



New South Wales

Sydney Water Regulation 2025

under the

Sydney Water Act 1994

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

Her Excellency the Governor, with the advice of the Executive Council, has made the following regulation under the *Sydney Water Act 1994*.

Minister for Water

Explanatory note

The object of this regulation is to repeal and remake, with some changes, the *Sydney Water Regulation 2017*. This regulation provides for the following—

- (a) the regulation of access to controlled areas, including fees and charges payable for entry to a controlled area,
- (b) the grant of authorisations, including conditions of an authorisation, for connections, alterations and use of works owned by the Sydney Water Corporation (the **Corporation**) and directions by the Corporation in relation to those activities or work,
- (c) the performance of work of water supply, sewerage or stormwater drainage intended for direct or indirect connection with the pipes, sewers or drains of the Corporation and directions by the Corporation in relation to the work,
- (d) offences under the *Sydney Water Act 1994* and this regulation that may be dealt with by penalty notice, and the corresponding penalty,
- (e) other miscellaneous matters.

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public consultation draft

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Sydney Water Regulation 2025

under the

Sydney Water Act 1994

Part 1 Preliminary

1 Name of regulation

This regulation is the *Sydney Water Regulation 2025*.

2 Commencement

This regulation commences on the day on which this regulation is published on the NSW legislation website.

Note— This regulation repeals and replaces the *Sydney Water Regulation 2017*, which would otherwise be repealed on 1 September 2025 by the *Subordinate Legislation Act 1989*, section 10(2).

3 Definitions

In this regulation—

approved fitting means a fitting approved by the Corporation in accordance with section 26.

authorised officer, for Part 2—see section 5.

Plumbing Code of Australia means the document entitled the *Plumbing Code of Australia*, published by the Australian Building Codes Board, as in force from time to time.

plumbing or drainage work, for Part 4—see section 23.

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

the Act means the *Sydney Water Act 1994*.

vehicle, for Part 2—see section 4.

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

Part 2 Controlled areas—the Act, s 89

4 Definitions

In this part—

authorised officer—see section 5.

vehicle includes the following—

- (a) a motor vehicle within the meaning of the *Road Transport Act 2013*,
- (b) a trailer or caravan, whether or not it is being towed,
- (c) an apparatus propelled by human or mechanical power, or by the wind, that is wholly or partly used for the conveyance of persons or things, other than a wheelchair, pram or stroller,
- (d) a vessel within the meaning of the *Marine Safety Act 1998*.

5 Meaning of “authorised officer”

For the Act, section 89(1)(c), the following persons are **authorised officers**—

- (a) an employee of the Corporation,
- (b) a person or a member of a class of persons authorised in writing by the Corporation,
- (c) a police officer.

6 Corporation’s consent

- (1) For the Act, section 89(1)(b), a person does not commit an offence under this part, other than an offence under section 7, for anything done, or omitted to be done—
 - (a) with the consent of the Corporation, and
 - (b) in accordance with the conditions of the Corporation’s consent.
- (2) The Corporation may grant consent by—
 - (a) displaying a sign on the land or part of the land to which the sign relates, or
 - (b) written notice given to a person.
- (3) The Corporation may grant consent subject to conditions the Corporation considers appropriate.
- (4) Consent granted by written notice given to a person may be varied or revoked by further written notice give to the person.

7 Directions to leave

- (1) For the Act, section 89(1)(e), an authorised officer may direct a person to leave a controlled area or part of a controlled area if the authorised officer reasonably believes—
 - (a) the person has contravened this part, or
 - (b) the person has entered a controlled area without paying a fee or charge determined under section 15.
- (2) A person must comply with a direction given to the person under subsection (1).
Maximum penalty—
 - (a) for a corporation—200 penalty units, or
 - (b) otherwise—100 penalty units.

8 Entry

For the Act, section 89(1)(a)(iii), a person must not enter or remain in a controlled area.

Maximum penalty—

- (a) for a corporation—200 penalty units, or
- (b) otherwise—100 penalty units.

9 Animals

For the Act, section 89(1)(a), a person must not cause an animal to enter or remain in a controlled area.

Maximum penalty—

- (a) for a corporation—200 penalty units, or
- (b) otherwise—100 penalty units.

10 Driving and parking vehicles

For the Act, section 89(1)(a), person must not do the following in a controlled area—

- (a) drive or ride a vehicle,
- (b) be a passenger in a vehicle that another person drives or rides,
- (c) park or leave a vehicle.

