PART 1 - PRELIMINARY

Short Title

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

Interpretation

2. In this by-law:-
   “authorised officer” means an employee of the Council authorised by the council 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 that portion of a sewerage or stormwater system owned and maintained by the Council and connecting a sewerage or stormwater installation to a sewer main or stormwater main;
   “city” means the City of Hobart;
   “Council” means the Hobart City Council;
   “sewerage installation” means an installation owned and maintained by the property owner comprising discharge pipes, drains, fixtures, appliances and associated components used to convey sewage from a property to a sewerage branch or other approved disposal system;
   “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;
“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;
“shared installation” means a sewerage installation, stormwater installation, or water installation connected to more that one premise on separate land title and which is owned by the owners connected in proportion to the benefit received;
“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 in any area;
“system” means the water supply, sewerage, or stormwater system of the Council;
“trade waste” means the liquid waste generated from any industry, business, trade, or manufacturing process and does not include any residential, domestic waste water;
“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;
“water course” means a natural channel into which water flows.

PART 2 - PROTECTION OF HYDRAULIC SYSTEMS

Opening of ground
3 (1) A person must not open any ground so that a sewer main, stormwater main, water main, water service, or branch owned by the Council 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: 2 penalty units

(2) A person must not open the surface of any highway so that a sewer main, stormwater main, water main, water service, or branch owned by the Council or a service owned by another statutory body is exposed unless a permit under Part 5 of the Highways By-Law (By-law 3 of 1997) has been obtained.

Penalty: 2 penalty units

Interfering with pipes
4. A person must not alter or interfere with a sewer main, stormwater main, water main, water service, or branch owned by the Council without the written permission of the General Manager.

Penalty: 2 penalty units
Structures over Council’s services
5 (1) A person must not construct any structure, fence, or other works so that it alters or interferes with a sewer main, stormwater main, water main, water service, or branch owned by the Council without the written permission of 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 work or maintenance
6 (1) On receipt of a notice in writing from the General Manager, the owner or occupier of any property is to remove, alter, or repair any water installation, sewerage installation, or stormwater installation or part thereof which is laid used or constructed other than in accordance with the Plumbing Regulations 1994 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 clean out or repair any leakage, stoppage, or breakage in any water installation, sewerage installation, or stormwater installation or part thereof which in the opinion of the General Manager is or has become bad or is defective.

(3) The Council may serve a notice on the owner or occupier to replace, maintain, repair, or clean any water installation, sewerage installation, or stormwater installation or part thereof.

(4) An owner or occupier must comply with the notice within the time specified in the notice.

Penalty: 1 penalty unit

(5) The Council may undertake the work required in a notice issued under sub-clause (3) if the owner or occupier fails to comply with the notice within the time specified in the notice.

(6) The Council may recover its expenses in undertaking work under sub-clause (1) and sub-clause (2) from the person who fails to comply with a notice under sub-clause (3) as a debt due to it in addition to any penalty imposed under sub-clause (3).

Altering surface
7. The owner or occupier of any land through which any system is constructed must not alter the minimum depth of cover required by the Plumbing Regulations 1994 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 - WATER SUPPLY

DIVISION 1 - CONNECTION TO COUNCIL WATER SYSTEM

Provision of water service
8 (1) If a water service is permitted in accordance with statutory requirements a single separate water service with an isolating valve shall be permitted from the water main to the property title boundary of a property upon payment of the fee or estimate as determined by Council.

(2) More than one separate water service per property will not be permitted without a written permit from the General Manager.

(3) 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 house connection
9 (1) The owner of any premises which is supplied with water through a shared 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

(2) The Council is to provide a water service to the property boundary to effect the separation at no cost to the owner.

Pressure rating of pipes fixtures and fittings
10. 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
11. An approved backflow prevention device must be installed in accordance with the Plumbing Regulations 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: 3 penalty units
DIVISION 2 - WATER CONSERVATION

Use of water through a meter
12 (1) A person must not use water from the Council’s water supply unless it is measured through a meter if:-
   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 by 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) all new multi-storey buildings; or
   j) the General Manager becomes aware that water wastage is occurring.

