

Queensland



Subordinate Legislation 1998 No. 99

Sewerage and Water Supply Act 1949

STANDARD SEWERAGE LAW

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CHAPTER 1—PRELIMINARY

PART 1—INTRODUCTION

Short title

1. This regulation may be cited as the Standard Sewerage Law.

Commencement

2. This regulation commences on 30 April 1998.

Purposes of law

3. The purposes of this law are—
 - (a) to make provision, under section 5¹ of the Act, for sewerage, sanitary conveniences and stormwater drainage; and
 - (b) to prescribe matters under section 17A² of the Act.

Dictionary

4.(1) The dictionary in schedule 2 defines particular words and phrases used in this law.

(2) Definitions found elsewhere in this law are signposted in the dictionary.

(3) A word defined in the dictionary as ‘see glossary’ has the meaning given in the glossary.

References

5. In a provision of this law about an act or thing, a reference to—

¹ Section 5 (Standard Sewerage Law)

² Section 17A (Prohibition on discharge of prohibited substances and trade waste)

- (a) a local government is a reference to the local government in whose local government area the act happens or the thing is located; and
- (b) an engineer is a reference to an engineer of the local government in whose local government area the act happens or the thing is located; and
- (c) an inspector is a reference to an inspector of the local government in whose local government area the act happens or the thing is located; and
- (d) a trade waste officer is a reference to a trade waste officer of the local government in whose local government area the act happens or the thing is located.

Meaning of “applied provisions” and “glossary”

6.(1) The “**applied provisions**” are the following components of the compilation known generally as the National Plumbing and Drainage Code—

- (a) National Plumbing and Drainage Code—Part 0: Glossary of terms, but only the document published under the designation of AS/NZS 3500.0: 1995;
- (b) National Plumbing and Drainage—Part 2.1: Sanitary plumbing and drainage—Performance requirements, but only the document published under the designation of AS 3500.2.1—1996;
- (c) National Plumbing and Drainage—Part 2.2: Sanitary plumbing and drainage—Acceptable solutions, but only the document published under the designation of AS/NZS 3500.2.2: 1996.

(2) The “**glossary**” is the document described in subsection (1)(a).

Interpretation of applied provisions

7.(1) This section applies to a word or phrase if—

- (a) the word or phrase is defined in the glossary; and
- (b) the word or phrase, or an expression that is in substance equivalent to the word or phrase, is also defined in schedule 2,

other than as ‘see glossary’.

(2) For applying the applied provisions under this law, a word or phrase to which this section applies is taken to have, to the greatest practicable extent, the meaning given in schedule 2.

Work not regulated by this law

8.(1) A provision of this law purporting to regulate sanitary plumbing or sanitary drainage work does not regulate the work to the extent that the work is unregulated work.

Example—

A requirement under this law to obtain the local government’s approval before performing, or to advise the local government after performing, sanitary plumbing or sanitary drainage work does not apply if the work is unregulated work.

(2) Despite subsection (1), a provision of this law about a requirement for sanitary plumbing or sanitary drainage, including, for example, a provision of this law stating the standard of fittings required to be installed for sanitary plumbing or sanitary drainage, has effect even if fulfilling the requirement could be achieved through the performance of unregulated work.

PART 2—APPOINTMENTS

Engineers

9.(1) A local government may appoint as an engineer of the local government an appropriately qualified person.

(2) An engineer of the local government holds the appointment as an engineer on the conditions stated in the instrument of appointment.

(3) In this section—

“appropriately qualified” includes having qualifications, skills and experience appropriate for performing sewerage engineering functions for the local government.

Inspectors

10.(1) A local government may appoint as an inspector of the local government an appropriately qualified person.

(2) An inspector of the local government holds the appointment as an inspector on the conditions stated in the instrument of appointment.

(3) In this section—

“appropriately qualified” includes—

- (a) having qualifications, skills and experience appropriate for inspecting and approving sanitary plumbing and drainage work on premises; and
- (b) holding a plumber’s licence under the Act, or approved by the board as having the necessary competence for inspecting and approving sanitary plumbing and drainage work on premises.

Trade waste officers

11.(1) A local government may appoint as a trade waste officer of the local government an appropriately qualified person.

(2) A trade waste officer of the local government holds the appointment as a trade waste officer on the conditions stated in the instrument of appointment.

(3) In this section—

“appropriately qualified” includes having qualifications, skills and experience appropriate for performing functions relating to the local government’s environmental plan.

PART 3—PROVISIONS AIDING ENFORCEMENT**Local government may direct owner to perform work**

12.(1) This section applies if there is, on premises, and in use for sewerage, sanitary conveniences or stormwater drainage, any of the

following—

- (a) a defective on-site sewerage facility, or an on-site sewerage facility that is not adequate for dealing with the sewage generated on the premises;
- (b) sanitary plumbing or sanitary drainage that is—
 - (i) defective because of incorrectly performed sanitary plumbing or sanitary drainage work; or
 - (ii) the subject of sanitary plumbing or sanitary drainage work carried out in a way contravening this law;
- (c) a sanitary plumbing or sanitary drainage component that—
 - (i) is being used otherwise than under this law; or
 - (ii) has been connected to the local government's sewerage system without the local government's approval; or
 - (iii) has been connected to the local government's stormwater drainage; or
 - (iv) does not adequately do what it was installed to do, whether because it is defective or for another reason; or
 - (v) is not connected to a sewerage system or on-site sewerage facility, but should be; or
 - (vi) is in a condition likely to cause a nuisance or to be detrimental to public health.

(2) The local government may give the owner of the premises a written notice requiring the owner to perform, within the time stated in the notice, the work stated in the notice.

(3) The time stated in the notice must be a time that is reasonable in the circumstances, but must be at least 1 month after the notice is given to the owner.

(4) The work stated in the notice must be work that is reasonably necessary for fixing or otherwise dealing with the on-site sewerage facility, sanitary plumbing or sanitary drainage or sanitary plumbing or sanitary drainage component.

(5) Without limiting subsection (4), the notice may require the owner—

- (a) to repair or replace a defective component; or
- (b) to improve a component's performance or replace a component with another component the performance of which is consistent with a requirement of this law; or
- (c) to remedy a contravention of this law; or
- (d) to disconnect something connected to a sewerage system or stormwater drainage without the local government's approval.

(6) The owner must comply with the notice, unless the owner has a reasonable excuse.

Maximum penalty for subsection (6)—165 penalty units.

CHAPTER 2—SEWERAGE SYSTEMS AND STORMWATER DRAINAGE

PART 1—ADMINISTRATION

Map of sewered area to be kept

13.(1) A local government must keep a map at its public office showing—

- (a) the limits of the local government's sewered area; and
- (b) the location of the local government's sewers.

(2) The local government must allow anyone to inspect the map, free of charge, when the public office is open for business.

Access to sewerage system

14.(1) A local government must, to the greatest practicable extent, make sure that—

- (a) all premises in a sewered area are able to be connected directly and separately to the local government's sewerage system for the

sewered area; and

- (b) the sewerage system can deal with the sewerage requirements of all premises in the sewered area.

(2) Subsection (1) does not stop the local government from recovering from an owner of premises the reasonable cost of complying with the subsection for any particular premises or premises group.

(3) If 2 or more premises are part of a premises group, the local government does not fail to comply with subsection (1) because it makes sure only that the premises group, rather than each individual premises, is able to be connected directly and separately to its sewerage system.

(4) The design of the sewerage system must allow for a connection point for each premises or premises group to be at or within the boundary of the premises or premises group, and, to the greatest practicable extent, at an invert level below ground level at which a sanitary drain or property sewer laid at minimum grade is capable of servicing the premises or premises group.

(5) The placing of each connection point is to be decided by the local government, acting reasonably in the circumstances of the connection.

(6) A junction, bend, pipe, jump up or graded jump up required to connect a sanitary drain or property sewer to the local government's sewer is part of the sewerage system, but only if the sanitary drain or property sewer is at or above the level of the sewer.

Premises to connect to sewerage system

15. The owner of premises in a local government's sewered area must make sure that—

- (a) the soil or waste pipes from all fixtures on the premises, including water closet pans, urinals, sinks, baths, clothes washers and dishwashers, discharge into sanitary drainage; and
- (b) all sanitary drainage on the premises discharges to the local government's sewerage system for the sewered area.

Maximum penalty—165 penalty units.

Notice to connect to sewerage system or install on-site sewerage facility

16.(1) A local government may, by written notice given to the owner of premises, require the owner—

- (a) to connect the premises to a sewerage system or common effluent drainage; or
- (b) to install an on-site sewerage facility on the premises.

(2) Subsection (1)(b) does not apply if arrangements for the disposal of nightsoil from the premises are in place under the *Environmental Protection (Interim Waste) Regulation 1996*.

(3) If the local government requires the premises to be connected to common effluent drainage and the premises do not have an appropriate on-site sewage treatment plant, the written notice may additionally require the owner to install a septic tank on the premises.

(4) The written notice must state—

- (a) the time (the “**initial period**”) for completing the work; and
- (b) that the work must be completed within the initial period or within any further time the local government may, whether before or after the end of the initial period, decide; and
- (c) that the local government’s approval to the proposed work must be given before work starts; and
- (d) that the owner may ask the local government to prepare the plans needed for the work; and
- (e) anything else the owner must do to get the approval mentioned in paragraph (c).

Example of paragraph (e)—

The notice may require the owner to give the local government a stated number of plans drawn to a stated scale.

(5) The initial period must be reasonable in the circumstances of the notice, but must not be less than 1 month after the notice is given to the owner.

(6) The owner must comply with the notice.

Maximum penalty for subsection (6)—165 penalty units.

PART 2—GENERAL PROVISIONS ABOUT SEWERAGE SYSTEMS

Interference with sewerage systems

17. A person must not interfere with a local government's sewerage system without the local government's approval.

Maximum penalty—165 penalty units.

Costs of repairing local government's sewerage system

18.(1) This section applies if a person unlawfully damages a local government's sewerage system.

(2) The local government may perform work to fix the damage, and may recover the reasonable costs for the work from the person who caused the damage.

(3) The costs mentioned in subsection (2) are in addition to any penalty imposed for causing the damage.

Building over sewerage system

19.(1) A person must not, without the local government's approval—

- (a) build something over a sewerage system or property sewer, if the building of the thing, or the thing as built, would stop access to a sewer forming part of the sewerage system or the property sewer; or
- (b) place material over an access chamber.

Maximum penalty—165 penalty units.

(2) A person must not, without the local government's approval—

- (a) increase or reduce the amount of cover over a sewer; or
- (b) change the surface of land in a way causing ponding of water over an access chamber.

Maximum penalty—40 penalty units.

PART 3—USE OF SEWERAGE SYSTEMS

Wastes to discharge to sewerage system

20.(1) The occupier of premises connected to a local government's sewerage system must not allow any human or liquid waste from fixtures or appliances, including water closet pans, urinals, sinks, baths, clothes washers and dishwashers, on the premises to be discharged other than into the sewerage system.

Maximum penalty—165 penalty units.

(2) Also, the occupier of premises connected to a local government's sewerage system must not allow anything that is not a waste mentioned in subsection (1) to be discharged into the sewerage system without the local government's approval.

Maximum penalty—165 penalty units.

(3) In subsection (2)—

“waste” does not include—

- (a) a prohibited substance under section 17A(2)³ of the Act; or
- (b) trade waste under section 17A of the Act.