Maximum penalty—

- (a) for a corporation—200 penalty units, or
- (b) otherwise—100 penalty units.

11 Agriculture

- (1) For the Act, section 89(1)(a), a person must not engage in agriculture in a controlled area.

Maximum penalty—

- (a) for corporation—200 penalty units, or
- (b) otherwise—100 penalty units.

- (2) In this section—

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

12 Causing damage

- (1) For the Act, section 89(1)(a), a person must not do the following in a controlled area—

- (a) damage, remove or otherwise interfere with a fixture, sign, structure, work or other property of the Corporation,
- (b) damage or remove a plant,
- (c) remove a rock, soil, sand or a similar substance.

Maximum penalty—

- (a) for a corporation—200 penalty units, or
- (b) otherwise—100 penalty units.

- (2) In this section—

plant means an aquatic or terrestrial plant and includes a shrub or tree.

13 Waste and pollution

- (1) For the Act, section 89(1)(a)(i) and (ii), a person must not do the following—
 - (a) bring waste into, or leave waste in, a controlled area,
 - (b) pollute waters within a controlled area.Maximum penalty—
 - (a) for a corporation—200 penalty units, or
 - (b) otherwise—100 penalty units.
- (2) A person does not commit an offence under this section for anything done in accordance with an environment protection licence.
- (3) In this section—

environment protection licence has the same meaning as in the *Protection of the Environment Operations Act 1997*.

pollute, in relation to waters, has the same meaning as **water pollution** has in the *Protection of the Environment Operations Act 1997*.

waste has the same meaning as in the *Protection of the Environment Operations Act 1997*.

waters has the same meaning as in the *Protection of the Environment Operations Act 1997*.

14 Gates and barriers

- (1) For the Act, section 89(1)(a)(iii), a person must not open, pass through, remove, interfere with, damage or obstruct a gate or barrier on or to a controlled area.
Maximum penalty—
 - (a) for a corporation—200 penalty units, or
 - (b) otherwise—100 penalty units.
- (2) In this section—

barrier includes an obstruction positioned or created by or for the Corporation to restrict or obstruct access to a road, path or similar thing.

15 Fees and charges

- (1) For the Act, section 89(1)(f), the Corporation may determine the fees or charges payable for a person or vehicle to enter a controlled area or part of a controlled area.
- (2) For the Act, section 89(1)(g), the Corporation may reduce or waive payment of a fee or charge payable under this section.
- (3) For the Act, section 89(1)(d), an authorised officer may deny a person entry to a controlled area or part of a controlled area if the person does not pay the fee or charge determined under subsection (1).

Part 3 Authorisations for connections, alterations or use of works—the Act, ss 48A and 106

16 Granting authorisations

- (1) The Corporation may grant an authorisation under the Act, section 48A(1) to a person or class of persons on application or on the Corporation's own initiative.
- (2) The Corporation must publish all authorisations granted to a class of persons on the Corporation's website.

17 Applications for authorisations

- (1) An application for an authorisation must be—
 - (a) made in the form approved by the Corporation, and
 - (b) lodged—
 - (i) by email to an email address specified by the Corporation for receiving applications, or
 - (ii) using an online system provided on the Corporation's website, or
 - (iii) in another way specified by the Corporation.
- (2) An applicant must pay the fee determined by the Corporation for the application.

18 Decisions about applications

- (1) After receiving an application for an authorisation, the Corporation may, by written notice served on the applicant—
 - (a) grant the authorisation, or
 - (b) refuse to grant the authorisation.
- (2) Without limiting subsection (1), the Corporation may refuse to grant an authorisation if—
 - (a) in the Corporation's opinion, the applicant has previously—
 - (i) carried out the kind of work to which the Act, section 48A(1) applies in contravention of the Act, this regulation or a direction given under this regulation, or
 - (ii) otherwise contravened the Act, this regulation or a direction given under this regulation, or
 - (b) the application for the authorisation is incomplete.

19 Conditions of authorisations

- (1) An authorisation is subject to the following conditions—
 - (a) work to which the authorisation applies must be done in accordance with the Plumbing Code of Australia,
 - (b) other conditions imposed by the Corporation.
- (2) The Corporation may, by written notice to the holder of an authorisation, vary the conditions of the authorisation by—
 - (a) imposing a new condition, or
 - (b) substituting, removing or amending a condition, other than the condition set out in subsection (1)(a).
- (3) The holder of an authorisation must not contravene a condition of the authorisation.
Maximum penalty—

- (a) for a corporation—200 penalty units, or
- (b) otherwise—100 penalty units.

