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SCHEDULE 1 – OBJECTIVES OF RESOURCE MANAGEMENT AND PLANNING SYSTEM OF TASMANIA

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URBAN DRAINAGE BILL 2013

(Brought in by Minister for Primary Industries and Water, the Honourable Bryan Alexander Green)

A BILL FOR

An Act to provide for the management of urban drainage and stormwater systems and infrastructure and for related purposes

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the Urban Drainage Act 2013.

2. Commencement

This Act commences on the day on which this Act receives the Royal Assent.

3. Interpretation

In this Act, unless the contrary intention appears –

Appeal Tribunal means the Resource Management and Planning Appeals
Urban Drainage Act 2013
Act No. of

s. 3                  Part 1 – Preliminary

Tribunal established under the Resource Management and Planning Appeal Tribunal Act 1993;

connection point means –

(a) the point at which a property’s pipes connect with the stormwater system; or

(b) such other point as may be prescribed by regulations as the connection point;

contract means –

(a) an agreement, arrangement, undertaking, lease, licence, warranty or other contract; or

(b) part of an agreement, arrangement, undertaking, lease, licence, warranty or other contract;

council has the same meaning as in the Local Government Act 1993;

expenses, in relation to a stormwater service provider, includes –

(a) the salaries and wages of its employees; and

(b) the compensation, purchase money or rent payable for land; and
(c) the cost of materials used, and the consideration payable under any contract, in connection with any work, undertaking or duty which the stormwater service provider is empowered or required to undertake under this Act;

**general manager** has the same meaning as in the *Local Government Act 1993*;

**municipal area** has the same meaning as in the *Local Government Act 1993*;

**private stormwater system** means an installation on a property, that –

(a) is not part of the stormwater service provider’s stormwater system; and

(b) is used for collecting or disposing of stormwater; and

(c) comprises roof gutters, downpipes, rainwater tanks, surface channels, kerbs and gutters, subsoil drains and stormwater drains, together with any inlet pits which are used, or intended to be used, for the conveyance of stormwater to an approved disposal system;

**public land** means land owned by –

(a) the Crown; or
(b) an instrumentality or agent of the Crown; or

(c) a council or other local government body, other than a water or sewerage corporation;

regulations means regulations made under this Act;

stormwater means run-off water that has been concentrated by means of a drain or drains;

stormwater service means the service that is provided in connection with the collection, storage, treatment, reticulation and disposal of stormwater;

stormwater service provider means the council or an agent engaged to act on behalf of the council that operates and maintains the stormwater systems within a municipal area;

stormwater system means –

(a) a whole, or part of, a waterway; and

(b) any infrastructure used for –

(i) the collection or storage of stormwater and includes the connection point; or
(ii) the conveyance or reticulation of stormwater; or

(iii) the treatment and or the disposal of stormwater, including any outfall pipe or other work that stores or conveys water leaving the infrastructure used for the treatment and or the disposal of stormwater –

but does not include –

(c) any private stormwater system, including any pipe, fitting or apparatus that is situated upstream of a connection point to a stormwater main; or

(d) infrastructure situated entirely within the one land holding and not connected to any other infrastructure situated within another land holding;

_urban area_ means a geographical area constituting a city or town, within the meaning of the _Local Government Act 1993_;

_waterway_ means a creek, rivulet, stream or other natural depression in the land into which rain water flows.
4. **Objects of Act**

The objects of this Act are –

(a) to protect people and property by ensuring that stormwater services, infrastructure and planning are provided so as to minimise the risk of urban flooding due to stormwater flows; and

(b) to provide for the safe, environmentally responsible, efficient and sustainable provision of stormwater services in accordance with the objectives of the Resource Management and Planning System of Tasmania as set out in Schedule 1.
PART 2 – OBLIGATIONS OF STORMWATER SERVICE PROVIDERS

5. Council to provide adequate stormwater systems

(1) A council must, in accordance with the objects of this Act, provide for such stormwater systems as may be necessary to effectively drain the urban area of its municipality.

(2) If a complaint is made to the Minister that a council has failed or neglected to make provision in accordance with subsection (1), the Minister may investigate the complaint.

(3) If, after investigating a complaint, the Minister is satisfied that the council has failed or neglected to perform its duty, he or she may make an order declaring the council to be in default and directing it to make provision in accordance with subsection (1) within such period as may be specified in the order.