Swimming pools

21.(1) A person must not discharge backwash water or water from a swimming pool or ornamental pond into a local government's sewerage system without the local government's approval.

Maximum penalty—40 penalty units.

(2) The local government may give an approval under subsection (1) on conditions, including, for example, a condition about the maximum permissible rate of discharge to the sewerage system.

(3) In this section—

³ Section 17A (Prohibition on discharge of prohibited substances and trade waste)

“**backwash water**” means water used to clean a swimming pool filtration system.

PART 4—PROVISIONS FOR PART 3A OF ACT

Division 1—Discharges into sewerage or stormwater drainage

Definition for div 1

22. In this division—

“**sewerage**” has the meaning given in section 17A⁴ of the Act

Prohibited substances

23.(1) This section prescribes prohibited substances for section 17A of the Act.

(2) For section 17A(1) of the Act, definition “**trade waste**”, paragraph (a), a prohibited substance is a substance mentioned in schedule 1, other than a substance that is also mentioned in paragraph (b) or (c) of the definition.

(3) For section 17A(2) of the Act—

- (a) a prohibited substance, for discharge into sewerage, is a substance mentioned in schedule 1, part 1; and
- (b) a prohibited substance, for discharge into stormwater drainage, is a substance mentioned in schedule 1, part 2.

Trade waste approvals

24.(1) A local government may give a person an approval (a “**trade waste approval**”) to discharge trade waste into sewerage.

⁴ Section 17A (Prohibition on discharge of prohibited substances and trade waste)

(2) Before giving a person a trade waste approval, the local government must consider the effect of the trade waste proposed to be discharged on any existing or potential re-use of waste water or sludge.

(3) The local government may give the trade waste approval only if it is satisfied that—

- (a) having regard to the amount, type and strength of the trade waste to be discharged, the discharge will not harm the sewerage or the health and safety of anyone working on the sewerage; and
- (b) the sewage treatment plant to treat the trade waste is capable of treating the waste to a standard reasonably acceptable to the local government; and
- (c) disposal of the trade waste into the sewerage is consistent with the local government's environmental plan.

(4) The local government may give a trade waste approval on conditions, including, for example, conditions about 1 or more of the following—

- (a) the maximum daily quantity of trade waste that may be discharged;
- (b) the maximum permissible rate of discharge of trade waste;
- (c) the permissible limits for the quality of trade waste, including limits for suspended solids, biochemical oxygen demand, acidity and alkalinity;
- (d) whether trade waste must be treated before being discharged into the sewerage;
- (e) the appropriate management of polluted areas, including, for example, conditions requiring—
 - (i) the building of a roof over a stated area to prevent rainwater entering a sanitary drain or sewer; or
 - (ii) the paving of the floor of a stated area with an approved impervious material and to a stated grade to an outlet; or
 - (iii) the installing of an arrestor or pre-treatment device.

Costs of repairing damaged sewerage system

25.(1) This section applies if—

- (a) in contravention of section 17A of the Act, a person discharges a prohibited substance into sewerage; and
- (b) the discharge causes damage to a local government's sewerage system.

(2) The local government may perform work to fix the damage, and may recover the reasonable costs for the work from the person who discharged the prohibited substance.

(3) The costs mentioned in subsection (2) are in addition to any penalty imposed for the discharge.

Division 2—Suspension and cancellation of trade waste approval**Grounds for suspension or cancellation of trade waste approval**

26. Each of the following is a ground for the suspension or cancellation of a trade waste approval—

- (a) the holder of the approval has contravened a condition of the approval;
- (b) the holder of the approval has contravened a provision of the Act (including this law);
- (c) the terms of the approval are no longer appropriate because the circumstances under which wastes are generated by the holder of the approval have significantly changed since the approval was given;
- (d) urgent action is necessary in the interests of public health or safety to prevent environmental harm or prevent damage to the local government's sewerage system.

Procedure for suspension or cancellation of trade waste approval

27.(1) If a local government's trade waste officer considers there is a ground to suspend or cancel a trade waste approval (the "**proposed**

action”), the local government may give the holder of the approval a written notice that—

- (a) states the proposed action; and
- (b) states the ground for the proposed action; and
- (c) outlines the facts and circumstances forming the basis of the ground; and
- (d) if the proposed action is the suspension of the approval—
 - (i) states the proposed suspension period; and
 - (ii) explains the effect of suspension under this part; and
- (e) invites the holder of the approval to show cause within a stated reasonable time, but of not less than 1 month, why the proposed action should not be taken.

(2) If, after considering all written representations made within the stated time, the local government still considers that there is a ground to take the proposed action, the local government may—

- (a) if the proposed action was to suspend the approval for a stated period—suspend the approval for not longer than the proposed suspension period; or
- (b) if the proposed action was to cancel the approval—either cancel the approval or suspend it for a period.

(3) Despite subsections (1) and (2), the local government may suspend or cancel the approval from the moment the holder of the approval is given the written notice under subsection (1), but only if the local government considers urgent action is necessary—

- (a) in the interests of public health or safety; or
- (b) to prevent environmental harm; or
- (c) to prevent damage to the local government’s sewerage system.

(4) The local government must inform the holder of the approval of the decision by written notice stating—

- (a) the reasons for the decision; and
- (b) that the holder of the approval may appeal against the decision within 28 days to a Magistrates Court.

(5) A decision (other than a decision under subsection (3)) takes effect on the later of the following—

- (a) the day the notice is received by the approval holder;
- (b) the day stated in the notice.

PART 5—DESIGN AND INSTALLATION OF SEWERAGE SYSTEMS

Approval needed

28.(1) A person must not build a sewerage system without the local government's approval.

Maximum penalty—165 penalty units.

(2) The local government may give an approval under subsection (1) only if it is satisfied that—

- (a) the design of the sewerage system meets the local government's requirements; and
- (b) the pipes and fittings to be used can withstand—
 - (i) loads (including, for example, earth and traffic loads) to which the pipes and fittings may be subjected; and
 - (ii) chemical and biological attack from the soil and from anything that may ordinarily be expected to pass through the pipes and fittings.

(3) The local government must not approve the building of a sewerage system if the design for the building of the proposed system does not comply with each of the following—

- (a) each sewer must be of a size capable of carrying its maximum anticipated flow without surcharging;
- (b) the maximum anticipated flow must include an allowance for infiltration in addition to anticipated sewage and trade waste flow;
- (c) the minimum size of each sewer must be not less than 150 mm

or a smaller size approved by the local government as adequate in the circumstances of the sewerage system;

- (d) the minimum size of a property connection sewer, jump up or graded jump up must be not less than 100 mm or a smaller size approved by the local government as adequate in the circumstances of the sewerage system;
- (e) the anticipated minimum velocity of sewage at the maximum anticipated flow must be at least 0.6 metres per second.

Using and installing pipes and fittings

29.(1) A person who builds a sewerage system must use pipes and fittings approved for use by the local government or an engineer of the local government, and install them in compliance with the local government's directions and any specification or standard identified and approved by the local government for applying to the sewerage system.

Maximum penalty—165 penalty units.

(2) Despite subsection (1)—

- (a) the person can not be required to build a sewerage system to a standard higher than the standard to which the local government would build a sewerage system; and
- (b) if an engineer is satisfied that a particular material, pipe or fitting, although previously approved under subsection (1), is unsuitable for use in the particular circumstances of its intended use, the local government may by written notice direct the person not to use the material, pipe or fitting.

(3) The person must comply with the notice under subsection (2)(b).

Maximum penalty—165 penalty units.

(4) If the local government gives a notice under subsection (2)(b), a further approval or direction under subsection (1) may approve the use of a different type of material, pipe or fitting, including, for example—

- (a) a material, pipe or fitting with a protective coating, lining or wrapping; or
- (b) a material, pipe or fitting not mentioned in a specification or

standard approved under subsection (1), but consistent with the requirements of the approved specification or standard.

(5) Without limiting the directions the local government may give under subsection (1), a direction may state the way in which pipes and fittings must be laid and jointed.

Sewers close to buildings, pipes and underground services

30.(1) A person who builds a sewerage system must not, without the local government's approval, locate a sewer—

- (a) if building the sewer may disturb or undermine the foundations of a building—near the building; or
- (b) if building the sewer may disturb or interfere with underground utility infrastructure—near the underground utility infrastructure; or
- (c) near underground utility infrastructure, if public health or safety may be put at risk by its location near the underground utility infrastructure.

Example for subsection (1)(c)—

The local government's approval would be required if a proposed excavation for a sewer near a gas service could create a serious threat of explosion.

Maximum penalty—40 penalty units.

(2) The local government may impose conditions on an approval mentioned in subsection (1), including the following—

- (a) conditions designed to make sure the foundations of a building are not disturbed or undermined by the building of the sewer;
- (b) conditions designed to make sure underground utility infrastructure service is not interfered with or disturbed;
- (c) conditions designed to make sure public health and safety are protected in the particular circumstances.

(3) If a person excavates near a building or underground utility infrastructure to change, lay, remove or repair a sewer, the person must take reasonable steps to protect the building or utility infrastructure from damage

because of the excavation.

Maximum penalty for subsection (3)—165 penalty units.

Sewers under buildings

31.(1) This section applies if the local government, in approving or requiring the building of a sewer, agrees that the sewer may be located under a building, including under a building to be built when or after the sewer is built.

(2) The person who builds the sewer must take all reasonable steps to make sure that—

- (a) unless the local government otherwise approves—the part of the sewer under the building is straight; and
- (b) there is at least 75 mm clearance between the bottom of any building footings and the top of the sewer; and
- (c) the building footings do not impose a load on the sewer; and
- (d) access chambers and inspection openings for the sewer are built—
 - (i) outside and near the building; and
 - (ii) at any change of direction under the building; and
- (e) access chambers and inspection openings for the sewer are in readily accessible locations; and
- (f) the conduit in each access chamber inside the building is fully enclosed and has a sealed inspection opening; and
- (g) unless the local government otherwise approves—the floor of any access chamber inside the building drains to an inspection opening.

Maximum penalty—165 penalty units.

(3) If the sewer is built under an existing building, the person who builds the sewer must take all reasonable steps to make sure that the building and its occupants are protected from damage or injury while the sewer is built.

Maximum penalty for subsection (3)—165 penalty units.

Changing or relocating utility infrastructure

32.(1) If, for building a sewerage system, it is necessary to change or relocate utility infrastructure, the person who builds the sewerage system must make sure that appropriate arrangements for changing or relocating the utility infrastructure are made with the owner of the utility infrastructure before starting to build the sewerage system.

Maximum penalty—165 penalty units.

(2) The person building the sewerage system must, subject to arrangements entered into under subsection (1), give the owner of the utility infrastructure reasonable written notice of intention to start the work.

Maximum penalty—10 penalty units.

(3) A person who builds a sewerage system must take all reasonable steps to make sure that utility infrastructure is protected from damage.

Maximum penalty—165 penalty units.

(4) Subsection (3) applies whether or not it is necessary to make arrangements about the utility infrastructure under subsection (1).

Venting of sewers

33. A person who builds a sewer must—

- (a) if it is practicable to do so—use venting for adjacent or associated sanitary plumbing and drainage to vent the sewer; or
- (b) if it is not practicable to use venting under paragraph (a), including, for example, because the local government has approved the use of boundary traps on sanitary drains—vent the sewer separately.

Maximum penalty—165 penalty units.