20 Suspension or cancellation of authorisations

- (1) The Corporation may, by written notice served on the holder of an authorisation, suspend or cancel the authorisation if—
 - (a) the Corporation is satisfied the authorisation was granted in error, or
 - (b) the Corporation is satisfied the holder of the authorisation—
 - (i) has failed to comply with a condition of the authorisation, or
 - (ii) has contravened the Act, this regulation or a direction given under this regulation, or
 - (c) the holder of the authorisation has applied, in the form approved by the Corporation, for the authorisation to be suspended or cancelled, or
 - (d) the owner of premises on which work authorised by the authorisation is being or will be done has applied, in the form approved by the Corporation, for the authorisation to be suspended or cancelled.
- (2) The notice under subsection (1) must specify the following—
 - (a) the grounds for the suspension or cancellation,
 - (b) for a suspension—the period of the suspension,
 - (c) for a cancellation—the date or time from which the cancellation takes effect.
- (3) The Corporation may suspend or cancel an authorisation unconditionally or subject to conditions.
- (4) The conditions may include, but are not limited to, conditions to which the authorisation was subject immediately before it was suspended or cancelled.
- (5) The Corporation may, by written notice served on a person whose authorisation is suspended or cancelled—
 - (a) impose new conditions on the suspension or cancellation, or
 - (b) substitute, remove or amend a condition of the suspension or cancellation.
- (6) A person whose authorisation is suspended or cancelled must not contravene a condition of the suspension or cancellation.
Maximum penalty—
 - (a) for a corporation—200 penalty units, or
 - (b) otherwise—100 penalty units.
- (7) In this section—
owner includes a duly authorised agent of the owner.

21 Directions by Corporation to use approved fittings

- (1) The Corporation may give a direction that a person must use approved fittings for the kind of work to which the Act, section 48A(1) applies.
- (2) A direction given under this section must be published on the Corporation's website.
- (3) A person must comply with a direction given under this section.
Maximum penalty—
 - (a) for a corporation—200 penalty units, or
 - (b) otherwise—100 penalty units.

22 Directions by Corporation for non-standard work

- (1) The Corporation may, by written notice served on a person who is carrying out or has completed the kind of work to which the Act, section 48A(1) applies, direct the person to do one or both of the following—
 - (a) repair the work, in the way specified by the Corporation, if the work is not being or has not been done—
 - (i) to a standard expected of a tradesperson, or
 - (ii) in accordance with the Plumbing Code of Australia, or
 - (iii) in accordance with a condition of an authorisation that applies to the work,
 - (b) repair a fitting used in the work, in the way specified by the Corporation, if the fitting is—
 - (i) defective, or
 - (ii) not an approved fitting.
- (2) A direction must be given no later than 6 years after the work to which the direction relates is completed.
- (3) A person must comply with a direction given to the person under this section.
Maximum penalty—
 - (a) for a corporation—200 penalty units, or
 - (b) otherwise—100 penalty units.

Part 4 Work for water supply, sewerage or stormwater drainage—the Act, ss 99 and 106

23 Definition

In this part—

plumbing or drainage work means the kind of work to which the Act, section 99(1) applies.

24 Plumbing or drainage work must comply with Plumbing Code of Australia

For the Act, section 99(2)(a), a person must do plumbing or drainage work in accordance with the Plumbing Code of Australia.

Maximum penalty—

- (a) for a corporation—200 penalty units, or
- (b) otherwise—100 penalty units.

25 Persons must use approved fittings for plumbing and drainage work

For the Act, section 99(2)(a), a person must not use a fitting for plumbing or drainage work unless the fitting is an approved fitting.

Maximum penalty—

- (a) for a corporation—200 penalty units, or
- (b) otherwise—100 penalty units

26 Approval of fittings by Corporation

- (1) For the Act, section 99(2)(b), the Corporation may approve fittings for use in plumbing or drainage work.
- (2) Before approving a fitting, the Corporation may require one or more of the following—
 - (a) a fitting of the same kind to be provided to the Corporation,
 - (b) a satisfactory result of tests of a fitting of the same kind carried out by a person or body approved by the Corporation to be provided to the Corporation,
 - (c) a fitting of the same kind to be manufactured under a system of quality assurance approved by the Corporation.
- (3) In determining whether to approve a fitting, the Corporation must consider—
 - (a) the requirements of AS 5200.000–2006, and
 - (b) guidelines for fittings published on the Corporation’s website.
- (4) The Corporation may publish guidelines on the Corporation’s website setting out requirements for fittings.
- (5) In this section—

AS 5200.000—2006 means AS 5200.000—2006, *Technical specification for plumbing and drainage products, Part 000: Procedures for certification of plumbing and drainage products*.