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

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

Sale of water
13. 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
14. A person must not use fire protection equipment attached to any water main 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
15 (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, on notice in writing from the General
Manager the occupier or owner must rectify the leakage or cease the wastage.

(3) A person who fails within a reasonable time to rectify the leak or wastage commits an offence.

Penalty: 1 penalty unit

(4) The Council may undertake the work required in a notice issued under sub-clause (2) if the owner or occupier fails to comply with the notice within the time specified in the notice.

(5) The Council may recover its expenses in undertaking work under sub-clause (1) and sub-clause (2) from the person who fails to comply with a notice under sub-clause (2) as a debt due to it in addition to any penalty imposed under sub-clause (3).

PART 4 - SEWERS

DIVISION 1 - GENERAL

Meanings of words
16. Words used in this by-law which are defined in the Sewers and Drains Act 1954 have the same meaning as in that Act.

DIVISION 2 - CONNECTION TO THE SEWERAGE SYSTEM

Provision of a sewer branch
17 (1) If a sewer branch is permitted in accordance with statutory requirements a single separate branch is permitted from the sewer main to inside the property title boundary of a property upon payment of the fee or estimated cost as determined by Council.

(2) A person must not install more that one separate sewer branch per property without a written permit from the General Manager.

Penalty: 1 penalty unit

Council’s consent to connect to system
18. A person must not connect any drain or pipe to:

(a) make any entry into;
(b) remove part of;
(c) or otherwise interfere with,

a sewerage system including any drain, pipe, fitting, or fixture connected to the system without the consent of the General Manager in writing.

Penalty: 2 penalty units
Premises connected to a shared house connection
19. The owner of any premises which is connected to the sewerage system by 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 3 - DISCHARGE OF APPROPRIATE WASTE

Duty to discharge sewage
20. A person who is the occupier of any land which is connected to a sewer main of any kind is to discharge all matter which, in accordance with the Sewers and Drains Act 1954 and the Plumbing Regulations 1994, is appropriate to be discharged into the system.

Definition of permit holder
21. For the purposes of this division permit holder means any person who has been issued with a permit under the Plumbing Regulations 1994 to discharge trade waste into the system.

Sewer Admission Limits
22. A person must not discharge into the sewer main any waste which exceeds the limits as specified by Council in the relevant Schedule attached to the Council's Liquid Trade Waste Policy, as amended from time to time, except where the permit specifies exception to the sewer admission limits.

Penalty: 20 penalty units plus 5 penalty units per day of exceedance plus the costs of any penalties imposed onto Council as the result of Council’s treatment plant performance becoming non compliant due to the exceedance of the sewer admission limits.

Notices
23 (1) The Council may give a notice in writing to the occupier of any land requesting them to rectify defaults 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 treatment apparatus is not in efficient working order; or
   c) the discharge is made in contravention of this by-law.

(2) An authorised council employee may enter the premises at the expiration of the notice period to disconnect the apparatus used to discharge trade waste into the system and stop further trade waste from entering the system.
Meters for waste
24. The volume of waste is to be measured by a meter or other approved means which is to be installed at the permit holders expense, or otherwise at the Council’s expense, if the General Manager orders.

Notification of changes
25 (1) The permit holder is to notify the General Manager of any proposed changes to any processes which may effect:-
   a) the nature of the trade waste;
   b) the estimated maximum rate of discharge; or
   c) the hours of discharge of the trade waste,
and may result in the trade waste no longer being in compliance with the issued permit.

   (2) A person must not make any change to the processes except in compliance with the requirements of the permit and this by-law.

25 (3) An application for a new permit to meet proposed changes to trade waste resulting from changes to processes is to be made in writing to the General Manager at least 14 days in advance of the proposed changes coming into effect.