Protection of local government's sewerage system

34. A person who builds a sewerage system to be connected with a local government's existing sewerage system—

- (a) must not cut into or connect to the local government's existing sewerage system—

- (i) without the approval of the local government; or
 - (ii) in a way not in conformity with conditions the local government may impose on the approval mentioned in paragraph (a); and
- (b) must, in building the sewerage system, take all reasonable steps to make sure that the local government's existing sewerage system is always protected from damage and from the entry of—
- (i) all prohibited substances for sewerage; and
 - (ii) soil, sand and rock, to the extent that the soil, sand or rock is not a prohibited substance for sewerage.

Maximum penalty—165 penalty units.

Backfilling

35.(1) This section applies if a person builds a sewerage system and, for building the system, it is necessary to excavate to place a sewer, including to place a property connection sewer up to a connection point or the place of a proposed connection point.

- (2) The person must take all reasonable steps to make sure that—
- (a) the excavation is backfilled as soon as practicable after the sewer in the excavation is inspected and tested; and
 - (b) any structure or improvement disturbed by the excavation is restored in the way the local government reasonably directs.

Maximum penalty—165 penalty units.

Junctions, jump ups and graded jump ups for sanitary drain connections

36. A person who installs a junction in a sewer for a connection to a sanitary drain must make sure that—

- (a) the connection to the sewer is made using a junction fitting with an upstream angle of not more than 60°, swept in the direction of flow; and
- (b) if the pipes to be joined are of different diameters—the junction is

installed so that the soffit of the smaller pipe is level with or higher than the soffit of the larger pipe to which it connects; and

- (c) the arm of the junction and a bend at the base of a jump up or graded jump up is supported independently of the sewer on a concrete footing or in another way approved by an engineer; and
- (d) the top of the jump up or graded jump up ends in a junction or in a bend incorporating a full size inspection opening; and
- (e) if a jump up is used—the vertical section of the jump up is protected and supported when the junction is installed and backfill is replaced.

Maximum penalty—165 penalty units.

Steep slopes

37.(1) This section applies if a person is building a sewerage system on a steeply sloping site and an engineer considers it necessary to protect a sewer forming part of the system.

(2) The engineer may direct the person—

- (a) to change the sewer's location or alignment to avoid the steepest gradient of the site; or
- (b) to use vertical drops—
 - (i) to lay the sewer on flatter gradients than the ground slope; and
 - (ii) to make sure the amount of cover over the sewer is not reduced; or
- (c) to protect the sewer in another way decided by the engineer in the circumstances of the building of the sewerage system.

(3) The person must comply with the engineer's direction under subsection (2) unless the person has a reasonable excuse.

Maximum penalty for subsection (3)—165 penalty units.

Access chambers

38.(1) A person who builds a sewerage system must make sure that there is an access chamber at—

- (a) the end of each sewer; and
- (b) each change in grade or alignment of each sewer; and
- (c) each intersection of 2 or more sewers.

Maximum penalty—165 penalty units.

(2) A person who builds a sewerage system must make sure that the distance between each access chamber and the next access chamber is not more than—

- (a) for a sewer of less than 375 mm in diameter—90 m; or
- (b) for a sewer of 375 mm or more in diameter—150 m.

Maximum penalty—40 penalty units.

(3) Subsections (1) and (2) do not apply to the extent that the local government approves, in the circumstances of the sewerage system, that a lesser requirement may apply.

(4) Without limiting subsection (3), the local government may approve the use of inspection shafts or inspection chambers on sewers too shallow for access chambers.

PART 6—STORMWATER DRAINAGE

Local government may require stormwater to discharge to its stormwater drainage

39.(1) A local government may, by written notice, require the owner of premises not more than 100 m from the local government's stormwater drainage to connect a stormwater installation for the premises to the stormwater drainage in the way, under the conditions and within the time stated in the notice.

(2) A way, condition or time stated in the notice must be reasonable in

the circumstances of the notice.

(3) The owner of the premises must comply with the notice.

Maximum penalty for subsection (3)—165 penalty units.

Approval required to connect

40.(1) A person must not connect a stormwater installation for premises to a local government's stormwater drainage if—

- (a) the local government has not given its approval for the connection; or
- (b) the local government has not, by written notice, required the owner of the premises to connect the stormwater installation to the local government's stormwater drainage.

Maximum penalty—165 penalty units.

(2) The local government may impose conditions on an approval mentioned in subsection (1), including conditions about the way the connection is to be made.

(3) A person who connects a stormwater installation under an approval mentioned in subsection (1) must comply with the conditions imposed on the approval under subsection (2).

Maximum penalty for subsection (3)—165 penalty units.

Stormwater drainage to be separate from sanitary drainage and sewerage system

41.(1) The owner of premises must not allow a part of a stormwater installation for the premises to be connected into an on-site sewerage facility, sanitary drainage or a sewerage system.

Maximum penalty—165 penalty units.

(2) The owner of premises must not allow an on-site sewerage facility, sanitary drainage or property sewer for the premises to be connected into any part of a stormwater installation for the premises or a local government's stormwater drainage.

Maximum penalty—165 penalty units.

(3) If an owner of premises becomes aware that a part of a stormwater installation for the premises is connected into any on-site sewerage facility, sanitary drainage or sewerage system, the owner must, within the shortest practicable time, take all necessary steps for disconnecting the stormwater installation for the premises from the on-site sewerage facility, sanitary drainage or sewerage system.

Maximum penalty—165 penalty units.

(4) If an owner of premises becomes aware that an on-site sewerage facility, sanitary drainage or property sewer for the premises is connected into any part of a stormwater installation for the premises or a local government's stormwater drainage, the owner must, within the shortest practicable time, take all necessary steps for disconnecting the on-site sewerage facility, sanitary drainage or property sewer for the premises from the stormwater installation or local government's stormwater drainage.

Maximum penalty for subsection (4)—165 penalty units.

Cost of repairing damaged stormwater drainage

42.(1) This section applies if—

- (a) in contravention of section 17A of the Act, a person discharges a prohibited substance into a local government's stormwater drainage; and
- (b) the discharge causes damage to the stormwater drainage.

(2) The local government may perform work to fix the damage, and may recover the reasonable costs for the work from the person who discharged the prohibited substance.

(3) The costs mentioned in subsection (2) are in addition to any penalty imposed for the discharge.

Interference with path of stormwater

43.(1) A person must not restrict or redirect the flow of stormwater over land in a way that may cause the water—

- (a) to collect and become stagnant; or
- (b) to unreasonably detract from—

- (i) another person's use or enjoyment of land or rights over land; or
- (ii) the health, safety, comfort or convenience of the public generally.

Maximum penalty—165 penalty units.

(2) Subsection (1)(a) does not apply to water collected in a dam, wetland, tank or pond, if no offensive material is allowed to accumulate.

CHAPTER 3—SANITARY PLUMBING AND SANITARY DRAINAGE

PART 1—GENERAL

Compliance with applied provisions

44.(1) A person who performs sanitary plumbing or sanitary drainage work must comply with the applied provisions.

Maximum penalty—165 penalty units.

(2) Despite any provision contained in the applied provisions limiting the application of the applied provisions to certain premises or installations only, under this law the applied provisions apply, to the greatest practicable extent, to all premises and installations in the area of a local government.

Approval needed for sanitary plumbing and sanitary drainage work

45.(1) A person must not perform sanitary plumbing or sanitary drainage work (other than minor necessary work) without the local government's approval.⁵

⁵ The work is to be performed by an appropriately licensed person, unless it is work not regulated by this law. See section 16 (Offences by persons not holding appropriate licences etc.) of the Act.

Maximum penalty—165 penalty units.

(2) The local government may require—

- (a) the submission and approval of sanitary plumbing or drainage plans before sanitary plumbing or sanitary drainage work starts for premises; or
- (b) the submission and approval of sanitary plumbing or drainage plans of completed work after sanitary plumbing or sanitary drainage work for the premises is finished; or
- (c) submission and approval of plans under paragraphs (a) and (b).

Examples—

1. A local government may, for domestic dwellings, require the submission of plans only after the work is finished.

2. A local government may, for a proposed multistorey shopping complex, require the submission of certain plans before work starts and the submission of other plans when the work is finished.

(3) An owner of premises to which a requirement mentioned in subsection (2) applies must comply with the requirement.

Maximum penalty for subsection (3)—165 penalty units.

Performing minor necessary work

46.(1) This section applies if a person performs minor necessary work.

(2) The person must give the local government details of the work done and a written notice stating that the work was completed in conformity with this law within 1 month after performing the work.

Maximum penalty—10 penalty units.

(3) Subsection (2) does not apply to the extent that the minor necessary work is for the maintenance, repair or replacement of a fitting or fixture.

(4) A local government may carry out an inspection of minor necessary work to establish whether the work was completed in conformity with this law.

Certain items only to be used

47.(1) A person must not install or use any apparatus, fitting, fixture, material or pipe (a “**plumbing or drainage item**”) in sanitary plumbing or drainage, or in an on-site sewerage facility, if the plumbing or drainage item has not received MAP certification or interim certification under MAP.

Maximum penalty—165 penalty units.

(2) Subsection (1) does not apply to stop the continued use of a plumbing or drainage item—

- (a) in sanitary plumbing or drainage, or in an on-site sewerage facility, installed before the commencement of this section; or
- (b) if the local government is satisfied that use of the item is necessary for maintaining the sanitary plumbing or drainage or on-site sewerage facility in its original form and approves the continued use of the item.

(3) For giving an approval to a plumbing or drainage item under subsection (2)(b), the local government may require a person to have the item tested at the person’s cost within a stated reasonable time and at a stated reasonable place.

Unsuitable apparatus, fittings, fixtures, materials and pipes

48.(1) If an inspector is satisfied that a particular apparatus, fitting, fixture, material or pipe (the “**plumbing or drainage item**”) is unsuitable for use in particular circumstances, the local government may, by written notice—

- (a) direct a person (including, for example, the plumber intending to install the item, or the owner of the item, whether or not installed) not to install or use the item in the circumstances; and
- (b) approve the installation or use of—
 - (i) a different type of apparatus, fitting, fixture, material or pipe; or
 - (ii) the item, but with a protective coating, lining or wrapping for the item.

Example of unsuitable plumbing or drainage items—

Metallic pipes and fittings used in corrosive environments.

(2) The person to whom the notice is directed must comply with the notice.

Maximum penalty for subsection (2)—165 penalty units.

Inspection and testing before covering

49.(1) A person (the “**person**”) who performs sanitary plumbing or sanitary drainage work (other than minor necessary work) must not cover sanitary plumbing or drainage the subject of the work before an inspector inspects it and, if the inspector requires the sanitary plumbing or drainage to be tested, observes the testing of it.

Maximum penalty—40 penalty units.

(2) The person must, if the sanitary plumbing or drainage is ready to be covered, notify the local government that the sanitary plumbing or drainage is ready for inspection.

Maximum penalty—10 penalty units.

(3) If the sanitary plumbing or sanitary drainage work has been finished, the person must, within 7 days after it is finished, notify the local government that the sanitary plumbing or drainage the subject of the work is ready for inspection.

Maximum penalty—10 penalty units.

(4) An inspector of the local government must inspect the sanitary plumbing or drainage and, if the inspector requires the sanitary plumbing or drainage to be tested, observe its testing as soon as practicable, but in any event, within 2 days, after the local government receives notification that the sanitary plumbing or drainage is ready for inspection.

(5) For testing the sanitary plumbing or drainage, the inspector may require a hydrostatic test, air test or another test that is appropriate in the circumstances of the sanitary plumbing or sanitary drainage work.

