

**HUON VALLEY COUNCIL**

**WATER, SEWER AND STORMWATER BY- LAW**

**BY-LAW 14 OF 2002**

By-law made under section 145 of the *Local Government Act* for the purpose of regulating the stormwater system in the municipal area.

**PART 1 - PRELIMINARY**

**Short Title**

1. This By-law may be cited as the Water, Sewer and Stormwater By-law.

**Repeal**

2. The Huon Valley Council – Water By-law (1995) By-law No. 6 made on 15<sup>th</sup> November 1995 and notified in the *Tasmanian Government Gazette* on 29<sup>th</sup> November 1995 at page 1215 is repealed.

**Application**

3. This By-law applies to all properties within proclaimed drainage districts within the Huon Valley municipal area and to any property outside a proclaimed district that is provided with stormwater service from schemes within any of those districts.

**Interpretation**

4. In this By-law:
  - “authorised officer” means the general manager and any employee of the Council authorised by the general manager for the purposes of this By-law;
  - “branch” means that portion of a stormwater system owned and maintained by the Council and connecting a stormwater installation to a stormwater main;
  - “Council” means the Huon Valley Council;
  - “general manager” means the person appointed under section 61 of the Act by the Council to that position or a person acting in that capacity;
  - “municipal area” means the municipal area of the Huon Valley Council;
  - “penalty unit” means penalty unit under the *Penalty Units and Other Penalties Act 1987*;
  - “stormwater installation” means an installation owned and maintained by the property owner comprising discharge pipes, drains, fixtures, appliances and associated components used to convey stormwater from a property to a stormwater branch or other approved disposal system;
  - “shared installation” means a stormwater installation connected to more than one premises on separate land titles and which is owned by the owners of the premises connected to that installation;
  - “stormwater main” means any pipe or open channel owned by the Council which is used or designated for the purpose of conveying storm water from properties within a designated stormwater drainage district;
  - “system” means the stormwater system of the Council;
  - “the Act” means the *Local Government Act 1993*.

**PART 2 - PROTECTION OF SYSTEMS**

**Opening of ground**

5. (1) A person must not open any ground so that a stormwater main or branch owned by the Council is exposed unless the person has:
- (a) given the Council 48 hours prior notice in writing; and
  - (b) received written approval of the general manager
- Penalty: 10 penalty units
- (2) A person must not open the surface of any highway so that a stormwater main or branch owned by the Council is exposed unless a permit under section 46 of the *Local Government (Highways) Act 1982* has first been obtained.
- Penalty: 10 penalty units

**Interfering with pipes**

6. A person must not alter or interfere with a stormwater main or branch owned by the Council without the written approval of the general manager.
- Penalty: 10 penalty units

**Structures over Council's services**

7. (1) A person must not construct any structure, fence, or carry out other works so that it alters or interferes with a stormwater main or branch owned by the Council without the written approval of the general manager.
- Penalty: 10 penalty units
- (2) The general manager may by notice in writing require a person contravening this clause to
- (a) remove the structure, fence, or other works; or
  - (b) reimburse the Council for the cost of undertaking diversion works as a debt due to Council

**Defective work or maintenance**

8. (1) On receipt of a notice in writing from the general manager, the owner or occupier of any property is to remove or cause to be removed, alter, or repair any stormwater installation or part thereof which is laid, used or constructed other than in accordance with the *Plumbing Regulations* and this By-law.
- (2) On receipt of a notice in writing from the general manager, the owner or occupier of any premises is to replace, clean out or repair any leakage, stoppage, or breakage in any stormwater installation or part thereof which in the opinion of the general manager is defective.
- (3) The general manager may serve a notice on the owner or occupier requiring them to replace, maintain, repair or clean any stormwater installation or part thereof.

**Altering surface**

9. The owner or occupier of any land through which any system is constructed must not alter the ground level in the area of any Council service or main by the addition or removal of fill, top soil or other materials without the written approval of the general manager.
- Penalty: 2 penalty units

**PART 3 - .....**

**DIVISION 1 - .....**

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**DIVISION 2 - .....**

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**PART 4 - .....**

**DIVISION 1 - .....**

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**DIVISION 2 - .....**

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**DIVISION 3 - .....**

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## **PART 5 - STORMWATER PROVISIONS**

