

HOBART CITY COUNCIL

HYDRAULIC SERVICES BY - LAW

BY-LAW 4 OF 2008

BY-LAW MADE UNDER SECTION 145

OF THE LOCAL GOVERNMENT ACT 1993 AND

SECTION 67 A OF THE SEWERS AND DRAINS ACT 1954

FOR THE PURPOSE OF

REGULATING AND CONTROLLING THE SUPPLY OF WATER,

THE SEWERAGE SYSTEM, AND STORMWATER AND LAND DRAINAGE

PART 1 - PRELIMINARY

Repeal

The Waters, Sewers and Drains by-law made on 9 December 1997 and notified in the Tasmanian Government Gazette on Wednesday 27 May, 1998, is repealed.

Short Title

1. This by-law may be cited as the Hydraulic Services By-law.

Interpretation

2. In this by-law: -

“**the Act**” means the Local Government Act 1993;

"**authorised officer**" means an employee of the Council authorised by the General Manager for the purposes of this by-law;

"**bank**" means the sides of a water course from the adjacent land surface to the bed;

"**branch**" means a conduit owned and maintained by the Council that conveys sewage or stormwater from a sewerage installation or a stormwater installation to a sewer main or stormwater main;

"**city**" means the City of Hobart;

"**Council**" means the Hobart City Council;

“**General Manager**” means the General Manager of the Council appointed pursuant to section 61 of the Act;

“**greywater**” means the domestic wastes from baths, showers, basins, and laundries, but does not include toilet or urinal wastes;

“**hydraulic installation**” means water installation, sewerage installation, and stormwater installation;

"**hydraulic systems**" means the water systems, sewerage systems, stormwater systems and water courses that are hydraulic infrastructure assets vested in the Council;

“**on-site sewage management system**” means an on-site system for the management of sewage that includes its collection, treatment and disposal;

“**person**” means an individual, corporation, business or any other legal entity;

“**pre-treatment device**” means a device used to change the physical or chemical characteristics of trade waste before discharge to a sewerage main;

“**sewage**” means water borne waste of human origin comprising faecal matter, greywater, urine or liquid household waste;

“**sewer admission limits**” means the standards for acceptance of liquid trade waste to sewer and substances not allowed to sewers as specified in the relevant schedules of the Tasmanian Plumbing Regulations;

"**sewerage installation**" means an installation owned and maintained by the property owner comprising discharge pipes, drains, fixtures, boundary trap including first joint downstream of the boundary trap, upstream and downstream vents, appliances, trade waste pre-treatment devices, and associated components used to convey wastewater from a property to a sewerage branch or other approved disposal system;

"**sewer main**" means any pipe owned by the Council which is used or designated for the purpose of conveying liquid waste from properties in any area;

“**sewerage system**” means the wastewater treatment plant, sewerage mains, sewerage branches, pump stations, valves, meters, and electronic equipment that are hydraulic infrastructure assets vested in the Council;

"**shared installation**" means a sewerage installation, stormwater installation, or water installation connected to more than one premise on separate land title or stratum title and which is owned by the owners connected in proportion to the benefit received;

“**stormwater discharge permit**” means a permit issued under Clause 41 of this by-law;

"**stormwater installation**" means an installation owned and maintained by the property owner comprising discharge pipes, drains, fixtures, appliances and associated components up to and including the first joint with the branch upstream of the stormwater main used to convey stormwater from a property to a stormwater branch or other approved disposal system including soakage trenches, rainwater reuse systems, or water sensitive design systems;

"**stormwater main**" means any pipe, conduit or open channel owned by the Council and natural water course which is used or designated for the purpose of conveying storm water from properties in any area;

“**stormwater system**” means the stormwater treatment facilities, stormwater mains,

branches, pump stations, valves, meters, and electronic equipment that are hydraulic infrastructure assets vested in the Council;

"trade waste" means the liquid waste generated by any industry, business, trade, or manufacturing process that is of a quantity or quality in excess of normal household sewage;

"trade waste permit" means a special plumbing permit for discharge of trade waste to the sewerage system issued under the Tasmanian Plumbing Regulations 2004;

"vehicle" has the same meaning as section 3(1) of the Traffic Act 1925;

"water course" means a rivulet, creek, stream, or other natural depression in the land into which rain water flows as determined by Council;

"water main" means any pipe owned by the Council which is used or designated for the purpose of reticulating water and providing fire protection to properties in any area;

"water installation" means an installation owned and maintained by the property owner comprising supply pipes, fittings, valves, appliances and associated components used to convey potable water from a water service to a tap, valve, or appliance;

"water service" means a pipe and isolating valves owned and maintained by the Council and used to connect the water main to the water installation;

"wastewater" means liquid waste conveyed in Council sewerage systems that may be sewage and trade waste discharge;

"water supply system" means the reservoirs, water mains, water services, pump stations, valves, hydrants, meters, and electronic equipment that are hydraulic infrastructure assets vested in the Council.