(6) The person must—

- (a) give the inspector the help the inspector reasonably requires to inspect the sanitary plumbing or drainage; and

- (b) if the sanitary plumbing or drainage is tested—carry out the testing; and
- (c) if the inspector finds a defect—make sure the defect is fixed within 2 days after receiving notice of the defect; and
- (d) when the defect is fixed—notify the inspector that the work is again ready for inspection.

Maximum penalty—40 penalty units

(7) If, on inspecting, or inspecting and testing, sanitary plumbing or drainage under this section the inspector is satisfied that the sanitary plumbing or drainage has no defects and that the sanitary plumbing or sanitary drainage work has been finished, the local government may give, and if the person asks, must give, the person a certificate that the sanitary plumbing or sanitary drainage work has been in conformity with this law.

Owner's duty

50. The owner of premises must take all reasonable steps to make sure that all sanitary plumbing and drainage, including apparatus, fittings and fixtures, on the premises are kept in good condition and operate properly.

Maximum penalty—40 penalty units.

PART 2—INSTALLATIONS ON PREMISES

Division 1—Arrestors

Arrestors

51.(1) A local government may, by written notice, or as a condition of an approval under this law, require the owner or occupier of premises to install on the premises an arrestor, of the type stated in the notice within the time stated in the notice.

(2) The person to whom the notice under subsection (1) is directed must comply with the notice.

Maximum penalty for subsection (4)—165 penalty units.

(3) The local government may give a notice under subsection (1), or impose a condition mentioned in subsection (1), only if—

- (a) the local government is satisfied on reasonable grounds that installing an arrestor is, having regard to the material likely to be discharged from sanitary drainage on the premises, necessary for the protection of—
 - (i) the local government's sewerage system; or
 - (ii) an on-site sewerage facility for the premises; and
- (b) the type of arrestor stated in the notice is appropriate in the circumstances of the material likely to be discharged from the premises; and
- (c) the time stated in the notice is reasonable.

(4) The person required to install the arrestor must install the arrestor in an accessible position (if practicable outside a building) and as close as possible to the appliance or fixture the arrestor serves.

Maximum penalty for subsection (4)—40 penalty units.

Requirements for grease arrestors

52.(1) A person who performs the work of installing a grease arrestor must make sure, and the owner of a grease arrestor must at all times after the arrestor's installation, and to the extent that it is reasonably practicable, make sure, that—

- (a) the arrestor has a childproof cover or, if it is in area subject to motor vehicle traffic, a suitable heavy duty cover; and
- (b) if the arrestor is inside a building and in an area used for food preparation—the cover is airtight and the arrestor chamber fitted with a vent of a size of at least 50 mm; and
- (c) an appliance or fixture discharging to the arrestor, and the arrestor outlet, are fitted with a trap; and
- (d) the size of the arrestor outlet is at least 100 mm; and
- (e) the clean-out point for the arrestor is accessible; and

- (f) the design and location of the ventilation for the arrestor is approved by the local government; and
- (g) the arrestor has a capacity below the invert of the outlet of at least twice the total capacity of the appliances and fixtures connected to it or, if the local government requires a larger capacity for the arrestor, the larger capacity; and
- (h) the distance from the top of the arrestor to the outlet invert is at least half the depth of the arrestor below the outlet invert; and
- (i) the outlet invert level of the arrestor is at least 50 mm below the inlet invert level; and
- (j) any outlet pipe from the arrestor is of a diameter approved by an inspector, and has a cross-sectional area of at least the combined cross-sectional areas of the incoming waste pipes; and
- (k) the arrestor has inlet and outlet ventilation of the standard for sanitary plumbing.

Maximum penalty—40 penalty units.

(2) In approving the design and location of the arrestor's ventilation under subsection (1)(f), the local government must have regard to the arrestor's design and the location of trap water seals in the arrestor.

Connection of appliances and fixtures to grease arrestors

53.(1) If a person connects an appliance or fixture to a grease arrestor in a way that conforms with this section, the person is not required to separately vent the appliance or fixture in the way otherwise required under the applied provisions.

(2) The connecting pipe must be as short and direct as possible, but if its size is 50 mm or less, it must not be longer than 2.5 m.

(3) If the appliance or fixture is for collecting greasy discharges from floor areas it must be connected to the inlet pipe of the arrestor in 1 of the following ways—

- (a) directly and separately;
- (b) indirectly and separately by a pipe of a size of at least 65 mm;
- (c) indirectly and in combination through a 100 mm or larger pipe

with an upstream vent.

(4) In this section—

“**indirectly**” means interrupted by a trap water seal or air gap.

Operation and maintenance of arrestors

54. The owner of an arrestor must make sure it is cleaned and maintained as often as is reasonably necessary for its effective operation.

Maximum penalty—40 penalty units.

Division 2—Other installations

Bedpan washers and sanitisers

55. A person who performs the work of installing a pressurised steam bedpan washer on premises must make sure, and a person who uses a pressurised steam bedpan washer must at all times after the washer’s installation, and to the extent that it is reasonably practicable, make sure, that—

- (a) the washer—
 - (i) is directly connected to a drain or soil stack; and
 - (ii) has its own steam relief vent or another way of relieving pressure in the washer to prevent traps blowing if the pressure rises above 0.35 kPa; and
- (b) soil stacks, soil pipe vents and steam relief vents for the washer are not made from thermoplastic pipe; and
- (c) a steam relief vent mentioned in paragraph (b) has a size of at least 40 mm and ends above the roof of the building it is in; and
- (d) a branch steam relief vent for the washer is graded downwards at its point of connection to the main steam relief vent for the washer to give an invert fall equal to half the branch steam relief vent’s diameter; and
- (e) the main steam relief vent for the washer discharges condensate to a sanitary drain by—

- (i) connection to a disconnecter gully; or
 - (ii) if there is 1 other bedpan washer, or if there are 2 or more other bedpan washers, on the premises—the interconnection of the base of the main steam relief vent to the fixture trap riser of the lower or lowest of all the connected bedpan washers on the premises; and
- (f) if there are 2 or more bedpan washers on the premises, and the steam relief vents from the washers are interconnected—the points of connection to the main steam relief vent are at least 300 mm above the washers.

Maximum penalty—40 penalty units.

Taps above cleaners' sinks and slop hoppers

56. A person must not install a water tap at less than 450 mm above the rim of a cleaners' sink or slop hopper.

Maximum penalty—40 penalty units.

Commercial washing machines

57.(1) A person must not install a clothes washer or dishwasher for commercial use on premises used for a commercial purpose if the person does not have the local government's approval.

Maximum penalty—40 penalty units.

(2) The local government may give an approval under subsection (1) only if the use of the clothes washer or dishwasher is consistent with the local government's environmental plan.

Flushing bowl and pan room sinks

58.(1) A person must not install a flushing bowl or pan room sink if the bowl or sink, or the way the bowl or sink is installed, does not conform with this section.

Maximum penalty—40 penalty units.

(2) A flushing bowl—

- (a) must have an integral trap of at least 100 mm and a flushing apparatus; and
- (b) must be directly connected to a sanitary drain or soil stack.

(3) The waste pipe from the trap of a pan room sink and a vertical soil pipe from a flushing bowl trap may be connected, but only if the waste pipe is vented by a pipe of at least 50 mm connected between the sink and the flushing bowl.

(4) If there are 2 pan room sinks installed, and the waste pipes from the traps of the 2 sinks are connected to the vertical soil pipe from a flushing bowl trap, the vent must be connected between the sink outlets.

(5) A pan room sink must connect directly to a drain or soil stack through traps and waste pipes of a size of at least 50 mm.

Floor type urinals

59.(1) A person must not install a floor type urinal if the urinal, or the way the urinal is installed, does not conform with this section.

Maximum penalty—40 penalty units.

(2) If the floor near the urinal is exposed to rainwater, sand, mud or anything else that may enter the urinal channel, the urinal must have a step in front of the channel.

(3) The step must be at least 400 mm wide, measured from the inside face of the urinal channel, and have a tread of an impervious material graded to the urinal channel and a rise of at least 100 mm but not more than 150 mm.

(4) The level of the floor or tread must be at least 25 mm above the top of the urinal channel and the joint between the step and the urinal channel must be sealed with a flexible caulking compound.

Urinal installations

60.(1) A person must not install a prefabricated urinal if the urinal, or the way the urinal is installed, does not conform with this section.

Maximum penalty—40 penalty units.

(2) The floor of the compartment or room containing the urinal must drain to a floor waste gully or the urinal channel, or directly through a trap to a sanitary drain or soil pipe.

(3) If the urinal is a slab urinal, it must have a continuous channel at least 50 mm deep and 150 mm wide, and must be graded at least 1:100 to the outlets.

(4) If the urinal is a floor type urinal, the height of the slab above the top of the channel must be at least 960 mm.

(5) Edges and corners of urinal fixtures must be smoothly rounded to a radius of at least 13 mm and the ends of the slab must return at least 250 mm.

Food waste disposal units

61.(1) A person must not install a food waste disposal unit on premises without the local government's approval.

Maximum penalty—40 penalty units.

(2) The local government may approve the installation of a food waste disposal unit for use for commercial purposes only if the unit's proposed use is consistent with the local government's environmental plan.

Vent pipes to be covered

62. A person who installs a vent pipe must make sure that—

- (a) the end of the vent pipe has a cowl over it; and
- (b) if the pipe is connected to a septic tank—the cowl is a mosquito proof type of cowl; and
- (c) the cowl has the same effective ventilation capacity as the vent pipe.

Maximum penalty—40 penalty units.

Vents in adjoining buildings

63.(1) If a building (the “**new building**”) is erected next to a building of a lower height (the “**old building**”) in a way requiring a change to the vents

of the old building, the local government may—

- (a) by written notice given to the owner of the new building, require the owner of the new building to pay the cost of changing the vents on the old building to bring the vents on the old building into conformity with requirements about vents included in the applied provisions; and
- (b) by written notice given to the owner of the old building, require the owner of the old building to change the vents on the old building to bring them into conformity with requirements about vents included in the applied provisions.

(2) The owner of a building given a written notice under subsection (1) must comply with the notice.

Maximum penalty—40 penalty units.

(3) However, the owner of the old building is not required to change the vents until the new building's owner pays the amount needed to do the work or gives security for the cost to the reasonable satisfaction of the owner of the old building.

Fixtures in basements and cellars

64.(1) A person must not install a water closet pan, urinal or another fixture in a part of premises that is a room below ground level if the local government's approval has not been obtained.

Maximum penalty—40 penalty units.

(2) The local government may give an approval under subsection (1) only if it is satisfied on reasonable grounds that—

- (a) the water closet pan, urinal or other fixture can not be located somewhere else; and
- (b) the way the room is ventilated and lit complies with the *Standard Building Regulation 1993*; and
- (c) there is adequate provision for lifting waste water to the sewer and preventing sewage flowing back into the room.

(3) The local government may, by written notice given to the owner of premises in which there has been installed, in a room below-ground level, a

water closet pan, urinal or another fixture, require the owner, within 14 days after the notice is given to the owner—

- (a) to disconnect the fixture; and
- (b) to seal any pipe connected to the fixture with a watertight plug.

(4) The local government may give a written notice under subsection (3) only if the local government is satisfied that—

- (a) the water closet pan, urinal or other fixture is not properly maintained; or
- (b) the purpose for which the room is used has changed to a purpose for which the fixture is no longer needed.