### **DIVISION 1 - CONNECTION TO THE STORMWATER SYSTEM**

#### **Provision of a stormwater branch**

- 36.** (1) A person may apply for a stormwater branch connection to their property by lodging with the Council an application in accordance with Form 1 in Schedule 1.
- (2) On payment of a fee or charge imposed under section 205 of the Act, a stormwater branch is permitted if:
- (a) it would be permitted in accordance with other statutory requirements; and
  - (b) it is able to be connected to the property by a single separate branch from the sewer main to inside the property title boundary of a property.
- (3) More than one separate stormwater branch per property is not permitted without the written approval of the general manager.  
Penalty: 2 penalty units
- (4) On receipt of a notice in writing from the general manager, the owner or occupier of any premises is to disconnect and seal any separate stormwater branch not approved in accordance with sub-clause (2).
- (5) If the Council is not required to provide a stormwater branch in accordance with statutory requirements the Council or the general manager may -
- (a) refuse an application for the stormwater branch connection or;
  - (b) grant a stormwater branch connection subject to any conditions and on payment of the fee determined by the Council or the general manager.

#### **Council's consent to connect to system**

- 37.** A person is not to connect any drain or pipe to:
- (a) make any entry into;
  - (b) remove part of; or
  - (c) otherwise interfere with,
- a stormwater system including any drain, pipe, fitting, or fixture connected to the system without the written approval from the general manager.  
Penalty: 10 penalty units

#### **Premises connected to a shared house connection**

- 38.** The owner of any premises to which the stormwater installation is connected by a shared installation, must within 30 days of service of a notice from the general manager, or such other greater time as the 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.** A person who is the occupier of any land which is connected to a stormwater main of any kind must discharge all matter which, in accordance with the *Drains Act 1954* and the *Plumbing Regulations*, is appropriate to be discharged into the stormwater system.  
Penalty: 3 penalty units

## **PART 6 - PERMITS AND APPROVALS**

### **Conditions of permit, licence or approval**

40. (1) The holder of a permit, licence or approval issued under this By-law must comply with the terms and conditions thereof.  
Penalty: 5 penalty units
- (2) A permit, licence or approval under this By-law may be issued subject to such conditions as the general manager may determine.

### **Referral to Council**

41. No provision of this By-law is to be construed as preventing the general manager from referring any application for approval, permission or a permit to the Council.

## **PART 7 – NOTICES AND ENFORCEMENT**

### **Non Compliance with Notice, Council May Do Work**

42. (1) An owner or occupier must comply with a notice issued pursuant to this By-law within the time specified in the notice.  
Penalty: 5 penalty units
- (2) The Council may undertake the work required in a notice issued pursuant to this By-law if the owner or occupier fails to comply with the notice within the time specified in the notice.
- (3) The Council may recover its expenses in undertaking work under the notice issued pursuant to this By-law from the person who fails to comply with the notice as a debt due to it in addition to any penalty imposed under sub-clause (1) and this By-law.

### **Entry onto Property**

43. An authorised officer may, after giving notice of intention to enter land to the owner or occupier of the land, enter that land for the purposes of administering this By-law.

## **PART 8 – INFRINGEMENT NOTICES**

### **Infringement notices**

44. (1) In this clause –  
“**specified offence**” means an offence against the clause specified in column 1 of Schedule 2.
- (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 2 is the penalty payable under the infringement notice for that offence.
- (3) An authorised officer may –  
(a) issue an infringement notice to a person who the authorised 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.

**Monies Payable to Council as a recoverable debt**

**44A.** All monies payable to the council or general manager in respect of an infringement notice are a debt due to the council and recoverable at law.

**PART 9 – DELEGATION**

**Delegation**

**45.** Where under this By-law any matter may be determined by the general manager the general manager may in accordance with the Act delegate to an employee of Council the performance of those functions.



**SCHEDULE 1**

**FORM 1**

**HUON VALLEY COUNCIL**

**APPLICATION FOR STORMWATER CONNECTION**

Application is hereby made for ..... millimetre stormwater connection in accordance with details given hereunder:-

Name of Applicant: .....

Address of Applicant: .....

Applicant's Contact Details: .....  
(phone/fax/email address)

Name of property Owner: .....  
(if not applicant)

Situation of Property: .....

Property ID Number: .....

Side of Street: ..... House No: ..... Lot No: .....

Peg in position where connection required to enter property? YES/NO

If not domestic estimated daily/hourly maximum demand .....

Signature of Applicant: .....

Date of Application: .....