PART 2 - PROTECTION OF HYDRAULIC SYSTEMS

Opening of ground, altering surface or interfering

3. (1) A person must not:
- a) alter the depth of cover of a hydraulic system as required by the Council; or
 - b) create land instability that poses a hazard to the hydraulic system; or
 - c) interfere with a hydraulic system including connecting to, removing the material being conveyed, damaging, hindering Council's operations and maintenance activities;
 - d) enter a hydraulic system; or
 - e) open any ground so that a hydraulic system or a service owned by another statutory body is exposed –

unless the person has given the Council or the other statutory body 48 hours notice in writing and received written permission of the General Manager.

Penalty: 3 penalty units, and 1 penalty unit for each day during which the offence continues.

- (2) A person must not alter the depth of cover of a hydraulic installation required or create land instability by the addition or removal of fill, top soil or other materials that pose a hazard to the hydraulic installation without the written approval of the General Manager.

Penalty: 2 penalty units

- (3) A person must not open the surface of any highway so that a hydraulic system owned by the Council or a service owned by another statutory body is exposed unless a permit pursuant to the Highways By-Law has been obtained.

Penalty: 5 penalty units

Structures over Council's hydraulic systems

4. (1) A person must not without the permission of the General Manager construct any structure, fence, or other works within an easement so that it encroaches within one metre horizontal distance from the nearest edge of the hydraulic system or some other distance as determined by the General Manager.

Penalty: 10 penalty units

- (2) The Council may direct persons contravening this clause to remove the structure, fence, or other works, or alternatively Council may require from persons contravening this clause payment for diversion works.

Defective hydraulic installations or maintenance

5. (1) The owner of any hydraulic installation within a property (including any trade waste pre-treatment devices) must ensure that the installation remains operational and free of physical defects.
- (2) Where the hydraulic installation can be shown to be free of physical defects, any blockage arising from the discharge of any waste shall remain the responsibility of the occupier of the premises.
- (3) The Council may serve a notice on the owner or occupier to comply with the Plumbing Regulations 2004, replace, alter, enlarge, maintain, repair, or clean any shared installation, water installation, sewerage installation, or stormwater installation or part thereof.

PART 3 - WATER SUPPLY

DIVISION 1 - CONNECTION TO COUNCIL WATER SYSTEM

Provision of water service

6. (1) If a water service is permitted in accordance with statutory requirements a single separate water service with an isolating valve shall be permitted for construction by the Council connecting the water main to the water installation upon payment of the fee or estimate as determined by Council.

- (2) The water service must be a pipe material and pressure class acceptable for use in the City of Hobart and in accordance with clause 8, a diameter of 20mm nominal size for a property with a single residential dwelling, and be contained within the road reservation, unless approved in writing by the General Manager.

Penalty: 2 penalty units.

- (3) The water installation must be wholly contained within the property it serves.

Penalty: 2 penalty units.

- (4) A property shall have one water connection provided to the street frontage property boundary unless approved in writing by the General Manager.

- (5) The owner of any land must, within two months of the General Manager serving the owner with a notice to do so, lay down a water installation and disconnect and seal any other service to the property if the land:

- (a) is not connected to a water service from the street frontage; and
- (b) abuts a street where the Council has laid a water main; and
- (c) is not vacant land.

Penalty: 2 penalty units

Premises supplied by a shared water installation

7. (1) The owner of any premises which is supplied with water through a shared water installation, must within 30 days of service of a notice from the General Manager, or such other time as the General Manager may approve, disconnect from the shared installation and connect to the Council's water service indicated in the notice at the point stated in the notice.

Penalty: 2 penalty units

Pressure rating of pipes fixtures and fittings

8. All pipes, valves, devices, and fittings connected to the water supply in the city are to be rated for a safe working pressure of 180 metres pressure head unless the person has first obtained written approval from the General Manager to use a lesser class.

Protection from cross-connection and backflow

9. An approved backflow prevention device must be installed in accordance with the Plumbing Regulations 2004 within 3 days, or such other time as the General Manager may approve, of the General Manager serving the owner with a notice to do so.

Penalty: 5 penalty units

Protection from contamination following construction

10. A person who constructs a water installation or a water main must remove all harmful contaminants from the installation or main and provide certification to the General Manager for approval prior to connection to the live water main.