(5) The owner of premises given a notice under subsection (3) must comply with the notice.

Maximum penalty—40 penalty units.

PART 3—DESIGN AND INSTALLATION OF SANITARY DRAINS

Division 1—Installing sanitary drains

Changing or relocating utility infrastructure

65.(1) If, for building a sanitary drain, it is necessary to change or relocate utility infrastructure, the person who builds the sanitary drain must make sure that appropriate arrangements for changing or relocating the utility infrastructure are made with the owner of the utility infrastructure before starting to build the sanitary drain.

Maximum penalty—40 penalty units.

(2) The person building the sanitary drain must, subject to arrangements entered into under subsection (1), give the owner of the utility infrastructure reasonable written notice of intention to start the work.

Maximum penalty—10 penalty units.

(3) A person who builds a sanitary drain must take all reasonable steps to make sure that utility infrastructure is protected from damage.

Maximum penalty—40 penalty units.

(4) Subsection (3) applies whether or not it is necessary to make arrangements about the utility infrastructure under subsection (1).

Protection of local government's sewerage system

66.(1) A person connecting a sanitary drain to a local government's sewerage system must take all reasonable steps to uncover the connection point for the sanitary drain before starting to dig a trench for the drain.

Maximum penalty—40 penalty units

(2) If the connection point can not be located, or is unsuitable or damaged, the person must immediately tell the local government of the fact.

Maximum penalty—10 penalty units

(3) If the connection point is unsuitable or damaged, the person must not start to dig the trench without the local government's approval.

Maximum penalty—40 penalty units

(4) The person must not cut into, or connect to, the local government's sewerage system—

- (a) without the local government's approval, whether given before or after the connection point is located; or
- (b) in a way not in conformity with conditions the local government may impose on the approval mentioned in paragraph (a).

Maximum penalty—165 penalty units.

(5) The person must not change the level of the connection point without the local government's approval.

Maximum penalty for subsection (5)—165 penalty units

Disconnection of sanitary drains

67.(1) If a sanitary drain is no longer needed because an installation on premises is dismantled, the owner of the premises must immediately give

the local government notice of the fact.

Maximum penalty—10 penalty units.

(2) The owner must, within 7 days after the notice is given to the local government under subsection (1), take all reasonable steps to make sure that all apparatus, fittings and fixtures are disconnected from the sanitary drain and that each opening to the drain is sealed with a plug.

Maximum penalty—40 penalty units.

(3) If sanitary drains are no longer needed for premises, the local government must seal the connection point for sanitary drains for the premises.

Backfilling

68. A person who digs a trench for the building of sanitary drainage must—

- (a) backfill the trench as soon as practicable after a sanitary drain in the trench is inspected and tested; and
- (b) restore any structure or improvement disturbed by digging the trench in the way the local government reasonably requires.

Maximum penalty—40 penalty units.

Division 2—Building property sewer for sanitary drains

Building sewer for multi-building or large building sanitary drains

69.(1) This section applies if—

- (a) a local government's approval is sought for the building of sanitary drainage for premises; and
- (b) the local government believes on reasonable grounds that sanitary drainage alone can not give efficient drainage for the premises (including, for example, because of the number or sizes of buildings on the premises).

Example—

The campus of a tertiary educational institution may contain various detached

buildings required to be connected to sanitary drainage.

(2) The local government may, as a condition of approval, require the building, in the way directed by the local government, of a sewer for the premises (a “**premises sewer**”) that is to the standard of a sewer forming part of the local government’s sewerage system.

(3) The person holding the approval must, to the greatest practicable extent, comply with the condition of approval mentioned in subsection (2).

Maximum penalty—165 penalty units.

(4) To avoid any doubt—

- (a) the premises sewer is not the property of the local government; and
- (b) the local government is not responsible for the maintenance of the premises sewer upstream from the connection point for the premises sewer.

Building sewer for premises group sanitary drains

70.(1) This section applies if—

- (a) a local government’s approval is sought for the building of sanitary drainage for a premises group (including a proposed premises group); and
- (b) the local government believes on reasonable grounds that sanitary drainage alone can not give efficient drainage for the premises group (including, for example, because of the number of premises included in the premises group).

(2) The local government may, as a condition of approval, require the building, in the way directed by the local government, of a sewer for the premises group (a “**premises group sewer**”) that is to the standard of a sewer forming part of the local government’s sewerage system.

(3) The person holding the approval must, to the greatest practicable extent, comply with the condition of approval mentioned in subsection (2).

Maximum penalty—165 penalty units.

(4) To avoid any doubt—

- (a) the premises group sewer is not the property of the local government; and
- (b) the local government is not responsible for the maintenance of the premises group sewer upstream from the connection point for the premises group sewer.

PART 4—ON-SITE SEWERAGE FACILITIES

Definition for pt 4

71. In this part—

“**on-site sewerage facility**” does not include an on-site sewerage facility that consists of, or that includes, a sewage treatment works the operation of which is an environmentally relevant activity for which a licence fee is prescribed under the *Environmental Protection Regulation 1998*.

Approval needed

72.(1) A person must not, without the local government’s approval—

- (a) install an on-site sewerage facility on premises; or
- (b) change or take away an on-site sewerage facility from premises.

Maximum penalty—40 penalty units.

(2) An approval under subsection (1) may be given with conditions (“**on-site facility conditions**”), including conditions of effluent disposal, and operation, service and maintenance of the system.

Examples of conditions of effluent disposal—

1. A condition may require the owner of premises to keep an area of land in reserve for the future replacement of a disposal area.

2. If an on-site sewerage facility includes a sewage treatment plant, a condition may require that the effluent from the plant not be disposed of by spraying or another method that produces aerial mists or sprays.

Limitations on local government approval

73. A local government may give an approval for the installation of an on-site sewerage facility on premises only if—

- (a) the premises can not be served by a sewerage system; and
- (b) the local government is satisfied there is enough water available to the premises for operating the facility; and
- (c) the facility proposed is suitable in the circumstances, including, for example, that—
 - (i) there is enough suitable land available as part of the premises for disposal of effluent from the facility; or
 - (ii) there is not enough suitable land available as part of the premises for disposal of effluent from the facility, but a suitable alternative arrangement for the disposal of effluent is available; and
- (d) if the facility includes an on-site sewage treatment plant—the local government has approved of the installation of the plant under this part.

Standard for on-site sewerage facilities

74.(1) A person must not build, install or operate an on-site sewerage facility on premises if—

- (a) the facility is of a kind, or is built, installed or operated in a way, not conforming with the on-site sewerage code; or
- (b) the facility is of a kind, or is built, installed or operated in a way, not conforming with on-site facility conditions applying to the facility; or
- (c) to the extent that the facility consists of a septic tank—in the building, installing or operation of the septic tank, there is a failure to comply with the small septic tank requirements; or
- (d) to the extent that the facility consists of a prefabricated item (other than an on-site sewage treatment plant consisting only of a septic tank)—in the building, installing or operation of the prefabricated item, there is a failure to comply with the model requirements; or

- (e) to the extent that the facility consists of a built item (other than an on-site sewage treatment plant consisting only of a septic tank)—in the building, installing or operation of the built item, there is a failure to comply with the type specification requirements.

Maximum penalty—40 penalty units.

(2) This section does not apply to the operation of an on-site sewerage facility built or installed before the commencement of this law.

On-site sewerage code

75.(1) If Standards Australia publishes or Standards Australia and Standards New Zealand jointly publish, a standard for on-site sewerage facilities, the chief executive⁶ may by gazette notice notify the standard to be a standard having effect under this law.

(2) A standard identified under subsection (1), as in force from time to time, is the “**on-site sewerage code**”.

(3) However, if the chief executive does not identify a standard under subsection (1), and the interim on-site sewerage code has effect under this law, the interim on-site sewerage code is the “**on-site sewerage code**”.

Small septic tank requirements

76.(1) This section states requirements for a septic tank (the “**small septic tank requirements**”).

(2) A septic tank must not be built if it has not been designed under AS/NZS 1546.

(3) A septic tank must not be operated if it has not been designed and tested under AS/NZS 1546.

(4) A septic tank must not be installed if it has not been designed, built and tested under AS/NZS 1546.

(5) For this section, and in particular, for applying AS/NZS 1546,

⁶ The expression “chief executive”, as used in this part, is defined in the dictionary.

AS/NZS 1546 is taken to apply to all septic tanks to which, under this law, the small septic tank requirements apply, and not merely to septic tanks of a size mentioned in AS/NZS 1546.

Model approval

77.(1) The chief executive may, on the application of a manufacturer or another person, or on the chief executive's own initiative, give an approval (a "**model approval**") for a particular manufacturer's particular prefabricated item model.

(2) The chief executive may give the model approval only if the chief executive is satisfied on reasonable grounds that the model is in conformity with the on-site sewerage code.

(3) The chief executive may give a model approval on conditions, including conditions about the way each prefabricated item of the model must be manufactured, installed, operated, serviced and maintained.

Example—

The chief executive may give a model approval for a particular model of on-site sewage treatment plant on conditions including—

- a plant must be supplied with evidence of the chief executive's model approval given under this section
- a plant must be supplied with details of the model of the plant
- a plant must be supplied with instructions for its installation, operation and maintenance.

(4) A model approval lasts for 5 years or a shorter time decided by the chief executive when giving the approval.

(5) Within a reasonable time after giving a model approval, the chief executive must by gazette notice—

- (a) notify the giving of the model approval; and
- (b) advise where the details of the model approval may be examined free of charge and copies obtained at a reasonable cost.

(6) If a fee is prescribed under a regulation under the Act for an application under subsection (1), the application must be accompanied by the fee.

Model requirements

78.(1) This section states requirements (the “**model requirements**”) for a prefabricated item.

(2) There must be a current model approval for the model of which the prefabricated item is an example, or there must have been, when the prefabricated item was installed, a current model approval for the model of which the prefabricated item was an example.

(3) The manufacture, installation, operation, service and maintenance of the prefabricated item must be in conformity with the conditions of the model approval.

Type specification approval

79.(1) The chief executive may, on the application of a person, or on the chief executive’s own initiative, give an approval (a “**type specification approval**”) for a particular type of built item.

(2) The chief executive may give the type specification approval only if the chief executive is satisfied on reasonable grounds that the type of built item is in conformity with the on-site sewerage code.

(3) The chief executive may give a type specification approval on conditions, including conditions about the way each built item of the type must be built, operated, serviced and maintained.

(4) A type specification approval lasts for 5 years or a shorter time decided by the chief executive when giving the approval.

(5) Within a reasonable time after giving a type specification approval, the chief executive must by gazette notice—

- (a) notify the giving of the type specification approval; and
- (b) advise where the details of the type specification approval may be examined free of charge and copies obtained at a reasonable cost.

(6) If a fee is prescribed under a regulation under the Act for an application under subsection (1), the application must be accompanied by the fee.

Type specification requirements

80.(1) This section states requirements (the “**type specification requirements**”) for a built item.

(2) There must be a current type specification approval for the type of built item of which the built item is an example, or there must have been, when the built item was installed, a current type specification approval for the type of built item of which the built item was an example.

(3) The building, operation, service and maintenance of the built item must be in conformity with the conditions of the type specification approval.

False or misleading statement by builder, manufacturer or supplier

81.(1) A builder, manufacturer or supplier of a prefabricated or built item must not make a statement to another person, or make a statement to another person to the effect, that the item is in conformity with model or type specification requirements, knowing the statement to be false or misleading in a material particular.

