mm	estimated cost quoted by Corporation
	• greater than 200 mm	estimated cost quoted by Corporation
(h)	Replacement of meter	
	Nominal diameter of connection:	
	• 15 mm and 20 mm	\$293.00
	• 25 mm	\$359.00
	• 32 mm and 40 mm	\$634.00
	• 50 mm	\$1 596.00
	• greater than 50 mm	Corporation's costs of replacement
(i)	Repair or replacement of fittings other than meters	
	Nominal diameter of connection:	
	• 15 mm and 20 mm	\$200.00
	• 25 mm	\$200.00
	• 32 mm and 40 mm	\$317.00
	• 50 mm	\$359.00
	• greater than 50 mm	Corporation's costs of repair or replacement
(j)	Disconnection of water connection installed for fire fighting purposes	\$4 528.00

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Part 4—Charges

Division 2—Other charges

(k)	Disconnection of any other water connection 50 mm or less from main pipe	\$507.00
(l)	Disconnection of any other water connection greater than 50 mm from main pipe	estimated cost quoted by Corporation
(m)	Removal of meter	\$93.50
(n)	Provision of permanent overhead standpipe and meter (including connection to main pipe)	estimated cost quoted by Corporation
(o)	Relocation of unmetered 20 mm or 25 mm water connection by 4 m or less and installation of meter	
	Relocation distance:	
	• 0.5 m or less	\$806.00
	• more than 0.5 m but not more than 1 m	\$893.00
	• more than 1 m but not more than 2 m	\$991.00
	• more than 2 m but not more than 3 m	\$1 087.00
	• more than 3 m but not more than 4 m	\$1 186.00
(p)	Relocation of metered 20 mm or 25 mm water connection by 4 m or less	
	Relocation distance:	
	• 0.5 m or less	\$494.00
	• more than 0.5 m but not more than 1 m	\$625.00
	• more than 1 m but not more than 2 m	\$720.00
	• more than 2 m but not more than 3 m	\$853.00
	• more than 3 m but not more than 4 m	\$992.00
(q)	Rotation of 20 mm and 25 mm meter up to 180 degrees	\$158.00
(r)	Rotation of 40 mm meter up to 180 degrees	\$609.00
(s)	Raising or lowering of water connection	
	Nominal diameter of connection:	
	• 15 mm and 20 mm	\$618.00
	• over 20 mm but not exceeding 50 mm	\$1 021.00
	• greater than 50 mm	estimated cost quoted by Corporation
(t)	Shortening of water connection	
	Nominal diameter of connection:	
	• 20 mm and 25 mm	\$847.00
	• 32 mm, 40 mm and 50 mm	\$989.00
	• greater than 50 mm	estimated cost quoted by Corporation
(u)	Extension of water connection	estimated cost quoted by Corporation
(v)	Restoration of water supply following restriction of supply at meter	\$42.75

(w)	Restoration of water supply following restriction of supply at main pipe	estimated cost quoted by Corporation
(x)	Restoration of water supply—where connection pipe in ground and can be used	\$413.00
(y)	Provision and installation of metal underground box to cover meter Nominal diameter:	
	• 20 mm and 25 mm	\$637.00
	• 32 mm, 40 mm and 50 mm	\$1 432.00
	• greater than 50 mm	estimated cost quoted by Corporation
(z)	Testing of meter at request of consumer	\$131.00
(za)	Special reading of meter on request	\$14.80
(zb)	Provision of certificate of rates or charges unpaid for the purposes of settlement of land transactions	\$8.10
(zc)	Provision of statement of existence or non-existence of easements or other encumbrances in favour of the Corporation or back flow prevention devices	\$8.10
(zd)	Application fee for authorisation to take water by means of portable hydrant supplied by Corporation	\$146.00
(ze)	Hire of portable hydrant—for each period of 3 months or part of such a period	\$66.00
(zf)	Additional administrative cost in relation to breach of terms and conditions of hire of portable hydrant	\$125.00
(zg)	Additional administrative cost in relation to a dishonoured payment (eg by cheque or direct debit) used to pay a charge or other amount under these regulations	\$21.00
(zh)	Additional administrative cost in relation to a charge or other amount due under these regulations but not paid by the date for payment in the notice served on the person liable	\$8.30
(zi)	Visit in relation to the non-payment of a charge or other amount to the land in relation to which the charge or amount is payable	\$29.75
(2)	A charge for installation of a water connection is not payable in addition to the amount payable under regulation 18, 19, 20 or 22.	
(3)	Where the same charge is imposed by this regulation and regulation 34 of the <i>Sewerage Regulations 2011</i> in respect of the same matter, only 1 of those charges is payable.	