Penalty: 10 penalty units.

DIVISION 2 - WATER CONSERVATION

Duty to not waste water

11. A person must only use water –
- a) in a manner and for purposes deemed appropriate and reasonable by the General Manager from time to time; and
 - b) at a flow rate appropriate for the purpose and which minimizes wastage; and
 - c) in a manner which does not cause run-off nuisance to neighbouring properties or uncontrolled run-off to the stormwater system.

Penalty: 10 penalty units.

Use of water through a meter

12. (1) The water supply must be metered where: -
- a. the water is to be used in any business, enterprise, farm, or for any commercial purpose,
 - b. the water is to be used for commercial irrigation except by a hand held hose or a watering can;
 - c. the premises are outside the city boundaries;
 - d. the water is to be used for a cistern or flushing apparatus other than a toilet or urinal;
 - e. the water is to be used on a State or Commonwealth government property;
 - f. the water is to be used by marine craft;
 - g. the water is supplied to vacant land;
 - h. the water is to be used for cooling or in any cooling apparatus;
 - i. The supply services any new multi-dwelling development;
 - j. the General Manager becomes aware that water wastage is occurring; or
 - k. The water is to be used for temporary standpipe connections into water mains

Penalty: 5 penalty units and 1 penalty unit per day for a continuing breach

- (2) Notwithstanding sub-clause (1) the General Manager may exempt any of the above from compliance with this provision.

Meter installations

13. (1) A person directed to do so by the Council must install a water meter at their own expense.

Penalty: 3 penalty units.

- (2) The Council shall supply the water meter free of charge except in the case of properties owned by the State Government, Commonwealth Government, or their agencies, enterprises, or instrumentalities.

Sale of water

14. A person who is supplied with water by the Council or receives water from the Council by any means must not remove more than 100 litres of water from the property on which the water was supplied, nor is the person to sell any water to any other person, unless the person has obtained written approval from the General Manager to do so.

Penalty: 2 penalty units

Use of fire protection equipment

15. A person must not use fire protection equipment attached to any water main for any purpose other than fire protection unless the person has obtained written approval from the General Manager to do so.

Penalty: 2 penalty units

Water wastage

16. (1) The owner or occupier of any property is to ensure that the water installation and also other hose pipes and fittings attached thereto within the property are maintained in working order.
- (2) When in the opinion of the General Manager leakage from the water installation and also other hose pipes and fittings attached thereto within the property or other means constitutes water wastage, upon notice in writing from the General Manager the occupier or owner must rectify the leakage or cease the wastage within a reasonable time.

Penalty: 1 penalty unit

Withdrawing or limiting a water supply

- 17 (1) The Council may upon the service of a notice, giving a period of 24 hours minimum, withdraw or limit a water supply to any property for all or any of the following purposes: -
- a To allow for planned asset replacements to hydraulic installations and new asset additions to hydraulic installations;
 - b To allow for planned investigations of hydraulic installations;
 - c To allow for planned alterations for the pressure and flows for the equitable distribution of water; or
 - d To enforce compliance with the provisions of this by-law.

Water restrictions

18. (1) The Council may at any time, by notice published in a daily newspaper circulating in the city, declare a water restriction period to prohibit or restrict persons from the use of water from the water mains upon such terms and conditions as determined by Council.

- (2) All persons required by the notice to prohibit or restrict the use of water from the water mains must comply with the notice.

Penalty: 1 penalty unit for the first offence, 2 penalty units for the second offence, and 3 penalty units for subsequent offences.

DIVISION 3 – SCHEME OF CONSTRUCTION

Scheme of Construction

- 19 .(1) If, in the opinion of Council, a street, right of way or private land is not adequately supplied by a source of reticulated Council water supply, Council may construct any water main it thinks fit for the purpose.
- (2) Before proceeding with the construction, Council is to give the owner of all land through, under or over which the installation or main is to pass 28 days' notice in writing of its intention to construct it.
- (3) All costs incurred by the Council in relation to providing a water main, is to be paid to the Council by the owners of any land that –
- a) is served by, or derives benefit from, the water main; or
 - b) fronts or abuts on any part of a street which is serviced by the water main.
- (4) The costs under sub-section (3) –
- a) exclude any cost attributable to making any section of a water main larger than normal for the land to be served by the main; and
 - b) are payable in such proportions between the owners and/or the Council as the Council determines; and
 - c) are recoverable as if they were rates; and
 - d) are a charge on the land from the date on which the work has been completed.
- (5) Land is taken to derive benefit from a water main when it is 30 metres or a lesser distance measured to the nearest point on the water main or water service.