Maximum penalty—40 penalty units.

(2) It is enough for a complaint for an offence against subsection (1) to state the statement made was false and misleading to the builder’s, manufacturer’s or supplier’s knowledge.

(3) In this section—

“**supplier**” includes a distributor or a wholesale or retail seller of on-site sewage treatment plants.

Installation of on-site sewage treatment plant

82.(1) A local government may approve the installation of an on-site sewage treatment plant only if—

- (a) to the extent that the plant consists of a septic tank—the plant is in conformity with the small septic tank requirements; or
- (b) to the extent that the plant consists of a prefabricated item—the plant is in conformity with the model requirements; or

- (c) to the extent that the plant consists of a built item—the plant is in conformity with the type specification requirements.

(2) However, the local government may approve, other than in compliance with subsection (1), the installation by a person of an on-site sewage treatment plant if the local government is satisfied that—

- (a) the person has applied to the chief executive for—
 - (i) model approval for the model of on-site sewage treatment plant of which the on-site sewage treatment plant to be installed is an example; or
 - (ii) type specification approval for the type of on-site sewage treatment plant of which the on-site sewage treatment plant to be installed is an example; and
- (b) the chief executive has approved the use of the plant in the local government's area for testing purposes; and
- (c) the applicant has given to the local government a written agreement to take the plant away at the end of the test if the chief executive does not give the necessary model approval or type specification approval.

(3) If the chief executive refuses to give the necessary model approval or type specification approval, the applicant must take the plant away from the premises on which it is installed in the shortest practicable time.

Maximum penalty—40 penalty units.

Disposal of contents of on-site sewerage facility

83. A person who disposes of the contents (other than effluent) of an on-site sewerage facility must dispose of the contents—

- (a) in a place approved by the local government for the disposal; and
- (b) in the way stated in the conditions the local government attaches to the local government's approval under paragraph (a).

Maximum penalty—40 penalty units.

Disposal of effluent

84. A person who disposes of effluent from an on-site sewerage facility must dispose of the effluent—

- (a) in a disposal area on the premises on which the facility is installed—
 - (i) conforming with the on-site sewerage code; and
 - (ii) approved by the local government; or
- (b) to common effluent drainage; or
- (c) in another place approved by the local government for the disposal, and in the way stated in the conditions the local government attaches to the approval.

Maximum penalty—40 penalty units.

On-site sewerage facilities in sewered areas

85.(1) This section applies if a local government requires the owner of premises on which there is an on-site sewerage facility to connect the premises to the local government's sewerage system.

(2) The local government may, by written notice, require the owner to do 1 or more of the following, within a stated reasonable time after the premises is connected to the local government's sewerage system, to a tank forming part of the facility—

- (a) empty the tank;
- (b) seal the tank;
- (c) fill in the tank;
- (d) dismantle the tank;
- (e) dispose of the contents of the tank.

(3) The owner must comply with the notice given under subsection (2).

Maximum penalty for subsection (3)—40 penalty units.

Sewage and effluent storage tanks

86. A person must not install a storage tank for sewage or effluent if the tank is not, to the greatest practicable extent, designed, built and tested in the way a septic tank is designed, built and tested under AS/NZS 1546.

Maximum penalty—40 penalty units.

Location

87. A person who installs an on-site sewerage facility must, to the greatest practicable extent, locate each part of the facility—

- (a) clear of any building, and with the minimum clearance and setback requirement under the on-site sewerage code; and
- (b) for a part that is a tank—in a place giving enough access to allow sludge to be removed.

Maximum penalty—40 penalty units.

Operation and maintenance

88.(1) The owner of an on-site sewerage facility—

- (a) must take all reasonable steps to keep the facility in good working order; and
- (b) if the owner becomes aware that the facility is defective—must have the facility repaired; and
- (c) must not, without the local government's approval—
 - (i) dismantle the facility; or
 - (ii) except under an on-site facility condition or a condition of a model approval or type specification approval—take away from the facility a part of the facility.

Maximum penalty—40 penalty units.

(2) The local government may impose conditions on an approval mentioned in subsection (1)(c), including a condition requiring replacement of a part of the facility within a stated time.

(3) The owner must comply with a condition imposed under

subsection (2).

Maximum penalty for subsection (3)—40 penalty units.

Servicing on-site sewerage facilities

89.(1) This section applies if a person (the “**service person**”) services an on-site sewerage facility.

(2) The service person must give the local government a report on the condition of the facility within 1 month after servicing the facility.

Maximum penalty—10 penalty units.

(3) The service person must also give a copy of the report to the owner of the facility as soon as practicable after servicing the facility.

Maximum penalty—10 penalty units.

(4) The service person must not make a statement to the local government or the facility’s owner about the facility that the service person knows is false or misleading in a material particular.

Maximum penalty—40 penalty units.

(5) It is enough for a complaint for an offence under subsection (4) to state the statement made was false or misleading to the service person’s knowledge.

Cleaning and maintaining on-site sewerage facilities

90.(1) This section applies if a person removes, wholly or partly, the contents of an on-site sewerage facility (including, for example, scum, liquid or sludge) for cleaning or maintaining the facility.

(2) The person must dispose⁷ of the contents removed, other than any reasonable amount needed for testing or analysis.

Maximum penalty for subsection (2)—40 penalty units.

⁷ For disposal of contents, see section 83 (Disposal of contents of on-site sewerage facility).

Permissible and prohibited discharges

91.(1) A person must not discharge wastes into an on-site sewerage facility, other than waste that is sewage for which the facility was installed.

Maximum penalty—40 penalty units.

(2) A person must not discharge a prohibited substance mentioned in schedule 1, part 1 into an on-site sewerage facility.

Maximum penalty—40 penalty units.

Disposal of sewage other than human wastes

92.(1) A local government may, by written notice, require the owner of premises outside the local government's sewerage area to dispose of sewage (other than human wastes) on the premises by a stated system of on-site disposal.

(2) The owner must comply with the notice.

Maximum penalty for subsection (2)—40 penalty units.

On-site sewerage facility no longer required

93.(1) This section applies if an on-site sewerage facility is no longer required for premises, other than because a local government has directed the premises to be connected to the local government's sewerage system.

(2) The owner of the premises must, as soon as possible, give the local government notice of the fact.

Maximum penalty—10 penalty units.

(3) The owner must, as soon as possible after giving the notice, empty a tank forming part of the facility, and, subject to any direction the local government may give after receiving the notice, seal, fill in or dismantle the tank.

Maximum penalty—40 penalty units.

(4) In addition, the owner must dispose of the contents of the facility.

Maximum penalty for subsection (4)—40 penalty units.

CHAPTER 4—MISCELLANEOUS

PART 1—APPEALS

Definitions for pt 1

94. In this part—

“decision” means—

- (a) a direction, order or action of a decision maker given, made or done under, or purportedly given, made or done under, this law, including—
 - (i) if the decision maker is the chief executive—the inclusion in the interim on-site sewerage code of particular provisions; or
 - (ii) if the decision maker is a local government—the attachment of a particular condition to an approval; or
- (b) a failure (including a refusal) of the decision maker to give a direction, make an order or do an action under this law.

“decision maker” means—

- (a) the chief executive; or
- (b) a local government.

Appeals to court

95. A person aggrieved by a decision may appeal against it to a Magistrates Court.

Starting appeals

96.(1) A person must start an appeal by—

- (a) filing a written notice of appeal with a Magistrates Court; and
- (b) serving a copy of the notice on the decision maker.

(2) The appeal may be made to a Magistrates Court in the Magistrates Court district in which the person resides or carries on business.

(3) However, subsection (2) does not limit the jurisdiction of another Magistrates Court to hear the appeal.

Time for making appeals

97.(1) An appeal may be started at any time.

(2) However, if written notice is given of a decision, and reasons for the decision are included in the notice, an appeal against the decision by a person to whom the notice was given must be started within 28 days after the person receives the notice.

(3) A Magistrates Court may at any time extend the period for filing a notice of appeal.

Stay of operation of decision

98.(1) An appeal does not affect the operation or carrying out of a decision, but a Magistrates Court may grant a stay of the operation of the decision to secure the effectiveness of the appeal.

(2) A stay—

- (a) may be granted on the conditions the court considers appropriate; and
- (b) applies for the period the court states, but must not extend beyond when the court makes a decision on the appeal; and
- (c) may be revoked or amended by the court.

Powers of court on appeal

99.(1) In deciding an appeal, a Magistrates Court—

- (a) has the powers of the decision maker; and
- (b) is not bound by the rules of evidence; and
- (c) must comply with natural justice; and
- (d) may hear the appeal in court or in chambers.

(2) An appeal is by way of rehearing.

(3) The court may—

- (a) confirm the decision; or
- (b) set aside the decision and substitute another decision the court considers appropriate; or
- (c) set aside the decision and return the decision to the decision maker with the directions the court considers appropriate.

Effect of decision of court on appeal

100. If a Magistrates Court substitutes another decision, the substituted decision is, other than for appealing against the decision, taken to be that of the decision maker.

Appeal to District Court on question of law only

101. An appeal to a District Court may be made from a decision of a Magistrates Court made under this part, but only on a question of law.

PART 2—OTHER MATTERS

Interaction with IPA

102.(1) A person is not required to obtain an approval or other authority from a local government under this law to the extent that the person has a development permit that either expressly or by necessary implication incorporates the substance of the approval or other authority otherwise required under this law.

(2) A person must not seek to obtain an approval or other authority from a local government under this law to the extent that the person has been refused a development permit under IPA that either expressly or by necessary implication, if it had been granted, would have incorporated the substance of the approval or other authority.

(3) In this section—

“development permit” means a development permit under IPA for development mentioned in schedule 8, part 1, item 2⁸ of IPA, and includes the conditions in the permit, and any preliminary approval relating to the development the permit authorises, including any conditions in the preliminary approval.

PART 3—TRANSITIONAL

Definitions for pt 3

103. In this part—

“existing” means existing immediately before the commencement of this law.

“repealed law” means the Standard Sewerage Law in force immediately before the commencement of this law.

Maintenance of existing combined sanitary drains

104.(1) This section applies if—

- (a) 2 or more premises in a local government’s sewered area are served by an existing combined sanitary drain; and
- (b) the drain is obstructed, in disrepair or damaged because of defective materials, breakages or tree root intrusion; and
- (c) the owners of the premises can not agree on suitable and fair arrangements for removing the obstruction or repairing or rebuilding the drain.

(2) The local government may—

- (a) perform the work; and
- (b) fairly apportion the reasonable overall cost among the owners;

⁸ Schedule 8 (Assessable, self-assessable and exempt development), part 1 (Assessable development), item 2 (Carrying out plumbing or drainage work that is not self-assessable or exempt development)

and

(c) recover from each owner the owner's share of the costs.

(3) This section does not apply to a sanitary drain if the premises the sanitary drain serves are included in a community titles scheme under BCCMA or form part of a building unit plan or group title plan under BUGTA.

Interim on-site sewerage code

105.(1) The chief executive may approve a code of practice for on-site sewerage facilities.

(2) The code of practice comes into force under this law only if it is published in the gazette.

(3) The code of practice, as in force from time to time, is the “**interim on-site sewerage code**”.

(4) The interim on-site sewerage code stops being in force under this law after 1 year after the commencement of this law.

Existing product authorisations by the Joint Committee

106. An authorisation by the Joint Committee under section 36, 37, 39, 83, 172 or 173⁹ of the repealed law, in force immediately before the commencement of this law, continues in force to the greatest practicable extent as a MAP certification, but only until the authorisation expires at the time stated by the Committee in giving its authorisation.