26—Release from or deferral of charge

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 5—Definition of commercial purpose

27—Exclusion of purposes from definition of commercial purpose

- (1) The following purposes in relation to the use of land are excluded from the definition of *commercial purpose* in section 65A of the Act:
 - (a) hospital;
 - (b) health centre;
 - (c) sanatorium or convalescent home or rest home;
 - (d) educational institution;
 - (e) quarantine station;
 - (f) research or development;
 - (g) hotel, motel or boarding house or hostel;
 - (h) caravan parks and camping grounds.

- (2) In this regulation—

educational institution means—

- (a) a primary or secondary school; or
- (b) a trade or technical school; or
- (c) a college of advanced education, university or other institution at which tertiary education is provided; or
- (d) a kindergarten; or
- (e) a child care centre within the meaning of the *Children's Services Act 1985*; or
- (f) any other educational or training institution approved by the Corporation for the purposes of this definition;

kindergarten means an establishment at which pre-school education is provided for children.

Note—

Land that has been acquired or is used for the purposes of a State school is exempt from water rates under section 88 of the Act.

Part 6—Water conservation measures and restrictions

Division 1—Water conservation measures

28—Water conservation measures

- (1) Subject to this regulation, a person must not use water in contravention of Schedule 1.
- (2) Subregulation (1) does not apply to a person who uses the water under the authority of a permit issued by the Corporation in accordance with these regulations.
- (3) Nothing in this regulation derogates from a restriction on the use of water imposed by a notice by the Corporation under section 33A of the Act.

- (4) In this regulation—

notice includes a notice published by the Corporation prior to the commencement of this regulation;

permit includes a permit issued in relation to a restriction on the use of water imposed by a notice by the Corporation under section 33A of the Act;

water means water supplied under the Act by the Corporation.

Division 2—Water efficiency plans

29—Application of Division

- (1) This Division applies to a person, or a class of persons, declared by the Minister by notice in the Gazette to be a person or class of persons to whom this Division applies.
- (2) A declaration made under this regulation may include any exceptions or limitations the Minister thinks fit.
- (3) The Minister may, by notice in the Gazette, vary or revoke a declaration made under this regulation.

30—Preparation of water efficiency plans

- (1) A person to whom this Division applies must prepare and submit to the Minister for approval a draft water efficiency plan in accordance with Schedule 2.

Maximum penalty:

- (a) in the case of a body corporate—\$10 000;
- (b) in the case of a natural person—\$5 000.

Expiation fee: \$315.

- (2) The Minister may—
 - (a) approve a draft water efficiency plan submitted under this regulation without alteration or with such alteration as the Minister thinks fit; or
 - (b) refer the draft water efficiency plan back to the person for further consideration in accordance with any requirement determined by the Minister.
- (3) A person who fails to comply with a requirement imposed under subregulation (2)(b) is guilty of an offence.

Maximum penalty:

- (a) in the case of a body corporate—\$10 000;
- (b) in the case of a natural person—\$5 000.

Expiation fee: \$315.

- (4) Before making any alterations to the draft water efficiency plan, the Minister must consult with the person who submitted the plan.
- (5) A person who submitted a water efficiency plan may submit to the Minister for approval a substitute water efficiency plan, or a variation of a water efficiency plan, at any time while that water efficiency plan is in force.

Waterworks Regulations 2011

Part 6—Water conservation measures and restrictions

Division 2—Water efficiency plans

- (6) If the Minister approves a draft water efficiency plan, a draft substitute water efficiency plan or a draft variation of a water efficiency plan, the Minister must, by notice in writing given within 14 days after approving the plan or variation, advise the person who submitted the plan or variation—
 - (a) that the Minister has approved the plan or variation (as the case requires); and
 - (b) the day on which the plan or variation (as the case requires) was approved.
- (7) A water efficiency plan approved under this regulation is in force from the day on which the Minister gives notice under subregulation (6), and expires—
 - (a) on the 5th anniversary of that day; or
 - (b) on such earlier day as may be specified by the Minister by notice in writing given to the person who submitted the plan.
- (8) A substitute water efficiency plan, or an amendment to a water efficiency plan, is in force from the day on which the Minister gives notice under subregulation (6) and expires on the same day as the original water efficiency plan.