PART 4 - SEWERS

DIVISION 1 - CONNECTION TO THE SEWERAGE SYSTEM

Provision of a sewer branch

20. (1) If a sewer branch is permitted in accordance with statutory requirements a single separate branch is permitted for construction by the Council to connect the sewer main to the property sewerage installation upon payment of the fee or estimated cost as determined by Council.
- (2) A property shall have one sewer branch provided on the property at a reasonable reduced level to provide a sewerage service by gravity discharge for the drainage of buildings unless approved in writing by the General Manager.

(3) The sewerage installation must be wholly contained within the property it serves.

Penalty: 2 penalty units

Premises connected to a shared installation

21. (1) The owner of any premises which is connected to the sewer main via a shared installation must, within 30 days of service of a notice from the General Manager, or such other time as that General Manager may approve, disconnect from the shared installation and connect to the Council's branch indicated in the notice at the point stated in the notice.

Penalty: 2 penalty units

(2) A person must not alter or damage a shared installation without the written permission of other property owners connected to the shared installation and with a vested interest.

Penalty: 5 penalty units

(3) The Council may serve a notice on the owners or occupiers of a shared installation where the drain has been altered or damaged without the written permission of other property owners to rectify the alteration or damage and restore the operation of the shared installation.

Duty to discharge sewage

22. (1) Where a sewer main exists within 30 metres of the nearest property boundary, and it is reasonable to make a connection, a sewerage installation must connect to the sewer main for disposal of sewage.

Penalty: 2 penalty units plus 1 penalty unit for each day during which the offence continues.

(2) All sewage not discharged to the sewage system must be disposed of through a sewerage installation to an on-site sewage management system approved by the General Manager.

Penalty: 2 penalty units plus 1 penalty unit for each day during which the offence continues.

DIVISION 2 - DISCHARGE OF APPROPRIATE WASTE

Requirement to hold a trade waste permit

23. Any person discharging trade waste to the Council's sewerage system must hold a trade waste permit under the Tasmanian Plumbing Regulations.

Penalty: 2 penalty units and 1 penalty unit for each day during which trade waste is discharged without a trade waste permit.

Breach of Permit Conditions and Sewer Admission Limits

24. (1) A person must not discharge into the sewerage system any matter which will damage the sewerage system, cause harm to the wastewater treatment plant, does not comply with the conditions specified in the trade waste permit and which exceeds the sewer admission limits.

Penalty: 20 penalty units plus 2 penalty units for each day of exceedance of sewer admission limits or permits conditions plus the costs of any penalties imposed onto Council as the result of Council's treatment plant performance or sewerage system becoming non compliant due to the breach of sewer admission limits or permit conditions.

- (2) Notwithstanding sub-clause (1) sewer admission limits may be exceeded where a trade waste permit specifies exception to the sewer admission limits.
- (3) Where sub-clause (2) applies, the Council may determine that the trade waste permit holder is to pay any charges for the exceedance of admission limits as determined by resolution of Council.

Dilution of trade waste

25. A person or trade waste permit holder must not dilute trade waste to achieve compliance with sewer admission limits.

Penalty: 2 penalty units plus 1 penalty unit for each day during which the offence continues.

Notices

26. (1) The Council may give a notice in writing to the trade waste permit holder requiring them to rectify faults with a pre-treatment device or install such pre-treatment device/s to comply with trade waste permit conditions within the time specified in the notice if the General Manager is of the opinion that: -
- a) the quality, quantity, or rate of discharge of the trade waste is not in compliance with the provisions of any permit;
 - b) the pre-treatment device is not in efficient working order or is not of sufficient size or appropriate type, as may be detailed in guidelines or fact sheets issued by Council;; or
 - c) the discharge is made in contravention of this by-law or the Tasmanian Plumbing Regulations.
- (2) An authorised Council employee may enter the premises at the expiration of the notice period to disconnect that part of the sewerage installation used to discharge trade waste into the system and stop further trade waste from entering the system.

Meters for waste

27. The volume of trade waste is to be measured by a meter or other means approved by the General Manager which is to be installed at the trade waste permit holder's expense, or

at the Council's expense, if the General Manager orders.

Notification of changes

28. (1) The trade waste permit holder is to notify the Council in writing 28 days before any proposed change is made to any processes which may effect: -
- a) the quality and quantity of the trade waste;
 - b) the rate and/or volume of discharge; or
 - c) the hours of discharge of the trade waste,

and may reasonably be expected to result in the trade waste no longer being in compliance with the issued trade waste permit.

Penalty: 2 penalty units.

