



New South Wales

Local Government (General) Amendment (Domestic Greywater Diversion) Regulation 2006

under the

Local Government Act 1993

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Local Government Act 1993*.

KERRY HICKEY, M.P.,
Minister for Local Government

Explanatory note

Section 68 of the *Local Government Act 1993* provides that a person may carry out certain activities only with the prior approval of the relevant local council and allows regulations under that Act to prescribe other activities that require such approval.

The object of this Regulation is to prescribe domestic greywater diversion as an activity requiring prior approval. Domestic greywater diversion means the installation and operation of a system for the diversion of greywater generated on residential premises to a garden or lawn on those premises, but does not include the manual collection and re-use of greywater (for example, by means of a bucket or similar receptacle). The Regulation also provides for an exemption from the requirement for prior approval in relation to domestic greywater diversion if certain conditions are met.

The Regulation also provides that the following offences may be dealt with by way of a penalty notice:

- (a) carrying out domestic greywater diversion without council's prior approval and carrying out domestic greywater diversion other than in accordance with the terms of council's approval,
- (b) operating a system of sewage management without council's prior approval and operating a system of sewage management other than in accordance with the terms of council's approval.

This Regulation is made under the *Local Government Act 1993*, including sections 68, 679 and 748 (the general regulation-making power).

2006 No 245

Local Government (General) Amendment (Domestic Greywater Diversion)
Clause 1 Regulation 2006

Local Government (General) Amendment (Domestic Greywater Diversion) Regulation 2006

under the

Local Government Act 1993

1 Name of Regulation

This Regulation is the *Local Government (General) Amendment (Domestic Greywater Diversion) Regulation 2006*.

2 Commencement

This Regulation commences on 1 July 2006.

3 Amendment of Local Government (General) Regulation 2005

The *Local Government (General) Regulation 2005* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 3)

[1] Part 2, Division 5, Subdivision 6

Insert after Subdivision 5:

Subdivision 6 Domestic greywater diversion

75A Approval required for domestic greywater diversion

- (1) For the purposes of item 10 of Part F of the Table to section 68 of the Act, domestic greywater diversion is prescribed as an activity that requires the prior approval of the council.
- (2) However, domestic greywater diversion may be carried out without the prior approval of the council if:
 - (a) it is carried out in accordance with the Plumbing and Drainage Code of Practice, and
 - (b) a sewage management facility is not installed on the premises concerned, and
 - (c) the following performance standards are achieved:
 - (i) the prevention of the spread of disease by micro-organisms,
 - (ii) the prevention of the spread of foul odours,
 - (iii) the prevention of contamination of water,
 - (iv) the prevention of degradation of soil and vegetation,
 - (v) the discouragement of insects and vermin,
 - (vi) ensuring that persons do not come into contact with untreated sewage or effluent (whether treated or not) in their ordinary activities on the premises concerned,
 - (vii) the minimisation of any adverse impacts on the amenity of the premises concerned and surrounding lands.
- (3) Failure to comply with subclause (1) (c) is not a breach of that performance standard if the failure was due to circumstances beyond the control of the person carrying out the domestic greywater diversion.

2006 No 245

Local Government (General) Amendment (Domestic Greywater Diversion)
Regulation 2006

Schedule 1 Amendments

(4) In this clause:

domestic greywater diversion means the installation and operation of a system for diverting greywater generated on residential premises to a garden or lawn on those premises, but does not include the manual collection and re-use of greywater (for example, by means of a bucket or similar receptacle).

greywater means waste water from washing machines, laundry tubs, showers, hand basins and baths, but does not include waste water from a kitchen, toilet, urinal or bidet.

residential premises does not include premises comprising more than one dwelling.

[2] Schedule 12 Penalty notice offences

Omit the following from the Schedule:

Section 626 (3)—carry out without prior approval of council an activity specified in item 10 of Part F (Other activities) of the Table to section 68 \$330

Section 627 (3)—having obtained the council’s approval to the carrying out of an activity specified in item 10 of Part F (Other activities) of the Table to section 68, carry out the activity otherwise than in accordance with the terms of that approval \$330

Insert instead the following in appropriate order:

Section 626 (3)—carry out without prior approval of council an activity specified in item 6 of Part C (Management of waste) of the Table to section 68 \$330

Section 626 (3)—carry out without prior approval of council an activity (being domestic greywater diversion) as prescribed by the regulations under item 10 of Part F (Other activities) of the Table to section 68 \$220

Section 627 (3)—having obtained the council’s approval to the carrying out of an activity specified in item 6 of Part C (Management of waste) of the Table to section 68, carry out the activity otherwise than in accordance with the terms of that approval \$330

Section 627 (3)—having obtained the council’s approval to the carrying out of an activity (being domestic greywater diversion) as prescribed by the regulations under item 10 of Part F (Other activities) of the Table to section 68, carry out the activity otherwise than in accordance with the terms of that approval \$220

BY AUTHORITY