Existing approvals by local government

107.(1) A local government approval under the repealed law, in force immediately before the commencement of this law, continues in force to the greatest practicable extent as an approval under this law, until the approval would have expired under the repealed law.

⁹ Section 36 (Standard of Materials), section 37 (Applications for authorisation by Joint Committee) and section 39 (Only approved and stamped material to be used), section 83 (Interceptors), section 172 (Design and construction of septic tanks) and section 173 (Effluent storage tanks).

(2) In this section—

“**approval**” includes anything that is, or that has effect as, or is the equivalent of—

- (a) a trade waste approval; or
- (b) approval to connect to a sewerage system; or
- (c) approval to install sanitary plumbing or drainage; or
- (d) approval for the installation of an on-site sewerage facility, or an on-site sewage treatment plant for an on-site sewerage facility; or
- (e) a certificate of completion of sanitary plumbing or sanitary drainage work.

Existing approvals

108. An approval under section 186(3)¹⁰ of the repealed law and in force immediately before the commencement of this law, of a prefabricated sewage treatment plant continues in force to the greatest practicable extent as a model approval or type specification approval under this law, until the approval would have expired under the repealed law.

Work planned, approved or lawfully started before commencement

109.(1) This section applies to sanitary drainage work, sanitary plumbing work, or sewerage system work (the “**work**”) if—

- (a) the lawful carrying out of the work had started before the commencement of this law; or
- (b) approval of a local government to the carrying out of the work had been granted before the commencement of this law, but the work had not started before the commencement of this law; or
- (c) approval of a local government to the carrying out of the work had been sought before the commencement of this law; or
- (d) planning for the carrying out of the work had started before the commencement of this law and the local government is satisfied

¹⁰ Section 186 (Sewage treatment plant installations)

that to require the work to be replanned to conform with this law would cause hardship to the person for whom the work is to be carried out, having regard to 1 or more of the following—

- (i) the stage the planning had reached;
- (ii) the nature of the work;
- (iii) the means and circumstances of the person.

(2) If subsection (1)(a) or (b) applies, the work may be carried out lawfully if the work is carried out and completed under the law in force—

- (a) for subsection (1)(a)—at the time the work started; or
- (b) for subsection (1)(b)—at the time at which approval was given by the local government.

(3) If subsection (1)(c) or (d) applies—

- (a) the local government may give its approval for the work; and
- (b) if the local government gives its approval, the work may be carried out lawfully if the work is carried out and completed under the law in force—
 - (i) for subsection (1)(c)—at the time at which approval was sought from the local government; or
 - (ii) for subsection (1)(d)—at the time at which the planning for the carrying out of the work started.

Changes to existing work

110.(1) This section applies to sanitary drainage, sanitary plumbing, a property sewer or a sewerage system (the “**work**”) built before the commencement of this law.

(2) All changes of, including additions to, the work made after the commencement of this law must conform with this law unless—

- (a) the local government is satisfied that the protection of public health and safety would not be impaired if the local government's approval to all or part of the changes were given under the repealed law; and

- (b) the changes are carried out in compliance with the local government's approval.

Certain unsafe existing work to be changed to comply with this law

111.(1) This section applies to sanitary drainage, sanitary plumbing, a property sewer or a sewerage system (the “**work**”) built before the commencement of this law.

(2) If the approval of the local government is sought to the carrying out of changes of, including additions to, the work and the local government is satisfied the work may be a risk to public health or safety, the local government may require as a condition of its approval that—

- (a) the whole or part of the work be brought into conformity with this law; or
- (b) the whole or part of the work be brought into conformity with certain provisions of this law to make sure the work is not a risk to public health and safety.

Carrying out of work approved under this part

112.(1) This section applies to the approval of a local government under this part to—

- (a) the carrying out of work for which approval is sought after the commencement of this law; or
- (b) changes to work built before the commencement of this law.

(2) The local government must include as a condition of the approval—

- (a) if the work is associated with the demolition of a building or other structure or the removal, or rebuilding after removal, of a building or other structure—a requirement that the work start within 2 months after the approval; or
- (b) if paragraph (a) does not apply—a requirement that the work start within 1 year after the approval.

(3) The person holding the approval must complete the work—

- (a) if the work is associated with the demolition of a building or other

structure or the removal, or the rebuilding after removal, of a building or other structure—within 6 months after the work is started; or

- (b) if paragraph (a) does not apply—within the time (if any), of not more than 18 months, stated by the local government in its approval after considering the extent of the proposed work; or
- (c) if paragraph (a) does not apply, and the local government does not state a time for completion under paragraph (b)—
 - (i) if the work is for a class 1 or class 10 building—18 months; or
 - (ii) if the work is for a building of a class other than class 1 or class 10—3 years.

PART 4—REPEAL

Repeal

113. The Standard Sewerage Law in force immediately before the commencement of this law is repealed.

SCHEDULE 1**PROHIBITED SUBSTANCES FOR SECTION 17A OF
ACT**

section 23

**PART 1—PROHIBITED SUBSTANCES FOR
SEWERAGE**

1. A solid or viscous substance in a quantity, or of a size, that can obstruct sewerage, or interfere with the operation of sewerage.

Examples of solids or viscous substances that are prohibited substances if of a size or in the quantity mentioned in item 1—

- ash, cinders, sand, mud, straw and shavings
- metal, glass and plastics
- paper and plastic dishes, cups and milk containers whether whole or ground by garbage grinders
- rags, feathers, tar and wood
- whole blood, paunch manure, hair and entrails
- oil and grease.

2. A flammable or explosive solid, liquid or gaseous substance (including petrol).

3. Floodwater, rainwater and stormwater, and roof water, seepage water, subsoil water and surface water.

4. A substance that, given its quantity, is capable alone, or by interaction with another substance discharged into sewerage, of—

- (a) inhibiting or interfering with a sewage treatment process; or
- (b) causing damage or a hazard to sewerage; or
- (c) causing a hazard for humans or animals; or

SCHEDULE 1 (continued)

- (d) creating a public nuisance; or
- (e) creating a hazard in waters into which it is discharged; or
- (f) contaminating the environment in places where effluent or sludge from a sewage treatment plant is discharged or reused.

Example of substance under item 4—

A substance with a pH lower than 6.0 or greater than 10.0, or having another corrosive property.

- 5.** A substance at a temperature of more than—
- (a) if the local government has approved a maximum temperature for the substance—the approved maximum temperature; or
 - (b) if paragraph (a) does not apply—38°C.

PART 2—PROHIBITED SUBSTANCES FOR STORMWATER DRAINAGE

1. A solid or viscous substance in a quantity, or of a size, that can obstruct stormwater drainage, or interfere with the operation of stormwater drainage.

Examples of solids or viscous substances that are prohibited substances if of a size or in the quantity mentioned in item 1 are as follows—

- ash, cinders, sand, mud, straw and shavings
- metal, glass and plastics
- paper and plastic dishes, cups and milk containers
- rags, feathers, tar and wood
- whole blood, paunch manure, hair and entrails
- oil and grease.

2. A flammable or explosive solid, liquid or gaseous substance (including petrol).

SCHEDULE 1 (continued)

3. Sewage.

4. A substance that, given its quantity, is capable alone, or by interaction with another substance discharged into stormwater drainage, of—

- (a) inhibiting or interfering with the stormwater drainage; or
- (b) causing damage or a hazard to the stormwater drainage; or
- (c) causing a hazard for humans or animals; or
- (d) creating a public nuisance; or
- (e) creating a hazard in waters into which it is discharged; or
- (f) contaminating the environment in places where stormwater is discharged or reused.

Example of substance under item 4—

A substance with a pH lower than 6.0 or greater than 10.0, or having another corrosive property.

5. A substance at a temperature of more than—

- (a) if the local government has approved a maximum temperature for the substance—the approved maximum temperature; or
- (b) if paragraph (a) does not apply—38°C.

SCHEDULE 2**DICTIONARY**

section 4

“**access chamber**” means a below ground level structure, with a cover, built in the line of a sewer or sanitary drain, through which a person may enter the sewer or drain.

“**accessible**” see glossary.

“**air gap**” see glossary.

“**air test**” see glossary.

“**anaerobic**” see glossary.

“**apparatus**”, for sanitary plumbing, sanitary drainage, and on-site sewerage facilities, includes a cistern, pump, siphon or valve, but does not include an appliance, fitting, fixture or straight pipe.

“**appliance**” see glossary.

“**applied provisions**” see section 6.

“**arrestor**” see glossary.

“**AS/NZS 1546**” means AS/NZS 1546.1:1998, On-site domestic wastewater treatment units—Part 1: Septic tanks, as in force from time to time.

“**backfill**” means fill.

“**basement**” see glossary.

“**bath**” see glossary.

“**BCA**” means the edition, current at the relevant time, of the Building Code of Australia (including the Queensland Appendix) published by the body known as the Australian Building Codes Board and includes the edition as amended from time to time by amendments published by the Australian Building Codes Board.

SCHEDULE 2 (continued)

“**BCCMA**” means the *Body Corporate and Community Management Act 1997*.

“**bedpan washer**” see glossary.

“**bend**” see glossary.

“**boundary trap**” see glossary.

“**BUGTA**” means the *Building Units and Group Titles Act 1980*, but only to the extent of its continued application for a specified Act.

“**built item**” means—

- (a) an on-site sewage treatment plant that is wholly built on the premises where it is, or is to be, used; or
- (b) an element of an on-site sewage treatment plant, if the element is wholly built on the premises where the plant is, or is to be, used.

“**chamber**” see glossary.

“**channel**” see glossary.

“**chief executive**”, for chapter 3, part 4, and for chapter 4, parts 1 and 3, means the chief executive of the department administered by the Minister for the time being administering the *Water Resources Act 1989*.

“**cistern**” see glossary.

“**class**”, for a building, means the building’s classification under BCA.

“**cleaners’ sink**” see glossary.

“**combined sanitary drain**” means a sanitary drain for discharges from 2 or more adjacent premises.

“**common effluent drainage**” means a sewerage system for carrying off effluent from premises after treatment in an on-site sewerage facility for the premises that includes a septic tank or another type of on-site sewage treatment plant.

“**component**”, of sanitary drainage or sanitary plumbing, means apparatus, or an appliance, fitting, fixture or straight pipe, forming part of the sanitary drainage or sanitary plumbing.

SCHEDULE 2 (continued)

“**condensate**” see glossary.

“**conduit**” see glossary.

“**connected to a sewerage system**” includes connected to a sanitary drain or property sewer which, in turn, is connected to a sewerage system.

“**connection point**” means the point for the connection to a local government’s sewerage system of—

- (a) a sanitary drain or premises sewer for premises; or
- (b) a premises group sewer for a premises group.

“**cover**” see glossary.

“**disconnecter gully**” see glossary.

“**downpipe**” means a pipe connecting a roof gutter to stormwater drainage.

“**effluent**” see glossary.

“**engineer**”, of a local government, means a person holding appointment as an engineer of the local government.

“**environmental plan**”, of a local government, means the local government’s environmental plan about trade waste management in place under the *Environmental Protection (Water Policy) 1997*, section 41.¹¹

“**fall**” see glossary.

“**fill**” see glossary.

“**fitting**” see glossary.

“**fixture**” see glossary.

“**fixture trap**” see glossary.

“**floor waste gully**” see glossary.