(4) A council may appeal to the Appeal Tribunal against an order under subsection (3) within the period specified in the order.

(5) The Appeal Tribunal is to hear and determine an appeal in accordance with the Resource Management and Planning Appeal Tribunal Act 1993.

(6) A council must –
(a) comply with an order under subsection (3) within the period specified; or

(b) lodge an appeal in accordance with subsection (4).

Penalty: Fine not exceeding 1000 penalty units.

(7) If a council fails to comply with any requirement of an order within the period specified, the Minister may take whatever action he or she considers necessary to rectify the council’s default, and all the costs and expenses of and incidental to the Minister’s action must be paid by the council to the Crown.

6. Provision of stormwater services

(1) Except as otherwise provided in this Act, a council must keep the stormwater systems owned and operated by it in good working order.

(2) For the purposes of cleaning, maintaining and repairing stormwater systems, a council may exercise all the powers available to it for the construction of stormwater systems.

(3) In ensuring that stormwater services are available to the urban areas of its municipality, a council may engage a third party to provide stormwater services, or use the infrastructure of a third party.

(4) If a council wishes to engage a third party or use its infrastructure under subsection (3), the parties
must enter into a commercial agreement for that use or engagement.

(5) Nothing in this Act authorises a council to use, injure or interfere with any sluices, flood gates, sewers, breakwaters, sea defences or other works, whether made before or after the commencement of this Act, that are vested in, or under the control of, any person, drainage trust or Corporation, within the meaning of the Water and Sewerage Corporations Act 2012, without the consent of that person, trust or Corporation, as the case requires.

(6) Consent under this section must not be unreasonably withheld and, if a question arises as to whether or not the consent is unreasonably withheld, either party may require its reference to an arbitrator, to be appointed in accordance with the Commercial Arbitration Act 2011.

7. Negotiation for provision of stormwater services

Where a council or a third party provider of stormwater services wishes to commence negotiations for the provision of stormwater services, either party may serve on the other party a written notice setting out—

(a) the general terms and conditions for the provision of those services; and

(b) any other matters that may be prescribed.
8. Provision where commercial arrangements cannot be agreed

(1) Subject to subsection (2), where a council and a third party owner of infrastructure or operator of stormwater services cannot reach agreement on the contract details for the provision of stormwater services, either party may refer the matter to an arbitrator in accordance with the Commercial Arbitration Act 2011.

(2) A matter may be referred to an arbitrator only after at least one of the following conditions has been satisfied –

(a) at least 6 months have passed since the service of the notice under section 7 and in the opinion of one or both parties it is unlikely a resolution will be quickly reached; or

(b) in the opinion of the council involved, the third party provider of stormwater services is unreasonably denying the council access to the stormwater systems.

(3) For the purposes of subsection (1), an arbitrator, has, in addition to the powers conferred by the Commercial Arbitration Act 2011, the power to determine –

(a) the conditions relating to the supply of stormwater services;

(b) a price for those services and transition price policies to minimise price shocks;
(c) any performance indicators to be implemented and modified overtime;

(d) the period over which the commercial agreement applies; and

(e) contract dispute resolution processes.

(4) In making a determination in respect of assets that have been transferred from a council to a water and sewerage corporation in accordance with a notice under section 41 of the Water and Sewerage Corporations Act 2008, an arbitrator is to take into account the following:

(a) the maximum rate of return on transferred assets is to be 0% or such other percentage as may be prescribed;

(b) any charge for providing stormwater services must take into account any costs of operating and maintaining the service that have been paid by another customer;

(c) any other matters that may be prescribed.

9. Partnership agreements and local government authorities

This Act does not limit in any way a council’s ability to enter into a partnership agreement or a local government authority as outlined in the Local Government Act 1993, for the provision of stormwater services.
10. Stormwater system management plans

(1) A council must develop a stormwater system management plan for the urban area of its municipality within 3 years after the day on which this Act commences.

(2) A stormwater system management plan is to specify –

   (a) plans for the management of any assets used for the delivery of a stormwater service; and

   (b) the level of risk from flooding for each urban stormwater catchment in the stormwater system; and

   (c) any other matters prescribed in the regulations or that the council considers appropriate.

11. Power of council to adopt stormwater systems

(1) A council may agree with a person who has private stormwater systems, or is constructing or proposing to construct stormwater systems or associated works, that if those works are constructed in accordance with the terms of the agreement, the council will, upon the completion of the work, or at some specified date, or on the happening of some future event, declare the works to be vested in the council.