Division 3—Permits

31—Corporation may issue permits

- (1) Where, pursuant to—
 - (a) regulation 28; or
 - (b) a notice by the Corporation under section 33A of the Act,a specified use of water is prohibited except under the authority of a permit issued by the Corporation, the Corporation may, on payment of such fee as may be fixed by the Corporation, issue such a permit to a person in accordance with this Division.
- (2) A permit issued under subregulation (1) may authorise the person to whom the permit is issued to engage in the specified use of water at multiple sites.

32—Circumstances in which permit may be issued

The Corporation may only issue a permit if it is satisfied that—

- (a) good reason exists for allowing the use of water to occur in accordance with the permit; and
- (b) the use of water under the permit (and all other permits issued in accordance with this Division) will not significantly reduce the effectiveness of the measures or restrictions then in force in providing for the conservation or efficient use or management of water.

33—Form and content of permit

A permit must be in writing in a form determined by the Corporation and must specify—

- (a) the name and address of the holder of the permit; and
- (b) the measure or restriction to which the permit relates; and
- (c) the water use to which the permit relates; and

- (d) other than in the case of a permit that authorises the use of water at multiple sites—the land to which the permit relates; and
- (e) the period for which the permit applies.

34—Conditions of permit

A permit is subject to such conditions as are determined by the Corporation and specified in the permit or subsequently notified to the holder of the permit in accordance with this Division.

35—Breach of permit conditions

Where the holder of a permit, or a person acting in the employment or with the authority of the holder of the permit, contravenes or fails to comply with a condition of the permit, the holder of the permit is guilty of an offence.

36—Revocation, variation etc of permit or condition

The Corporation may, by written notice to the holder of a permit, revoke, suspend or vary a permit, or a condition of a permit, or add a new condition to a permit, if the Corporation is satisfied that—

- (a) it is necessary or expedient to do so for the conservation or efficient use or management of water; or
- (b) the holder of the permit has contravened or failed to comply with a provision of the Act or these regulations or a condition of the permit.

37—Application of permit relating to regulation 28

A permit issued in accordance with this Division in relation to a measure imposed by regulation 28 applies subject to any restriction imposed by a notice by the Corporation under section 33A of the Act (and any permit issued in relation to that notice).

38—Permit not transferable

A permit issued in accordance with this Division is not transferable.

Part 7—Miscellaneous

39—Portable hydrants

- (1) A person must not use a portable hydrant to take water from the waterworks unless the hydrant was supplied to that person by the Corporation or the Minister and the person is authorised by the Corporation to use the hydrant to take water from the waterworks.
- (2) If a person is using a portable hydrant or other fitting to take water from the waterworks without lawful authority or contrary to the terms and conditions on which the Corporation supplied the hydrant, a person authorised by the Corporation may seize the hydrant or other fitting on behalf of the Corporation.
- (3) The Corporation may seize and confiscate a hydrant or other fitting seized under subregulation (2) and may retain it for its own use or sell it and retain the proceeds of the sale.

40—Taking water by means of a portable hydrant

- (1) The Corporation may, on the application of a person and payment of the fee prescribed by regulation 25, authorise the person to take water from the waterworks by means of a portable hydrant supplied by the Corporation.
- (2) The taking of water pursuant to an authorisation under subregulation (1) is subject to—
 - (a) payment at the agreed rate for the water taken and the charge prescribed by regulation 25 for the hire of the hydrant; and
 - (b) such terms and conditions relating to the taking of the water or the use of the hydrant as are determined by the Corporation.
- (3) Where a person contravenes, or fails to comply with, a term or condition referred to in subregulation (2)—
 - (a) the person is guilty of an offence; and
 - (b) the Corporation may seize the hydrant.
- (4) A person must not use a portable hydrant supplied by the Corporation in a manner that is likely to damage the hydrant.

41—Fee for hire of portable hydrant

A charge prescribed by regulation 25 is payable to the Corporation for the hire of a portable hydrant for each 3 months or part of 3 months comprising the period commencing when the hydrant was issued to the person and ending when he or she returns the hydrant to the Corporation.

42—Corporation may estimate quantity of water taken

Where a person has used a portable hydrant or other fitting to take water from the waterworks without the authority of the Corporation or has failed to return a hydrant issued by the Corporation when required by the Corporation, the quantity of water taken by that person will, for the purposes of regulation 40(2)(a), be taken to be the quantity estimated by the Corporation.

43—Trees etc on public streets or roads

Trees and shrubs must not be planted in a public street or road closer than 1 metre to any part of the waterworks without the written approval of the Corporation.