“**floor type urinal**” means a urinal which has a channel at or near floor level.

“**food waste disposal unit**” see glossary.

¹¹ Section 41 (Trade waste management)

SCHEDULE 2 (continued)

“**glossary**” see section 6.

“**grade**” see glossary.

“**graded jump up**” means an inclined section of pipe joining two drains, or a sewer and a sanitary drain or property sewer, at different levels.

“**gradient**” see glossary.

“**grease arrestor**” means an arrestor intended only, or at least primarily, for grease.

“**ground level**” see glossary.

“**gully**” see glossary.

“**human wastes**” means human faecal substances and urine.

“**hydrostatic test**” see glossary.

“**impervious material**” means material—

- (a) that water does not ordinarily penetrate; and
- (b) that, in the circumstances of its installation and use, is resistant to degradation caused by contact with sewage and trade waste.

“**infiltration**” see glossary.

“**inspection chamber**” means a below-ground structure built in the line of a sewer or sanitary drain for inspecting or testing the sewer or drain and for clearing obstructions.

“**inspection opening**” see glossary.

“**inspection shaft**” means a shaft, usually in the form of a length of pipe of the same diameter as the sewer or sanitary drain on which it is located, built in the line of a sewer or sanitary drain for inspecting the sewer or drain, for accessing or locating the sewer or drain, and for clearing obstructions.

“**inspector**”, of a local government, means a person holding appointment as an inspector of the local government.

“**installation**” see glossary.

“**integral trap**” see glossary.

SCHEDULE 2 (continued)

“**interfere with**” includes dig up, expose and damage.

“**interim on-site sewerage code**” see section 105.

“**invert**” see glossary.

“**invert level**” see glossary.

“**IPA**” means the *Integrated Planning Act 1997*.

“**joint**” see glossary.

“**jump up**” means a vertical section of pipe joining two drains, or a sewer and a sanitary drain or property sewer, at different levels.

“**junction**” see glossary.

“**liquid waste**” means the waste water discharged from a fixture or appliance.

“**MAP**” means the manual of authorisation procedures for plumbing and drainage products, designated as SAA MP52.¹²

“**MAP certification**”, for a component, means StandardsMark, WaterMark or TypeTestMark certification of the component under MAP.

“**minor necessary work**” means sanitary plumbing or sanitary drainage work that is—

- (a) emergency work; or
- (b) repairing or replacing a sanitary plumbing or sanitary drainage pipe that is broken or damaged, but not if the work involves repairing a sanitary drain at a connection point or replacing more than 3 m of a sanitary drain; or
- (c) unblocking a sanitary plumbing or sanitary drainage pipe;
- (d) necessary for performing the maintenance, repair or replacement

¹² The manual is published by Standards Australia. It gives information on authorisation procedures for plumbing products based on the national StandardsMark, WaterMark and TypeTestMark scheme administered by Standards Australia. These marks are part of the National Certification of Plumbing and Drainage Products Scheme.

SCHEDULE 2 (continued)

of a fitting or fixture; or

- (e) other work of a minor nature for repairing sanitary plumbing or drainage.

“model approval” see section 77.

“model requirements” see section 78.

“occupier” of premises means—

- (a) if the premises are occupied—the person who occupies the premises; or
- (b) if the premises are not occupied—the person entitled to possession of the premises.

“on-site facility conditions” see section 72.

“on-site sewage treatment plant” is a sewage treatment plant installed or to be installed on premises as part of an on-site sewerage facility for the premises.

“on-site sewerage code” see section 75.

“on-site sewerage facility” means a facility installed on premises for—

- (a) treating, on the premises, sewage generated on the premises, and disposing of the resulting effluent—
 - (i) on the premises; or
 - (ii) off the premises by—
 - (A) common effluent drainage; or
 - (B) collection from a tank on the premises; or
- (b) storing on the premises sewage generated on the premises for its subsequent disposal off the premises by collection from the premises.

“outfall” see glossary.

“outlet” see glossary.

“owner”, of premises, means the person (including, if the premises is leased from the State, the lessee) for the time being entitled to receive

 SCHEDULE 2 (continued)

the rent for the premises, or who would be entitled to receive the rent for the premises if it were let to a tenant for a rent.

“**pH**” see glossary.

“**pipe**” see glossary.

“**plug**” see glossary.

“**prefabricated item**” means—

- (a) a wholly prefabricated on-site sewage treatment plant; or
- (b) a prefabricated element of an on-site sewage treatment plant.

“**premises**” means a lot as defined in section 1.3.5 of IPA,¹³ and includes a lot that has a building situated on it, or that is wholly or partly contained in, or that wholly or partly contains, a building.

“**premises group**” means the land comprised in 2 or more premises all the owners of which have mutual rights and obligations under BCCMA or BUGTA for the purpose of their respective ownerships, and includes the common property forming part of—

- (a) if the premises are lots included in a community titles scheme under BCCMA—the scheme land for the scheme; or

¹³ The *Integrated Planning Act 1997*, section 1.3.5 (Definitions for terms used in “development”) defines a lot in the following way—

“**lot**” means—

- (a) a lot under the *Land Title Act 1994*; or
- (b) a separate, distinct parcel of land for which an interest is recorded in a register under the *Land Act 1994*; or
- (c) common property for a community titles scheme under the *Body Corporate and Community Management Act 1997*; or
- (d) a lot or common property to which the *Building Units and Group Titles Act 1980* continues to apply; or
- (e) a community or precinct thoroughfare under the *Mixed Use Development Act 1993*; or
- (f) a primary or secondary thoroughfare under the *Integrated Resort Development Act 1987* or the *Sanctuary Cove Resort Act 1985*.

SCHEDULE 2 (continued)

- (b) if the premises are lots under BUGTA—the parcel of which the premises form part.

“premises group sewer” see section 70.

“premises sewer” see section 69.

“prohibited substance” means a substance in schedule 1.

“prohibited substance for sewerage” means a substance mentioned in schedule 1, part 1.

“prohibited substance for stormwater drainage” means a substance mentioned in schedule 1, part 2.

“property connection sewer” means a short length of sewer, forming part of a local government’s sewerage system, installed for connecting an individual premises to the rest of the sewerage system.

“property sewer” means a premises sewer or a premises group sewer.

“public office”, of a local government, means the local government’s public office under the *Local Government Act 1993*.

“pump” see glossary.

“riser” means riser (sanitary).

“riser (sanitary)” see glossary.

“sanitary drain” means a drain (not including a pipe that is a part of common effluent drainage) that is immediately connected to, and used to carry discharges from, a soil or waste pipe for an individual premises.

“sanitary drainage” means apparatus, fittings and pipes for collecting and carrying discharges from sanitary plumbing, or from fixtures directly connected to a sanitary drain, to a sewerage system or on-site sewerage facility, including the following apparatus, fittings and pipes—

- (a) disconnector gullies;
- (b) bends at the foot of stacks or below ground level;
- (c) for an on-site sewerage facility—a pipe (other than a soil or waste pipe) used to carry sewage to or from the facility;

SCHEDULE 2 (continued)

(d) pipes above ground level, installed using drainage principles.

“sanitary drainage work” includes installing, changing, extending, disconnecting, taking away, repairing and maintaining sanitary drainage.

“sanitary plumbing” means apparatus, fittings, fixtures and pipes that carry sewage to a sanitary drain.

“sanitary plumbing work” includes installing, changing, extending, disconnecting, taking away, repairing and maintaining sanitary plumbing.

“scum” see glossary.

“septic tank” means a tank in which solid organic matter in sewage is decomposed by anaerobic bacteria.

“sewage” see glossary.

“sewage treatment plant” means equipment for 1 or more of the following—

- (a) biological treatment of sewage;
- (b) physical treatment of sewage;
- (c) chemical treatment of sewage.

“sewer” means a pipe (other than a sanitary drain or soil pipe or waste pipe) for carrying off sewage from premises.

“sewerage system” means infrastructure used to receive, transport and treat sewage or effluent, and consisting of some or all of the following—

- (a) sewers;
- (b) access chambers;
- (c) vents;
- (d) engines;
- (e) pumps;
- (f) structures;
- (g) machinery;

SCHEDULE 2 (continued)

(h) outfalls;

(i) works not mentioned in paragraphs (a) to (h).

“sewerage system work” includes the building, change, extension, repair and maintenance of a sewerage system.

“sewered area”, of a local government, means a part of the local government’s area declared by resolution of the local government to be a part of its local government area in which it is prepared to accept sewage and effluent into a sewerage system of the local government.

“sink” see glossary.

“siphon” see glossary.

“sludge” means semi-liquid solids settled from sewage in septic tanks, arrestors and sewage treatment plants.

“slab urinal” see glossary.

“slop hopper” see glossary.

“small septic tank requirements” see section 76.

“soffit” see glossary.

“soil pipe” see glossary.

“soil stack” see glossary.

“specified Act” means—

(a) the *Integrated Resort Development Act 1987*; or

(b) the *Mixed Use Development Act 1987*; or

(c) the *Registration of Plans (H.S.P. (Nominees) Pty. Limited) Enabling Act 1984*; or

(d) the *Registration of Plans (Stage 2) (H.S.P. (Nominees) Pty. Limited) Enabling Act 1984*; or

(e) the *Sanctuary Cove Resort Act 1985*.

“stack” see glossary.

“stormwater” see glossary.

SCHEDULE 2 (continued)

“stormwater drainage”, other than for sections 23 and 42, means infrastructure used to receive, store, transport or treat stormwater, and consisting of some or all of the following—

- (a) drains;
- (b) channels;
- (c) pipes;
- (d) chambers;
- (e) structures;
- (f) outfalls;
- (g) works not mentioned in paragraphs (a) to (f).

“stormwater installation”, for premises, means roof gutters, downpipes, subsoil drains and stormwater drainage for the premises, but does not include any part of a local government’s stormwater drainage.

“subsoil drain” see glossary.

“surcharge” see glossary.

“surface water” see glossary.

“tank” see glossary.

“tap” see glossary.

“test” see glossary.

“this law” means the regulation named in section 1.

“trade waste approval” see section 24.

“trade waste” has the meaning given under section 17A of the Act.

“trade waste officer”, of a local government, means a person holding appointment as a trade waste officer of the local government.

“trap” see glossary.

“type specification approval” see section 79.

“type specification requirements” see section 80.

“upstream vent” see glossary.

SCHEDULE 2 (continued)

“unregulated work” means sanitary plumbing or sanitary drainage work that is only—

- (a) cleaning or maintaining ground level grates to traps on sanitary drains; or
- (b) replacing caps to ground level inspection openings on sanitary drains.

“urinal” see glossary.

“utility infrastructure” means cables, wires, pipes, sewers, drains, ducts, plant and equipment by which utility services are supplied.

“utility service” means—

- (a) water reticulation or supply; or
- (b) gas reticulation or supply; or
- (c) electricity supply; or
- (d) a telephone service; or
- (e) a computer data or television service; or
- (f) a sewerage system; or
- (g) stormwater drainage; or
- (h) another system or service designed to improve the amenity, or enhance the enjoyment, of premises or other land.

“valve” see glossary.

“vent” see glossary.

“vent cowl” see glossary.

“vent pipe” see glossary.

“waste pipe” see glossary.

“waste water” see glossary.

“water closet pan” see glossary.

“trap water seal” see glossary.

“wrapping” see glossary.

ENDNOTES

1. Made by the Governor in Council on 23 April 1998.
2. Notified in the gazette on 24 April 1998.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Natural Resources.

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