(2) An agreement under subsection (1) is enforceable against the council by the owner or
occupier for the time being of any premises that are, or are intended to be, served by the works.

(3) A council must not make an agreement under this section with respect to works situated within the municipality of another council unless that other council consents.

(4) Where a person proposes to construct a drain the council may, if it considers that the proposed drain is, or is likely to be, needed to form part of a stormwater system that it has provided or proposes to provide, require that person to construct the drain in a different way, to a greater hydraulic capacity or with different materials from which the person proposes or could otherwise be required by the council.

(5) A person must comply with the requirements of a council under subsection (4).

(6) A person who is aggrieved by the requirements of a council under subsection (4) may, within 28 days after receipt of notification of the council’s requirement, apply to the Appeal Tribunal to review the requirements.

(7) On receipt of an application, the Appeal Tribunal may –

(a) disallow the requirement; or

(b) allow the requirement; or

(c) allow the requirement with modifications.
(8) A council that imposes a requirement under subsection (4) must pay to the person constructing the drain –

(a) any extra expenses reasonably incurred by the person in complying with the council’s requirement; and

(b) until the drain becomes part of a system, any expenses reasonably incurred by the person in repairing or maintaining the drain as may be attributable to that requirement.

12. Council to maintain maps

A council that provides stormwater services, must make publicly available maps showing all stormwater systems within the urban area of its municipality, including those portions of waterways that have a primary role in transporting stormwater.
PART 3 – POWERS OF STORMWATER SERVICE PROVIDERS

13. Protection of stormwater assets

(1) Unless subsection (8) applies, a person must not, without a council’s consent, cause or permit—

(a) any prescribed structure to be built on, or any filling to be placed on or removed from, land over which—

(i) an easement exists in favour of the council; or

(ii) an easement exists for stormwater systems; or

(b) any prescribed structure to be built on, or any filling to be placed or removed from, within 2 metres laterally from the outer edge of any stormwater systems of the council or such other distance as determined by the council; or

(c) any prescribed structure to be built above or below any area prohibited by paragraph (b); or

(d) to remove any soil, rock or other matter that supports, protects or covers any stormwater related works of the council.

Penalty: Fine not exceeding 100 penalty units.

(2) If, in contravention of this section, any thing is erected or constructed, the council may serve on
the person responsible for the building or construction a written notice requiring the person to demolish, remove or remedy the works and carry out such other works as are necessary to restore or reinstate the stormwater system within 28 days or any longer period the council allows.

(3) A person must comply with a notice issued under subsection (2).

Penalty: In the case of—

(a) a body corporate, a fine not exceeding 500 penalty units; or

(b) an individual, a fine not exceeding 200 penalty units.

(4) If a person fails to carry out the works required in the notice within the specified period, the council may demolish, remove or remedy the building or construction and perform any works necessary for restoring or reinstating the stormwater system.

(5) If the council carries out works under subsection (4) –

(a) the person who carried out the erection or construction and any person who directed it to be done are jointly and severally liable for the expenses incurred by the council; and

(b) any such expenses are recoverable in a court of competent jurisdiction.
(6) This section does not prevent or impede the maintenance, repair or renewal of a building, wall, bridge, fence or other structure under which a stormwater system has been constructed so long as that the work does not injure or obstruct the system.

(7) An application for the council’s consent under subsection (1) must be made in the manner determined by the council, and must be accompanied by any plans and other information that the council requires.

(8) The council may –

(a) refuse the application; or

(b) grant the application; or

(c) grant the application subject to any terms and conditions that it thinks fit.

(9) A person who, with the consent of a council, causes or permits anything referred to in subsection (1) to be done must make sure that it is done in accordance with any terms and conditions subject to which the council gave its consent.

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 500 penalty units; or

(b) an individual, a fine not exceeding 200 penalty units.
(10) Terms and conditions subject to which the council consents are binding on the successors in title or assigns of the person who applied for that consent.

(11) Subsection (1) does not apply in respect of the authority responsible for the management of a road if it is necessary for the authority to do anything referred to in that subsection for the purpose of constructing a road or conducting maintenance works on a road.

14. **Interference with stormwater systems**

(1) A person must not, without a council’s consent, cause or permit—

   (a) any works to be connected to a stormwater system; or

   (b) the alteration or removal of, or interference with, a stormwater system.