*Water, Sewer and Stormwater By-law*

**SCHEDULE 1**

**FORM 2**

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**Schedule 2**

**INFRINGEMENT NOTICE OFFENCES**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>CLAUSE</b>	<b>OFFENCE</b>	<b>PENALTY (Penalty Units)</b>
	<b>GENERAL DESCRIPTION OF OFFENCE</b>	
<b>5(1)</b>	Open ground to expose a stormwater system	2
<b>5(2)</b>	Open surface of highway to expose a stormwater system	2
<b>6</b>	Interfere with stormwater system	2
<b>7(1)</b>	Construct structure interfering with stormwater system	2
<b>9</b>	Alter surface of land over stormwater system	.5
<b>36(3)</b>	Connection to more than one stormwater service	.5
<b>37</b>	Interfere with stormwater system	2
<b>38</b>	Fail to disconnect from shared stormwater installation	.5
<b>39</b>	Fail to discharge appropriate matter into stormwater system	.5
<b>40(1)</b>	Fail to comply with terms and conditions of approval	1
<b>42(1)</b>	Fail to comply with a notice	1

*Water, Sewer and Stormwater By-law*

Certified as being in accordance with the Law by:

Matthew Charles Grimsey, Legal Practitioner

Dated this 28<sup>th</sup> day of January 2003 at Huonville

Certified as being made in accordance with the *Local Government Act 1993*.

Geoffrey Tasman Cockerill, General Manager

Dated this 28<sup>th</sup> day of January 2003 at Huonville

The Common Seal of the Huon Valley Council has been hereunto affixed this 28<sup>th</sup> day of January 2003 pursuant to a resolution of the Council passed the 20<sup>th</sup> day of January 2003 in the presence of:

(seal)

Geoffrey Tasman Cockerill, General Manager

Confirmed by the Honourable Jim Cox MHA being the Minister Assisting the Premier on Local Government.

JIM COX MHA,  
Minister Assisting the Premier on Local  
Government

Dated this 25<sup>th</sup> day of February 2003 at Hobart

**TABLE OF AMENDMENTS**

Provision Affected	How Affected
Preamble	Amended by <i>Water, Sewer and Stormwater (Amendment) By-law- 1 of 2009 – Clause 5</i>
Clause 3	Amended by <i>Water, Sewer and Stormwater (Amendment) By-law- 1 of 2009 – Clause 6</i>
Clause 4	Amended by <i>Water, Sewer and Stormwater (Amendment) By-law- 1 of 2009 – Clause 7</i>
Clause 5	Amended by <i>Water, Sewer and Stormwater (Amendment) By-law- 1 of 2009 – Clause 8</i>
Clause 6	Amended by <i>Water, Sewer and Stormwater (Amendment) By-law- 1 of 2009 – Clause 9</i>
Clause 7	Amended by <i>Water, Sewer and Stormwater (Amendment) By-law- 1 of 2009 – Clause 10</i>
Clause 8	Amended by <i>Water, Sewer and Stormwater (Amendment) By-law- 1 of 2009 – Clause 11</i>
Part 3	Omitted by <i>Water, Sewer and Stormwater (Amendment) By-law- 1 of 2009 – Clause 12</i>
Part 4	Omitted by <i>Water, Sewer and Stormwater (Amendment) By-law- 1</i>

*Water, Sewer and Stormwater By-law*

	<i>of 2009 – Clause 13</i>
Clause 36	<i>Amended by Local Government (Amendment of By-laws) Order 2008 Stat Rules 2008, No.50 – Clause 9 and Schedule 6</i>
Clause 39	<i>Amended by Water, Sewer and Stormwater (Amendment) By-law- 1 of 2009 – Clause 14</i>
Clause 44	<i>Amended by Local Government (Amendment of By-laws) Order 2008 Stat Rules 2008, No.50 – Clause 9 and Schedule 6</i>
Clause 44A	<i>Inserted by Local Government (Amendment of By-laws) Order 2008 Stat Rules 2008, No.50 – Clause 9 and Schedule 6</i>
The Schedule	<i>Amended by Local Government (Amendment of By-laws) Order 2008 Stat Rules 2008, No.50 – Clause 9 and Schedule 6</i> <i>Amended by Water, Sewer and Stormwater (Amendment) By-law- 1 of 2009 – Clauses 15 &amp; 16</i>
Schedule 2	<i>Inserted by Local Government (Amendment of By-laws) Order 2008 Stat Rules 2008, No.50 – Clause 9 and Schedule 6</i> <i>Amended by Water, Sewer and Stormwater (Amendment) By-law- 1 of 2009 – Clause 17</i>