27 Unauthorised plumbing or drainage work

- (1) For the Act, section 99(2)(c), a person must not carry out plumbing or drainage work unless the person holds a permit authorising the person to carry out the work.

Maximum penalty—

 - (a) for a corporation—200 penalty units, or

- (b) otherwise—100 penalty units.
- (2) A person does not commit an offence under this section if—
 - (a) the plumbing or drainage work is done in an emergency—
 - (i) to prevent the waste of water, or
 - (ii) to restore a water supply that has been shut off to prevent waste of water, or
 - (iii) to free a choked pipe, or
 - (iv) to prevent damage to property, and
 - (b) the person obtains a permit for the work as soon as practicable after the work is done.
- (3) This section does not apply to plumbing or drainage work done by, or for, the Corporation.

28 Granting permits

- (1) For the Act, section 99(2)(c), the Corporation may grant a permit for the carrying out of plumbing or drainage work to a person or class of persons on application or on the Corporation's own initiative.
- (2) The Corporation must publish all permits granted to a class of persons on the Corporation's website.

29 Applications for permits

- (1) For the Act, section 99(2)(c), an application for a permit must be—
 - (a) made in the form approved by the Corporation, and
 - (b) lodged—
 - (i) by email to an email address specified by the Corporation on the Corporation's website for receiving applications, or
 - (ii) using an online system provided on the Corporation's website, or
 - (iii) in another way specified by the Corporation.
- (2) An applicant must pay the fee determined by the Corporation for the application.

30 Decisions about applications

- (1) For the Act, section 99(2)(c), after receiving an application for a permit, the Corporation may, by written notice served on the applicant—
 - (a) grant the permit, or
 - (b) refuse to grant the permit.
- (2) Without limiting subsection (1), the Corporation may refuse to grant a permit if—
 - (a) in the Corporation's opinion, the applicant has previously carried out plumbing or drainage work in contravention of the Act, this regulation or a direction given under this regulation, or
 - (b) the application for the permit is incomplete.

31 Conditions of permits

- (1) For the Act, section 99(2)(c), the Corporation may grant a permit unconditionally or subject to conditions.
- (2) The Corporation may, by written notice to the holder of a permit, vary the permit by—

- (a) imposing a new condition, or
 - (b) substituting, removing or amending a condition.
- (3) The holder of a permit must not contravene a condition of the permit.
Maximum penalty—
 - (a) for a corporation—200 penalty units, or
 - (b) otherwise—100 penalty units.

32 Suspension or cancellation of permits

- (1) For the Act, section 99(2)(c), the Corporation may, by written notice served on the holder of a permit, suspend or cancel the permit if—
 - (a) the Corporation is satisfied the permit was granted in error, or
 - (b) the Corporation is satisfied the holder of the permit—
 - (i) has failed to comply with a condition of the permit, or
 - (ii) has contravened the Act, this regulation or a direction given under this regulation, or
 - (c) the holder of the permit has applied, in the form approved by the Corporation, for the permit to be suspended or cancelled, or
 - (d) the owner of premises on which work authorised by the permit is being or will be done has applied, in the form approved by the Corporation, for the permit to be suspended or cancelled.
- (2) The notice under subsection (1) must specify the following—
 - (a) the grounds for the suspension or cancellation,
 - (b) for a suspension—the period of the suspension,
 - (c) for a cancellation—the date or time from which the cancellation takes effect.
- (3) The Corporation may suspend or cancel a permit unconditionally or subject to conditions.
- (4) The conditions may include, but are not limited to, conditions to which the permit was subject immediately before it was suspended or cancelled.
- (5) The Corporation may, by written notice served on a person whose permit is suspended or cancelled—
 - (a) impose new conditions on the suspension or cancellation, or
 - (b) substitute, remove or amend a condition of the suspension or cancellation.
- (6) A person whose permit is suspended or cancelled must not contravene a condition of the suspension or cancellation.
Maximum penalty—
 - (a) for a corporation—200 penalty units, or
 - (b) otherwise—100 penalty units.
- (7) In this section—
owner includes a duly authorised agent of the owner.