Penalty: In the case of—

   (a) a body corporate, a fine not exceeding 500 penalty units; or

   (b) an individual, a fine not exceeding 200 penalty units.

(2) If a person contravenes subsection (1), a council may serve on the person a written notice requiring the person to remove the connection, rectify any damage or desist from discharging material into the stormwater system within 28 days or any longer period the council allows.
(3) A person must comply with a notice issued under subsection (2).

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 200 penalty units; or

(b) an individual, a fine not exceeding 50 penalty units.

(4) If a person fails to comply with the notice within the specified period, the council may demolish, remove or remedy the works and perform any works necessary for restoring or reinstating the infrastructure.

(5) If the council carries out works under subsection (4) –

(a) the person responsible for the works demolished, removed or remedied and any person who directed those works to be done are jointly and severally liable for the expenses incurred by the council; and

(b) any such expenses are recoverable in a court of competent jurisdiction.

15. Power of council-appointed officers to carry out work on or adjacent to public land

(1) An officer appointed by a council under the Local Government Act 1993 may –
(a) install stormwater systems on public land or a waterway located on or adjacent to public land; and

(b) carry out operational work or protective work, on stormwater systems on public land or a waterway located on or adjacent to public land, for the provision of a stormwater service.

(2) An officer appointed by a council under the \textit{Local Government Act 1993} must –

(a) only exercise a power of entry under this section between the hours of 7 a.m. and 7 p.m. on any day; and

(b) obtain the responsible authority’s agreement as to how the work is to be carried out before commencing the work.

(3) An officer entering land under this section must produce on request an identity card that complies with this Act.

Penalty: Fine not exceeding 10 penalty units.

(4) If an officer seeks to enter on land under this section, the officer must give the authority responsible for the land not less than 7 days’ written notice stating the reason and the date and time of the proposed entry.

(5) In an emergency, an officer appointed by a council may carry out any work specified in subsection (1) at any time and –
(a) may be accompanied by such other persons as the officer considers necessary or appropriate; and

(b) may bring on to the land any vehicles and equipment that the officer considers necessary or appropriate for the work which the council is to carry out on the land.

(6) If the authority responsible for the land, on being given notice under subsection (4), decides to –

(a) include, in the agreement under subsection (2), conditions that the council considers unreasonable; or

(b) dispute that the council is entitled to carry out the proposed work –

the council may appeal to the Appeal Tribunal.

(7) Subsection (6) does not apply if the authority responsible for the land is a Minister or a person or body to whom directions may be given by a Minister in respect of the matter in dispute.

(8) Except as provided by subsection (9), the Appeal Tribunal is to hear and determine the appeal in accordance with the Resource Management and Planning Appeal Tribunal Act 1993.

(9) Notwithstanding section 14(2) of the Resource Management and Planning Appeal Tribunal Act 1993, the Appeal Tribunal must not, under that section, allow any person other than the council
and the authority responsible for the land to be a party to the appeal.

(10) A council must make good, to the satisfaction of the authority responsible for the land, any damage caused by the exercise of powers under this section as soon as practicable.

(11) If a council fails to make good, to the satisfaction of the authority responsible for the land, any damage caused by the exercise of powers under this section, the responsible authority may make good the damage itself.

(12) The cost of making good the damage referred to in subsection (11) may be recovered by the authority responsible for the land in a court of competent jurisdiction as a debt owed to it by the council.

(13) This section does not derogate from an obligation to comply with any other Act.


(1) An officer appointed by a council under the Local Government Act 1993 may –

(a) enter and remain on private land or a waterway located on or adjacent to private land to install or construct a stormwater system and to carry out investigations in connection with that installation or construction; or
(b) enter and remain on private land or a waterway located on or adjacent to private land, where the council’s stormwater system is situated to carry out operational work or protective work on the system; or

(c) enter and remain on private land or a waterway located on or adjacent to private land, for the purposes of carrying out operational or protective work on land on which a stormwater system is situated, where that land is identified, on a map maintained in accordance with section 12, as containing part of the stormwater system.

(2) Subject to subsections (3) and (6), if a council-appointed officer seeks to enter on land under this section, the officer must give the occupier of the land not less than 7 days’ written notice stating the reason and the date and time of the proposed entry.