- (2) A person must not make any change to the processes except in compliance with the requirements of the issued trade waste permit and this by-law.
- (3) An application for a new trade waste permit to meet proposed changes to trade waste resulting from changes to processes as defined in sub-clause (1) is to be made in writing to the General Manager at least 14 days in advance of the proposed changes coming into affect.

Penalty: 2 penalty units

Notification of change of ownership or occupancy

29. The owner or trade waste permit holder of any property which discharges trade waste into the system is to notify the Council in writing 28 days before any change is made in the ownership or occupancy of the property.

Penalty: 2 penalty units

Inspection sampling and measurement

- 30 (1) If required to do so by the General Manager, the trade waste permit holder must install a suitably sized inspection chamber of an approved type, at an approved location which is readily accessible to Council employees to inspect, sample and measure the trade waste.

Penalty: 3 penalty units

- (2) Where the General Manager is of the opinion that any permit holder is discharging trade waste which is not meeting trade waste permit conditions the Council may recover the cost of investigation and sampling, where the fees are set by resolution of Council.

DIVISION 3 – SCHEME OF CONSTRUCTION

Scheme of construction

31. (1) If, in the opinion of Council, a street, right of way or private land is not adequately drained, the Council may construct any sewer branch or sewer main it thinks fit for the purpose.
- (2) Before proceeding with the construction, Council is to give to the owners of all land through, under or over which the sewer branch or main is to pass 28 days' notice in writing of its intention to construct it.
- (3) All costs incurred by the Council in relation to providing a sewer branch or main, including any compensation payable by the Council under section 25 of the Sewers and Drains Act 1954, is to be paid to the Council by the owners of any land that is served by, or derives benefit from, the sewer branch or main.
- (4) The costs under sub-section (3) –
- a) exclude any cost attributable to making any section of a sewer branch or main larger than normal for the land to be served by the drain; and
 - b) are payable in such proportions between the owners and/or the Council as the Council determines; and
 - c) are recoverable as if they were rates; and
 - d) are a charge on the land from the date on which the work has been completed.
- (5) Land is taken to derive benefit from a sewer branch or main if it is 30 metres or a lesser distance measured to the nearest point of the sewer branch or main.

DIVISION 4 – ON-SITE SEWAGE MANAGEMENT SYSTEMS

Installation of on-site sewage management systems

32. (1) Where connection to the Council's sewerage system is not possible, the General Manager may, upon application, grant a special plumbing permit approving the installation and operation of an appropriate on-site sewage management system.
- (2) A special plumbing permit under sub-clause (1) will only be issued to a person where the General Manager is satisfied that: -
- a) the system will be compliant with the requirements of the Building Act 2000, the Plumbing Regulations 2004, and any other statutory requirements, and;
 - b) the Manager Environmental Health consents to the system's installation or construction; and
 - c) the land is suitable for the installation or construction of the proposed system.
- (3) The General Manager may grant a special plumbing permit under sub-clause (1) upon such terms and conditions as are considered appropriate and authorised under the Plumbing Regulations 2004.

Use of on-site sewage management system

33. (1) A person must not use an on-site sewage management system other than in accordance with: -
- a) The conditions of a special plumbing permit; and

- b) The conditions of accreditation issued under the Tasmanian Plumbing Code 1994.

Penalty: 20 penalty units.

- (2) The special plumbing permit holder or other person using an on-site sewage management system must not dilute sewage to achieve compliance with the wastewater standards specified in the conditions of accreditation issued under the Tasmanian Plumbing Code 1994 and the conditions of the special plumbing permit.

Penalty: 20 penalty units, and a further 2 penalty units for each day during which the offence continues.

Concurrent future owners and occupiers

- 34. An approval, permit, or licence to use an on-site sewage management system extends to concurrent and future owners and occupiers.

Maintenance and management of on-site sewage management systems

- 35. (1) The owner of a site where an on-site sewage management system is installed must ensure that the system is used, operated, maintained or managed in accordance with the conditions of the permit granted.

Penalty: 20 penalty units, and a further 2 penalty units for each day during which the offence continues.

Environmental harm or nuisance

- 36. (1) If, in the opinion of the General Manager, the continued use of an on-site sewage management system would result in environmental harm or a nuisance, the General Manager may serve a written notice on the owner of the land.
- (2) The written notice under sub-clause (1) is to specify the action to be taken to avoid the likelihood of environmental harm or a nuisance occurring and the time permitted for implementation.
- (3) The owner must comply with the notice issued under sub-clause (1) within the time specified in the notice.

Penalty: 20 penalty units, and a further 2 penalty units for each day during which the offence continues.