Penalty: 2 penalty units

Notification of change of ownership or occupancy
26. The owner or permit holder or the occupier of any property which discharges trade waste into the system is to notify the Council in writing 14 days before any change is made in the ownership or occupancy of the property.

Penalty: 2 penalty units

Inspection sampling and measurement
27. The permit holder must install a chamber which is readily accessible to Council employees to inspect, sample and measure the trade waste, if required to do so by the General Manager.

Penalty: 3 penalty units

Breach of permit conditions
28. A permit holder must not exceed the limits specified in the permit.

Penalty: 20 penalty units plus 5 penalty units per day of exceedance plus the costs of any penalties imposed onto Council as the result of Council’s treatment plant performance becoming non compliant due to the exceedance of permit conditions by a permit holder.
PART 5 - STORM WATER AND LAND DRAINAGE PROVISIONS

DIVISION 1 - CONNECTION TO COUNCIL’S STORMWATER SYSTEM

Provision of a stormwater branch
29 (1) Where a stormwater branch is permitted in accordance with statutory requirements a single separate branch is permitted from the stormwater main to inside the property title boundary of a property upon payment of the fee or estimate as determined by Council.

(2) More than one separate branch per property is not be permitted without a written approval from the General Manager.

Council’s consent to connect to system
30. 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 consent of the General Manager in writing.

Penalty: 2 penalty units

Premises connected to a shared house connection
31. 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 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
32. 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 Sewers and Drains Act 1954 and the Plumbing Regulations 1994, is appropriate to be discharged into the stormwater system.

Penalty: 3 penalty units
Definition of permit holder
33. For the purposes of this division permit holder means any person who has been issued with a permit under the Plumbing Regulations 1994 to discharge trade waste into the stormwater system.

DIVISION 3 - LAND DRAINAGE PROVISIONS

Drainage nuisance abatement
34 (1) If in the opinion of the General Manager water from constructed ponds, empoundments, 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 unit

(3) The Council may undertake the work required in a notice issued under sub-clause (1) if the owner or occupier fails to comply with the notice within the time specified in the notice.

(4) The Council may recover its expenses in undertaking work under sub-clause (1) from the person who fails to comply with a notice under sub-clause (1) as a debt due to it in addition to any penalty imposed under sub-clause (2).

Erosion and sediment control
35 (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

(3) The Council may undertake the work required in a notice issued under sub-clause (1) if the owner or occupier fails to comply with the notice within the time specified in the notice.

(4) The Council may recover its expenses in undertaking work under sub-clause (3) from the person who fails to comply with a notice under sub-clause (1) as a debt due to it in addition to any penalty imposed under sub-clause (2).
Works in water courses
36. A person must not alter the bed, banks, or flood plains of a water course unless written authorisation has been provided by the General Manager.

Penalty: 20 penalty units

Developments in Riparian zones set back from water courses
37 (1) A person must not erect a structure within the riparian zone of a water course bank without the written authorisation from the General Manager.

Penalty: 10 penalty units

(2) The minimum width of the riparian zone is 5 metres from the top of a watercourse embankment.

PART 6 - NOTICES

Recovery of costs
38. 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.

Infringement notices
39 (1) Any authorised Council employee may issue an infringement notice to a person who commits an offence under this by-law.

(2) A person to whom an infringement notice is issued must pay the amount prescribed in that notice to the General Manager within twenty one days of the date of issue of that notice to that person.

(3) Payment of the fine in the amount prescribed in that notice and within the time specified in that notice is to operate as an alternative to prosecution and any penalty that may be imposed as a result of the prosecution.

Certified as being in accordance with the law by

NICHOLAS DAVID HEATH, City Solicitor

Dated this ninth day of December 1997 at Hobart

The Common Seal of the Hobart City Council was hereunto affixed in the presence of:

DR. J.W FREEMAN, Lord Mayor.

(Seal)

V.B. ARMSTRONG, General Manager.

Confirmed by the Minister for Local Government,

DENISE SWAN, Minister
Dated this twenty-fourth day of April 1998