44—Killing of trees and shrubs

- (1) If—
 - (a) a tree or shrub has been planted in contravention of regulation 43; 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 waterworks or a reduction in the efficiency with which the waterworks operates,

the Corporation may, by written notice served on the council or other person who owns or has the care, control or management, of the land on which the tree or shrub is situated, direct that the tree or shrub be killed.

- (2) If a person on whom a notice has been served fails to comply with the notice, the Corporation may enter the land and kill the tree or shrub.
- (3) The Corporation may recover its costs in killing the tree or shrub as a debt from the person on whom the notice was served.
- (4) A person is not entitled to compensation for the killing of a tree or shrub under this regulation.

45—Damage caused by trees or shrubs

The Corporation's costs of repairing damage to the waterworks 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.

46—Supply of water by consumer

- (1) A consumer must not supply water supplied to him or her by the Corporation to another person without the Corporation's written authorisation.
- (2) An authorisation under subregulation (1) may be granted on such terms and conditions as are determined by the Corporation.

47—Using water from fire services etc

A person must not use water from a fire service or from any other service provided for the purpose of fighting fires for any purpose except fighting fires unless he or she does so with the approval of the Corporation.

48—Exemption

- (1) The Minister may by notice published in the Gazette exempt a person from any provision of these regulations or the Directions.
- (2) An exemption may be made subject to such limitations and conditions as the Minister thinks fit and sets out in the notice.

49—Interference with property of the Corporation

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

50—Offences

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 (where no other penalty is specified):

- (a) in the case of a body corporate—\$10 000;
- (b) in any other case—\$5 000.

Expiation fee: \$315.

51—Form of applications and notices

Applications to the Corporation under the Act or these regulations and notices relating to plumbing work required to be given under these regulations must be in writing in a form approved by the Corporation.

52—Authorised person may make enquiries

- (1) A person authorised in writing by the Corporation may—
 - (a) require a person who the authorised person reasonably suspects has committed, is committing or is about to commit a contravention of the Act or these regulations, to state the person's full name and current or usual place of residence and to produce evidence of the person's identity;
 - (b) require a person who the authorised person reasonably suspects has knowledge of matters in respect of which information is reasonably required for the administration or enforcement of the Act or these regulations to answer questions in relation to those matters.
- (2) A person must not, without reasonable excuse, fail to comply with a request made by, or fail to answer to the best of the person's knowledge, information and belief a question put by, an authorised person pursuant to this regulation.
- (3) A person is not obliged to answer a question under this regulation if to do so would tend to incriminate the person or make the person liable to a penalty.
- (4) An authorised person must not make a request or ask a question under this regulation unless he or she—
 - (a) has written identification issued by the Corporation stating that he or she is authorised to make such a request or ask such a question; and
 - (b) presents (or makes a genuine attempt to present) the identification for inspection when making the request or asking the question.
- (5) A person must not falsely represent, by word or conduct, that he or she is an authorised person for the purposes of this regulation.

Maximum penalty: \$5 000.

53—Determining, levying and collecting water rates on a pro rata basis

- (1) For the purposes of determining, levying or collecting the water rates to be paid in any case, any component of the water rates that relate to the volume of water supplied to land over any particular period may, depending on—
 - (a) when meters are read; or
 - (b) the form or nature of the component of any of the rates; or
 - (c) the operation or effect of any notice of the Minister published under Part 5 of the Act (including so as to provide for a reduction in water rates over a specified period or until a specified date),

be calculated on a pro rata basis.

- (2) In connection with the operation of subregulation (1), any determination, calculation or adjustment of any amount (whether in the nature of a water rate or in relation to the supply of water) over or in respect of any period or on a pro rata basis may assume that water has been supplied at a uniform daily rate over any relevant period.

Schedule 1—Water conservation measures

Part 1—Preliminary

1—Interpretation

In this Schedule, unless the contrary intention appears—

drip irrigation system means an irrigation system (including a micro-spray system that delivers water through water-misting spray heads) that delivers water to plants in drops or other small quantities at a flow rate of not more than 0.5 litres of water per minute per outlet by means of underground or surface pipes or tubes;

external means an area outside a building (whether or not the area is sheltered by a roof);

external area includes a driveway, path, verandah or entertaining area;

high pressure low volume water cleaner means a device, fitted with a trigger nozzle, that forces water, by means of a pump, at high pressure through the trigger nozzle at a flow rate of less than 9 litres per minute;

new swimming pool means a swimming pool in relation to which the contract to install the pool is entered into on or after 1 December 2010;

private garden means a garden (including lawns) on premises used primarily for residential or business purposes;

retail garden centre means premises used for the sale of plants by retail (including where the premises are also used for the sale of other goods);

trigger nozzle means a device that automatically shuts off the flow of water through a hose or other item to which it is attached (or of which it forms a part) unless pressure is maintained by hand on a trigger or other mechanism forming part of the device.