- (4) If an owner fails to comply with the notice in accordance with sub-clause (3) the Council may enter the land and carry out any work necessary to avoid any real or threatened environmental harm or nuisance.

PART 5 - STORM WATER AND LAND DRAINAGE PROVISIONS

DIVISION 1 - CONNECTION TO COUNCIL'S STORMWATER SYSTEM

Provision of a stormwater branch

37. (1) If a stormwater branch is permitted in accordance with statutory requirements a single separate branch is permitted for construction by the Council to connect the stormwater main to the property stormwater installation upon payment of the fee or estimated cost as determined by Council.
- (2) A property shall have one stormwater branch provided on the property at a reasonable reduced level to provide a stormwater service by gravity discharge for the drainage of buildings and the curtilage unless approved in writing by the General Manager.
- (3) The stormwater installation must be wholly contained within the property it serves.

Penalty: 2 penalty units.

Premises connected to a shared installation

38. The owner of any premises to which the stormwater installation is connected via a shared installation, must within 30 days, of service of a notice from the General Manager, or such other time as that General Manager may approve, disconnect from the shared installation and connect to the Council's branch indicated in the notice at the point stated in the notice.

Penalty: 2 penalty units

DIVISION 2 - DISCHARGE OF APPROPRIATE WASTE

Duty to discharge stormwater

39. (1) Where a stormwater main exists within 30 metres of the nearest property boundary, and it is reasonable to make a connection, a stormwater installation must connect to the stormwater main for disposal of stormwater.

Penalty: 2 penalty units plus 1 penalty unit for each day during which the offence continues.

- (2) All stormwater not discharged to the stormwater system must be disposed of through a stormwater installation approved by the General Manager.

Penalty: 2 penalty units plus 1 penalty unit for each day during which the offence continues.

Adverse effect of stormwater discharge

40. If the General Manager is of the opinion that the stormwater discharge from any land may have an immediate adverse effect on a receiving water body or contribute to a cumulative impact resulting in degradation of receiving waters he/she may:
- a. issue a notice requiring the land owner and/or occupier to cease the discharge; or
 - b. issue a notice requiring the land owner and/or occupier to install appropriate

measures to control the discharge to the satisfaction of the Council.

Stormwater discharge permit

41. Where any person is required to discharge stormwater to an approved system as part of a development application, the Council may require the applicant to apply for a stormwater discharge permit to ensure that the drainage from the development does not result in an immediate adverse effect on a receiving water body or contribute to a cumulative impact resulting in degradation of receiving waters.

DIVISION 3 - LAND DRAINAGE PROVISIONS

Drainage nuisance abatement

42. (1) If in the opinion of the General Manager water from constructed ponds, impoundments, soakage trenches or other soil absorption systems, paved, or unpaved land surfaces is being concentrated other than within a natural water course or otherwise causing a nuisance, Council may require through service of a notice to the owner that provision be made for satisfactory drainage of the concentrated water.
- (2) A person who fails within a reasonable time to comply with a notice issued under sub-clause (1) commits an offence.

Penalty: 3 penalty units

Scheme of construction

43. (1) If, in the opinion of Council, a street, right-of-way or private land is not adequately drained, the Council may construct any stormwater branch or main it thinks fit for the purpose.
- (2) Before proceeding with the construction, Council is to give to the owners of all land through, under or over which the stormwater branch or main is to pass 28 days' notice in writing of its intention to construct it.
- (3) All costs incurred by the Council in relation to providing a stormwater branch or main, including any compensation payable by the Council under section 25 of the Sewers and Drains Act 1954, is to be paid to the Council by the owners of any land that –
- a. is served by, or derives benefit from, the stormwater branch or main; or
 - b. fronts or abuts on any part of a street which is drained by the stormwater branch or main.
- (4) The costs under sub-section (3) –
- a) exclude any cost attributable to making any section of a stormwater branch or main larger than normal for the land to be served by the drain; and
 - b) are payable in such proportions between the owners and/or the Council as the Council determines; and
 - c) are recoverable as if they were rates; and

- d) are a charge on the land from the date on which the work has been completed.
- (5) Land is taken to derive benefit from a stormwater branch or main if it is 30 metres or a lesser distance measured from the nearest point on the stormwater branch or main.

Erosion and sediment control

44. (1) If it appears to Council that natural stormwater runoff has been contaminated with concentrations of sediments and suspended solids or other materials that exceed the statutory provisions, Council may require through service of a notice to the owner that provision be made to reduce the concentrations of clays, silts, or sands in the stormwater discharge to comply with statutory provisions.
- (2) A person who fails within a reasonable time to comply with notice issued under sub-clause (1) commits an offence.