(3) If the purpose of the council-appointed officer’s entry is only to undertake –

(a) investigations of existing stormwater systems; or

(b) pre-construction investigations on private land on which the council plans to construct new stormwater systems –

the officer must –
(c) if the occupier is present at the time of entry, give notice to the occupier before entering the land; and

(d) if the occupier is not present at the time of entry, leave notice that the officer entered the land.

(4) An officer appointed by a council may only exercise a power of entry under this section between the hours of 7 a.m. and 7 p.m. on any day.

(5) A council-appointed officer entering land under this section must produce on request an identity card that complies with this Act.

Penalty: Fine not exceeding 10 penalty units.

(6) In an emergency, a council-appointed officer may exercise a power of entry under this section –

(a) at any time and without prior notice if it is not practicable to give such notice; and

(b) if necessary in the circumstances, by the use of reasonable force.

(7) When a council-appointed officer enters on land under this section, the officer –

(a) may be accompanied by such other persons as the officer considers necessary or appropriate; and

(b) may bring on to the land any vehicles and equipment that the officer considers
necessary or appropriate for the work which the officer is to carry out on the land.

(8) Subject to this section, the council must make good any damage caused by the exercise of powers under this section as soon as practicable or pay reasonable compensation for the damage.

(9) If the owner of the land and the council do not agree as to the extent of compensation, or the council refuses to pay compensation, the claim for compensation is to be determined –

(a) if it is a minor civil claim within the meaning of the *Magistrates Court (Civil Division) Act 1992*, by the minor civil claims division of the Magistrates Court; or

(b) in any other case, as if it were a disputed claim for compensation under the *Land Acquisition Act 1993*.

17. **Identity card**

(1) The general manager is to ensure that an officer authorised to enter land is issued with an identity card.

(2) An identity card is to –

(a) specify the name of the officer; and

(b) contain a recent photograph of the officer; and
Urban Drainage Act 2013

Part 3 – Powers of Stormwater Service Providers

18. Power to undertake construction of stormwater systems

(1) If, in the opinion of the council, a street, right-of-way or private land is not adequately drained, the council may construct any stormwater systems it thinks fit for the purpose of meeting its obligations under this Act.

(2) Before proceeding with the construction, the council is to give to the owners of all land through, under or over which the drain is to pass 28 days’ notice in writing of its intention to construct it.
19. **Matters not to be put into drains**

(1) A person must not discharge, or cause or permit to be discharged, anything other than stormwater into a stormwater system.

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 100 penalty units; or

(b) an individual, a fine not exceeding 10 penalty units.

(2) Without the permission of the council, a person must not discharge, or cause or permit to be discharged stormwater into any system other than the council’s stormwater system.

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 100 penalty units; or

(b) an individual, a fine not exceeding 10 penalty units.

(3) For the purposes of this section, the permission of a council may be general or specific and conditional or unconditional.
PART 4 – CONNECTIONS

20. Connection to stormwater service

(1) If a property at its nearest property boundary point is located within 30 metres of a stormwater service, and it is reasonable to make a connection, the stormwater service provider must provide the property with a connection point for the disposal of stormwater.

(2) If the owner of a property that is permitted to connect to a stormwater service requests to do so, the stormwater service provider must ensure that a single separate stormwater connection is constructed.

(3) The stormwater service provider may set an appropriate fee for the cost of providing a stormwater connection point to a property and the property owner is to pay that fee before the work is undertaken.

(4) A stormwater service provider must not deprive a property that is lawfully connected to a stormwater system of the use of that infrastructure, unless the council –

(a) provides an alternative stormwater system that is equally effective for the purpose; and

(b) at its own expense, carries out any work necessary to connect the property to the alternative stormwater system so provided.
21. **Limits on connection point**

(1) A private stormwater system that a connection point services must be wholly contained within the boundaries of the property, unless the general manager gives specific approval for the connection point to service more than one property.

(2) A property will be provided with a single connection point to a stormwater system, unless the general manager provides approval for more than one connection to be provided.

22. **Requirement to connect**

(1) A council may, by notice served on the owner of a property, require the owner to connect the property to a stormwater system to reduce the flooding risk to the property or to other properties in the stormwater catchment, if the property is located within 30 metres of the stormwater system.

(2) The owner of a property who has been served with a notice under subsection (1) must comply with the notice within the period specified, or any longer period allowed by the council.