Part 2—Water conservation measures

2—Cleaning motor vehicles, boats

- (1) Subject to subclause (2), a person must not use water to clean a motor vehicle or a boat unless the water is applied—
- (a) from a bucket or watering can; or
 - (b) by a high pressure low volume water cleaner; or
 - (c) from a hand-held hose that is fitted with a trigger nozzle.
- (2) Subclause (1) does not apply to—
- (a) the cleaning of a motor vehicle or a boat at a commercial car wash or by means of an automatic washing system that recycles water; or
 - (b) the flushing or rinsing of the motor of a boat after use.

3—Watering gardens, grounds, retail garden centres etc

- (1) Subject to subclause (2), a person must not use water to water any external portion of a—
 - (a) public or private garden (including lawns), or retail garden centre; or
 - (b) recreational area, sports ground or other public open space of an area less than or equal to 0.5 hectares,unless the water is applied—
 - (c) by hand (through a hand-held hose that is fitted with a trigger nozzle or from a bucket or watering can); or
 - (d) through a drip irrigation system; or
 - (e) where the watering takes place after 5 p.m. and before 10 a.m.—through a sprinkler system.
- (2) Subclause (1) does not apply to the application of water through a sprinkler system at a retail garden centre between 1 p.m. and 2 p.m. on a day on which the maximum temperature for the locality where the retail garden centre is situated is, according to a forecast issued by the Bureau of Meteorology and applying at 5 a.m. on that day, expected to exceed 30° Celsius.
- (3) A person must not use water to water any external portion of a recreational area, sports ground or other public open space of an area greater than 0.5 hectares.

4—Hosing down external area

- (1) Subject to subclause (2), a person must not use water to hose down an external area covered by paving, concrete, bitumen or other similar material unless—
 - (a) it is necessary to do so—
 - (i) to protect public health; or
 - (ii) to ensure the safety of persons using the area; or
 - (iii) to ensure the health and welfare of animals using the area; and
 - (b) the water is applied—
 - (i) by a high pressure low volume water cleaner; or
 - (ii) from a hand-held hose that is fitted with a trigger nozzle.
- (2) Subclause (1) does not apply to the use of water on an external area if the water is used to deal with a fire, accident or other emergency.
- (3) For the avoidance of doubt, nothing in subclause (1) prevents a person from using water to hose down an external wall or window if the water is applied in accordance with the requirements of subclause (1)(b).

5—Construction sites

A person must not use water to control dust or other pollutants resulting from building works, or for the purpose of compacting soil or other material in the conduct of building works, unless the water is applied—

- (a) from a hand-held hose fitted with a trigger nozzle; or

- (b) directly from a motor vehicle designed to carry and deposit water.

6—Swimming pools

A person must not use water to fill for the first time a new swimming pool in any circumstances except under the authority of a permit issued under Part 6 Division 3.

Part 3—Areas to which measures apply

7—Areas to which measures apply

The measures specified in this Schedule apply throughout the State.

Schedule 2—Water efficiency plans

1—Preparation of water efficiency plans

A draft water efficiency plan must be prepared and submitted to the Minister for approval—

- (a) in the case of a new water efficiency plan—not later than the date specified by the Minister by notice in the Gazette; or
- (b) in the case of a water efficiency plan that is to replace an expiring plan—not later than the day on which the existing water efficiency plan expires.

2—Contents of water efficiency plans

A draft water efficiency plan must include the following information:

- (a) a description of the person's current water usage;
- (b) a list of water savings measures (expressed in terms of water saved, cost effectiveness and potential benefits) that the person proposes to implement in the 5 year period following approval of the water efficiency plan (including initial set up costs and annual costs for each measure and time frames for implementation);
- (c) any other information required by the Minister by notice in the Gazette, or by notice in writing given to the person.

Schedule 3—Revocation of *Waterworks Regulations 1996*

The *Waterworks Regulations 1996* are revoked.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 25 August 2011

No 210 of 2011

MWA11/0011CS