Penalty: 10 penalty units

PART 6 – WATER COURSES

Works in water courses

45. A person must not alter the bed, banks, or flood plains of a water course or construct any structure or otherwise obstruct the water course or its flood plain unless written authorisation has been provided by the Council.

Penalty: 20 penalty units

Developments in riparian zones set back from water courses

- 46 (1) Unless written authorisation is obtained from the Council, a person must not within the riparian zone or bank of a water course: -
- a) Carry out any earthworks;
 - b) Remove any vegetation;
 - c) Allow any livestock to graze and/or remain within the riparian zone.

Penalty: 10 penalty units

- (2) The minimum width of the riparian zone is 10 metres from the top of a watercourse embankment. Any application for a riparian zone width less than the minimum stipulated will be at the discretion of the Council or an authorised officer.

Powers in relation to water courses

47. (1) The Council may:
- a) Enter any water course for the purpose of exercising its rights, duties and powers under this by-law;
 - b) Maintain, improve or divert the water course;
 - c) Widen, divert or improve any water course;

- d) Cleanse the bed or channel of a water course;
 - e) Remove all obstructions from a water course;
 - f) Repair and maintain the banks or walls of a water course;
 - g) Construct any buildings, structures or works on, in or over any part of the water course;
 - h) Enter into an agreement with any person for the carrying out or construction of any building, structures or works;
 - i) Grant any right or interest in or over that part of those water courses or those buildings, structures or works;
 - j) Direct the owner of a property which abuts a water course to remove any unstable material which, in the General Manager's opinion, poses a risk of collapse into the water course;
 - k) Take the benefit of any easement over, or covenant restrictive of the use of any building or structure erected on, in or over the water course.
- (2) The Council may purchase land to carry out any of the matters set out in sub-clause (1) a) to (1) f).
- (3) The burden of a covenant referred to in sub-clause (1) (k) runs with the land in equity, notwithstanding: -
- a) The Council does not own land capable of being benefited by the covenant; or
 - b) That any land originally capable of being benefited by the covenant has subsequently been subdivided.

PART 7 - NOTICES

Notice to rectify breach or undertake works

48. (1) Where, in the opinion of the General Manager or an authorised officer, a person is in breach of any provision of this by-law the Council may serve a notice on that person requiring them to discontinue and/or rectify the breach.
- (2) The Council may serve a notice on a person requiring them to undertake appropriate works as required by this by-law.

Compliance with notice

49. A person served with a notice under this by-law must comply with the notice within the time specified in the notice, failing which the person commits an offence.

Penalty: 2 penalty units and 1 penalty unit for each day during which the offence continues.

PART 8 – UNDERTAKING WORK AND RECOVERY OF COSTS

Council may carry out works

50. Where a person served with a notice under this by-law fails to comply with the notice within the time specified in the notice, the Council may undertake works necessary to enforce compliance with the notice.

Recovery of costs

51. The Council may recover the costs of any work undertaken by the Council under this by-law from the person failing to comply with any notice given as a debt due to it.

PART 9 – EMERGENCY POWERS AND PRIVATE PROPERTY

Power to undertake works without notice

52. (1) The Council may undertake any works required under this by-law without serving notice on a relevant owner or occupier where:
- a) There is an emergency;
 - b) There is actual or potential harm being caused to the environment;
 - c) There is actual or potential harm being caused to adjacent properties; or
 - d) There is actual or potential damage being caused to the Council's hydraulic systems.
- (2) The Council may recover the costs of any work undertaken by the Council under sub-clause (1) from the relevant owner or occupier as a debt due to it.

Withdrawing or limiting water supply in emergency

53. The Council may at any time withdraw or limit a water supply to any property for all or any of the following urgent or emergency purposes: -
- a) To allow for repairs or bursts, leaks, and stoppages in hydraulic installations;
 - b) To protect persons from hazards;
 - c) To provide for any fire or emergency;
 - d) To regulate the equitable distribution of water; or
 - e) To enforce compliance with the provisions of this by-law.

Power to enter private property

54. (1) An authorised officer may enter on to private property to enforce compliance with this by-law or to undertake any works or carry out any investigation: -
- a) If prior notice is given to the owner or occupier of the property; or
 - b) Without notice if: -
 - i) there is an emergency;
 - ii) the entry is in relation to an application by the owner or occupier for a licence, permit or other approval given by the Council under this by-law; or
 - iii) notice would defeat the purpose of the entry.

- (2) The Council may recover the costs of any work undertaken by the Council under sub-clause (1) from the relevant owner or occupier as a debt due to it.