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 100 penalty units; or

(b) an individual, a fine not exceeding 50 penalty units.
(3) If an owner of land who has been served with a notice under subsection (1) does not comply with the notice within 28 days, or any longer period allowed by the council, the council may—

(a) do the things that the owner was required by the notice to do; and

(b) recover from the owner its reasonable costs of doing so, other than costs that are prescribed in the regulations to be the responsibility of the council.

(4) The owner of land who has been issued with a notice under subsection (1) may apply to the Appeal Tribunal for a review of the decision by the council to serve the notice.

23. Requirement to disconnect

(1) A council may, by notice served on the owner of a property, require the owner—

(a) to remove any existing connection between that property and the stormwater service provider’s stormwater system if—

(i) that connection has been made in contravention of this Act or it contravenes any regulation made under this Act; or

(ii) in the opinion of the council, it is necessary to do so—

(b) in the interests of health, safety or the environment; or
(c) to prevent damage to the stormwater service provider’s stormwater system.

(2) The owner of land who has been served with a notice under subsection (1) must comply with the notice within 28 days, or any longer period allowed by the council.

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 100 penalty units; or

(b) an individual, a fine not exceeding 50 penalty units.

(3) If an owner of land who has been served with a notice under subsection (1) does not comply with the notice within 28 days or any longer period allowed by the council, the council may –

(a) do the things that the owner was required by the notice to do; and

(b) recover from the owner its reasonable costs of doing so.

(4) The owner of land who has been issued with a notice under subsection (1) may apply to the Appeal Tribunal for a review of the decision by the council to serve the notice.
PART 5 – MISCELLANEOUS

24. Property owners not to direct stormwater onto neighbouring properties

(1) A property owner must ensure that stormwater is not discharged from a private stormwater system so that it causes or is likely to cause a nuisance to a neighbouring property or its residents.

Penalty: In the case of –

(a) a body corporate, a fine not exceeding 100 penalty units; or

(b) an individual, a fine not exceeding 20 penalty units.

(2) If a property owner directs stormwater onto a neighbouring property and creates a nuisance, a council may –

(a) issue a notice to the property owner giving him or her 28 days to stop causing the nuisance; and

(b) if the property owner does not comply with the notice, the council may carry out such works as may be necessary to rectify the nuisance, with the costs of such rectification to be borne by the property owner.

(3) Any costs incurred under subsection (2)(b) are recoverable in a court of competent jurisdiction.
25. Regulations

(1) The Governor may make regulations for the purposes of this Act.

(2) Without limiting the generality of subsection (1), the regulations may provide for –

   (a) matters to be taken into account when determining appropriate pricing for the provision of stormwater services; and

   (b) matters that may be included in stormwater system management plans.

26. Administration of Act

Until provision is made in relation to this Act by order under section 4 of the Administrative Arrangements Act 1990 –

   (a) the administration of this Act is assigned to the Minister for Primary Industries and Water; and

   (b) the department responsible to that Minister in relation to the administration of this Act is the Department of Primary Industries, Parks, Water and Environment.
PART 6 – CONSEQUENTIAL AMENDMENTS

27. Consequential Amendments

The legislation specified in Schedule 2 is amended as specified in that Schedule.

28. Legislation repealed

The legislation specified in Schedule 3 is repealed.
SCHEDULE 1 – OBJECTIVES OF RESOURCE MANAGEMENT AND PLANNING SYSTEM OF TASMANIA

Section 4

1. The objectives of the resource management and planning system of Tasmania are –

   (a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and

   (b) to provide for the fair, orderly and sustainable use and development of air, land and water; and

   (c) to encourage public involvement in resource management and planning; and

   (d) to facilitate economic development in accordance with the objectives specified in paragraphs (a), (b) and (c); and

   (e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in Tasmania.

2. In item 1(a) –

   *sustainable development* means managing the use, development and protection of natural and physical resources in a way,
or at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing and for their health and safety while –

(a) sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations; and

(b) safeguarding the life-supporting capacity of air, water, soil and ecosystems; and

(c) avoiding, remedying or mitigating any adverse effects of activities on the environment.
SCHEDULE 2 – CONSEQUENTIAL AMENDMENTS

Section 27

Local Government (Building and Miscellaneous Provisions) Act 1993

1. Divisions 3 and 4 of Part 8 are repealed.
SCHEDULE 3 – LEGISLATION REPEALED

Section 28

Drains Act 1954 (No. 67 of 1954)