METROPOLITAN WATER SUPPLY, SEWERAGE AND DRAINAGE
AMENDMENT BY-LAWS 1992

Made by the Water Authority of Western Australia with the approval of the Minister for Water Resources.

Citation

1. These by-laws may be cited as the Metropolitan Water Supply, Sewerage and Drainage Amendment By-laws 1992.
By-laws 5.6.1 to 5.6.8 inserted

2. After by-law 5.5.5 of the Metropolitan Water Supply, Sewerage and Drainage By-laws 1981* the following by-laws are inserted —

5.6 PROTECTION OF POLLUTION AREAS

5.6.1 In this by-law and by-laws 5.6.2, 5.6.3, 5.6.4, 5.6.5, 5.6.6, 5.6.7 and 5.6.8 —

“automotive business premises” means premises associated with the repair, maintenance or servicing of motor vehicles and includes premises that are to be used as or by any of the following —

(a) an automotive maintenance and repair shop or premises where motor vehicle parts are installed;

(b) a motor vehicle detailer, a car wash establishment, a motor vehicle wrecker or a vehicle depot;

(c) a workshop for construction, mining and earthmoving equipment; or

(d) a wholesaler or retailer of fuels and oils;

“bulk liquid storage tank system” means any tank, whether or not mobile, having a capacity of or greater than 250 litres, and includes the pipework fittings and filling and dispensing apparatus associated with the tank, but does not include a tank that is part of any apparatus for the bacteriolytic treatment of sewage or that contains unpolluted water;

“elevated storage tank system” means a bulk liquid storage tank system in which no portion of the tank is on or below the ground;

“establish”, in relation to a mobile bulk liquid storage tank system, includes placing that storage tank system at a location where it will operate for a purpose other than the delivery to, or collection from, another bulk liquid storage tank system;

“ground storage tank system” means a bulk liquid storage tank system in which any portion of the tank is on or below the ground;

“owner” has the same meaning as in section 6 of the Local Government Act 1960;

“plans” means the plans showing the locations of pollution areas, priority 1, 2 and 3 source protection areas, wellheads and wellhead protection zones, copies of which are available for public inspection at the offices of the Authority in Leederville, Joondalup and Fremantle, and representations of which are set out in the Schedule;

“priority 1 source protection area”, “priority 2 source protection area” and “priority 3 source protection area” mean the portions of pollution areas designated, respectively, “P1”, “P2” and “P3” on the plans;

“tank” includes all the tanks that are connected in, or otherwise form part of, the same bulk liquid storage tank system;

“unpolluted water” means water that, if released from storage, would not contaminate groundwater or other water resources;
“wellhead” means a well, or the location of a proposed well, identified on the plans by its name adjacent to a black circle;

“wellhead protection zone” means that area within a pollution area that surrounds a wellhead, the extent of which is identified on the plans.

5.6.2 Regardless of any other provision of these by-laws, a person shall not establish within a priority 1 or a priority 2 source protection area —

(a) a ground storage tank system;

(b) any automotive business premises; or

(c) an elevated storage tank system inside a wellhead protection zone.

5.6.3 A person shall not establish, or increase the capacity of, an elevated storage tank system within a priority 1 or priority 2 source protection area unless —

(a) the person has applied for a permit under by-law 5.6.4;

(b) the Authority has issued a permit authorizing the establishment, or increase in capacity, of the storage tank system; and

(c) the person complies with the terms and conditions of the permit.

5.6.4 An application for a permit to establish, or increase the capacity of, an elevated storage tank system on land within a priority 1 or priority 2 source protection area shall be made —

(a) in writing to the Authority; and

(b) by the owner of the land or, if the owner is not the occupier, by the occupier of the land.

5.6.5 The Authority may only issue a permit applied for under by-law 5.6.4 —

(a) for an elevated storage tank system that, including any proposed increase in capacity, does not exceed 5,000 litres, unless the Authority is satisfied that there are special circumstances relevant to the issue of that permit; and

(b) if, regardless of the present or proposed capacity of the elevated storage tank system the subject of the application, the Authority is satisfied that there is no undue risk that the purity of underground water in the source protection area in which the storage tank system is to be established, or increased in capacity, will be affected detrimentally, either directly or indirectly, by the establishment, or increase in capacity, of that storage tank system.

5.6.6 By-laws 5.5.2 (other than paragraph (a)) and 5.5.3, as they relate to permits, apply, to the extent that they are applicable and with appropriate modifications, to a permit applied for under by-law 5.6.4.

5.6.7 The Authority, by notice in writing served on a person who, in contravention of by-law 5.6.2 or 5.6.3, as the case may be —

(a) has established, or increased the capacity of, a storage tank system; or

(b) has established any automotive business premises,
may direct that person within such period, being not less than 21
days after the service of the notice, as specified in the notice, to
dismantle and remove the storage tank system or the business
premises.

5.6.3 If a person fails to comply with a notice served on that
person under by-law 5.6.7 —
(a) the person commits an offence; and

SCHEDULE

[by-law 5.6.1]

LOCATIONS OF PRIORITY SOURCE PROTECTION AREAS,
WELLHEADS AND WELLHEAD PROTECTION ZONES

Plan 1 — Mirrabooka Underground Water Pollution Control Area
(b) the Authority may itself dismantle and remove the storage tank system or the business premises the subject of the offence.

[* Reprinted in the Gazette of 11 December 1986 at pp. 4557-800. For amendments to 16 November 1992 see 1991 Index to Legislation of Western Australia, pp. 531-2, and Gazette of 3 January 1992 at p. 34.]

Plan 2 — Gnangara Underground Water Pollution Control Area
Plan 3 — Wanneroo Underground Water Pollution Control Area
Plan 5 — Locations of Underground Water Pollution Control Areas

By resolution of the Board.
The Seal of the Water Authority of Western Australia was affixed hereeto in the presence of—

K. C. WEBSTER, Chairman.

W. J. COX, Managing Director.

Approved by the Minister for Water Resources.

E. BRIDGE.