33 Directions by Corporation for non-standard work

- (1) For the Act, section 99(2)(d), the Corporation may, by written notice served on a person who is carrying out, or has completed, plumbing or drainage work, direct the person to do one or both of the following—

- (a) repair the work, in the way specified by the Corporation, if the work is not being, or has not been, done—
 - (i) to a standard expected of a tradesperson, or
 - (ii) in accordance with the Plumbing Code of Australia, or
 - (iii) in accordance with a condition of a permit that applies to the work,
 - (b) repair a fitting used in the work, in the way specified by the Corporation, if the fitting is—
 - (i) defective, or
 - (ii) not an approved fitting.
- (2) A direction must be given no later than 6 years after the work to which it relates is completed.
- (3) A person must comply with a direction given to the person under this section.
Maximum penalty—
 - (a) for a corporation—200 penalty units, or
 - (b) otherwise—100 penalty units.

Part 5 Miscellaneous

34 Minister may regulate water use

- (1) For the Act, section 106(2)(b), in the case of a drought, emergency or accident, or if the Minister is for some other reason of the opinion that it is necessary in the public interest and for the purpose of maintaining water supply, the Minister may, by order published on the NSW legislation website, regulate or restrict one or more of the following—
 - (a) the purpose for which water is used,
 - (b) the time when water is used,
 - (c) the quantity of water used,
 - (d) the means or method by which water is used.
- (2) The order—
 - (a) may apply to the whole, or a part, of the area of operations of the Corporation as is specified in the order, and
 - (b) takes effect on the later of—
 - (i) the date specified in the order, or
 - (ii) the date the order is published, and
 - (c) has effect despite the provisions of a contract relating to the supply of water by the Corporation.
- (3) Notice of the order must be given in a way the Minister is satisfied is—
 - (a) reasonably practical, and
 - (b) most likely to bring the order to the attention of members of the public in the area of operations of the Corporation to which the order applies.
- (4) A person must comply with an order under this section.
Maximum penalty—
 - (a) for a corporation—100 penalty units, or
 - (b) otherwise—50 penalty units.
- (5) The Corporation may limit or stop the supply of water to land if the owner, occupier or person requiring a supply of water to the land contravenes an order under this section.

35 Persons must notify Corporation of damage to works and other property

For the Act, section 106(2)(b1), a person who damages a work or other property of the Corporation must immediately notify the Corporation of the damage.

Maximum penalty—

- (a) for a corporation—200 penalty units, or
- (b) otherwise—100 penalty units.

36 Penalty notices

- (1) For the Act, section 50—
 - (a) each offence created by a provision specified in Schedule 1 is an offence for which a penalty notice may be issued, and
 - (b) the amount payable for the penalty notice is the amount specified opposite the provision.

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

37 Repeal and savings

- (1) The *Sydney Water Regulation 2017* is repealed.
- (2) An act, matter or thing that, immediately before the repeal of the *Sydney Water Regulation 2017*, had effect under that regulation continues to have effect under this regulation.

Schedule 1 Penalty notice offences

section 36

Column 1	Column 2	Column 3
Provision	Penalty for individual	Penalty for corporation
Offences under the Act		
Section 48	\$2,200	\$4,400
Section 48A(1)	\$750	\$1,500
Section 49(1)	\$750	\$1,500
Offences under this regulation		
Section 7(2)	\$750	\$1,500
Section 8	\$750	\$1,500
Section 9	\$750	\$1,500
Section 10	\$750	\$1,500
Section 11(1)	\$750	\$1,500
Section 12(1)	\$750	\$1,500
Section 13(1)	\$750	\$1,500
Section 14(1)	\$750	\$1,500
Section 19(3)	\$750	\$1,500
Section 20(6)	\$750	\$1,500
Section 21(3)	\$750	\$1,500
Section 22(3)	\$750	\$1,500
Section 24	\$750	\$1,500
Section 25	\$750	\$1,500
Section 27(1)	\$750	\$1,500
Section 31(3)	\$750	\$1,500
Section 32(6)	\$750	\$1,500
Section 33(3)	\$750	\$1,500
Section 34(4)	\$450	\$900
Section 35	\$750	\$1,500