Power to move vehicles

55. An authorised officer may move or order the removal by towing of a vehicle parked over or in the way of a fire hydrant or isolating valve, sewer manhole, or maintenance hole that needs to be accessed for operations, or where any other works are required, where:
- a) There is an emergency; and
 - b) The owner of the vehicle cannot be located.

PART 10 – INFRINGEMENT

Infringement notices

56. (1) In this clause –
 “specified offence” means an offence against the clause specified in Column 1 of Schedule 1.
- (2) An infringement notice may be issued in respect of a specified offence and the monetary penalty set out adjacent to the offence in Column 3 of Schedule 1 is the penalty payable under the infringement notice for that offence.
- (3) An authorized officer may –
- a) issue an infringement notice to a person who the authorized officer has reason to believe is guilty of a specified offence; and
 - b) issue one infringement notice in respect of more than one specified offence.
- (4) The *Monetary Penalties Enforcement Act 2005* applies to an infringement notice issued under this by-law.
- (5) In addition to any other method of service, an infringement notice alleging that a vehicle has been used in relation to a specified offence may be served by affixing it to that vehicle.

SCHEDULE**1. INFRINGEMENT NOTICE OFFENCES**

Column 1	Column 2	Column 3
CLAUSE	GENERAL DESCRIPTION OF OFFENCE	PENALTY
		(Penalty units)
3(1)	Opening of ground, altering surface or interfering without giving notice and receiving permission	0.75
3(2)	Alter depth of cover of a hydraulic installation without approval	0.5
3(3)	Open highway to expose hydraulic system	1.25
4(1)	Construct structure within easement without permission	2.5
6(2)	Water service pipe non compliance without permission	0.5
6(3)	Water installation not wholly inside property it serves	0.5
6(5)	Failure to lay down water installation when served to do so	0.5
7(1)	Failure to connect to Council's water service	0.5
9	Failure to install an approved back flow prevention device	1.25
10	Failure to remove harmful contaminants	2.5
11	Waste water	2.5
12(1)	Failure to have water supply metered	1.25
13(1)	Failure to install water meter	0.75
14	Remove or sell water	0.5
15	Use of fire protection equipment for non fire protection purpose	0.5
16(2)	Water installation leakage amounting to water wastage	0.25
18(2)	Non compliance with notice to restrict water use	1 st Offence
		2 nd Offence
		3 rd Offence
20(3)	Sewerage installation not wholly inside property it serves	0.5
21(1)	Failure to connect to Council's branch	0.5
21(2)	Damage or alter a shared installation	1.25
22(1)	Failure to connect sewerage installation to main	0.5
22(2)	Failure to dispose of sewage on-site	0.5

23	Failure to hold a trade waste permit	0.5
24(1)	Breach of permit conditions and sewer admission limits	5
25	Dilution of trade waste	0.5
28(1)	Failure to notify of changes	0.5
28(3)	Failure to make new application at least fourteen days before changes	0.5
29	Failure to notify of changes of ownership or occupancy	0.5
30(1)	Failure to install inspection chamber when required	0.75
33(1)	Use of non-complying sewage management system	5
33(2)	Dilution of sewage	5
35(1)	Failure to maintain on-site sewage management system in accordance with permit	5
36(3)	Non compliance with notice	5
37(3)	Stormwater installation not wholly inside property it serves	0.5
38	Failure to connect to Council's branch	0.5
39(1)	Failure to dispose of stormwater through main	0.5
39(2)	Failure to dispose of stormwater through approved installation	0.5
42(2)	Failure to comply with notice	0.75
44(2)	Failure to comply with notice	2.5
45	Construct structure in water course without authorization	5
46(1)	Development in riparian zone without authorization	2.5

Certified that the provisions of the By-law are in accordance with the law by



N.D. HEATH
City Solicitor

Dated this 13th day of August 2008
At Hobart

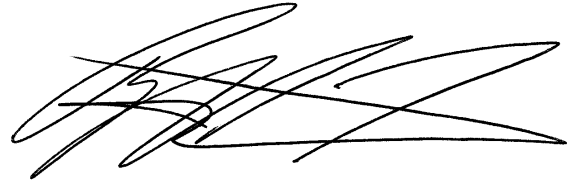
Certified that the By-law is made in accordance with the *Local Government Act 1993*
by



V.B. ARMSTRONG
General Manager

Dated this 13th day of August 2008
At Hobart

The Common Seal of the HOBART
CITY COUNCIL was hereunto affixed
in the presence of :



R.H.F. VALENTINE
Lord Mayor



V.B. ARMSTRONG
General Manager