

# **Water Supply, Wastewater and Stormwater Bylaw**

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**2021**



**Mackenzie**  
DISTRICT COUNCIL

# Water Supply, Wastewater and Stormwater Bylaw 2021

## REVISION HISTORY

<b>Date Created:</b>	16 November 2021
<b>Review Date:</b>	16 November 2021
<b>Department:</b>	Operations
<b>Responsible Officer:</b>	Manager Planning
<b>Sponsor:</b>	General Manager – Operations
<b>Approved by:</b>	Chief Executive Officer

## 1. Introduction

This Bylaw is the Mackenzie District Council Water Supply, Wastewater and Stormwater Bylaw 2021.

This Bylaw shall come into force on 16 November 2021.

This Bylaw has been made pursuant to section 146 of the Local Government Act 2002.

## 2. Purpose

The purpose of this Bylaw is:

- to manage, regulate, and protect from misuse or damage the Council's water supply, wastewater, and stormwater systems; and
- to protect the public from nuisance and maintain public health and safety.

## 3. Interpretations

For the purposes of this Bylaw the following definitions shall apply.

<b>Applicant</b>	the owner of a property within or adjacent to a Network Infrastructure Service, seeking to obtain or vary a connection from that Network.
<b>Approval</b>	approval given by the Council under the Bylaw and extends to include any conditions of that approval.
<b>Connection</b>	any premise connected to the Network Infrastructure Service, which has approval to do so.
<b>Council</b>	the Mackenzie District Council.
<b>Level of Service</b>	the measurable and/or defined performance standards adopted by the Councils Asset Management Plan in respect of the supply of water.
<b>Network Infrastructure Service</b>	any reticulated Council water, sewer, or stormwater infrastructure.
<b>Point of Supply</b>	the location of the Network Infrastructure Service at which the responsibility for maintenance passes from the Council to the consumer

## 4. General Conditions

### 4.1 Application

This chapter of the Bylaw applies to areas serviced by Network Infrastructure Services throughout the District and relates to any connections made to a point of supply with Council's Network.

### 4.2 Application for Supply of Service

Every person who proposes to:

- draw water from the Water Network Infrastructure; or
- discharge sewage to the Sewer Network Infrastructure; or discharge stormwater to the Stormwater Network Infrastructure; or
- discharge to the Sewer Network Infrastructure any trade waste (either continuously, intermittently or temporarily); or
- vary the characteristics of a consent or approval to discharge that has previously been granted; or
- vary the conditions of consent or approval that has previously been granted; or
- vary the location of the point of supply or discharge that has previously been granted; or
- significantly change the method or means of pre-treatment for discharge under an existing consent; or
- disconnect from any Network Infrastructure Service.

shall complete an application on an approved form for the supply of such service, together with payment of any prescribed charges. The applicant shall provide all of the details required by Council.

Council may approve or decline any such application.

The applicant shall be responsible for providing all pre and post work documentation to the satisfaction of Council.

### 4.3 Continuity of Supply Service

Council does not guarantee an uninterrupted or constant level of service (flow, pressure, quantity, or quality), or that an existing service which is in excess of minimum operating parameters is not altered.

### 4.4 Liability

Council will endeavour to provide Network Infrastructure Services in accordance with minimum operating parameters, but shall not be liable for any loss, damage, or inconvenience which any person may sustain as a result of deficiencies in, or interruptions to any Network Infrastructure Service.

### 4.5 Transfer of Rights and Responsibilities

No person may transfer to any other person the rights and responsibilities provided under this chapter of the Bylaw.

No person shall extend any Network Infrastructure Service by hose, pipe, or any other means beyond the customers property.

No person shall provide any Network Infrastructure Service to any other party without approval from Council.

#### **4.6 Demand Management**

All persons shall comply with any supply and usage restrictions and prohibitions which may be imposed from time to time by Council in order to manage supply or demand issues. Such restrictions may be publicly notified.

No person shall in case of any such restriction or prohibition be entitled to any payment or compensation.

#### **4.7 Wastage of Water**

A person who is supplied with water by, or on behalf of, Council shall not waste the water or allow it to be wasted.

#### **4.8 Flow Metering**

Council reserves the right to require a water meter to be installed and may set water supply and wastewater discharge fees and charges accordingly, where it considers that water use, or wastewater disposal is or is likely to be excessive. A water supply deemed to be an Extraordinary Supply shall normally be metered and charged for.

Water meters shall be supplied, installed, and maintained by Council at the customer's expense. Ownership of the meter is retained by Council.

Installation of the meters shall be in accordance with Council's requirements.

#### **4.9 Interceptor Traps**

Council reserves the right to require that an interceptor trap be installed at any property where Council considers that a contaminant is likely to enter any drain or sewer which is likely to be deleterious to the Sewer or Stormwater Network Infrastructure or the health and safety of Council staff and/or the public.

#### **4.10 Disconnection of Service**

A customer who proposes to disconnect from any Network Infrastructure Service shall complete an application on an approved form for such disconnection, including an intention to demolish or remove a building. The demolition or removal shall not commence until the property has been disconnected at the approval of Council.

The owner of any premises within which there is a disused private drain shall arrange for it to be disconnected and sealed in an approved manner.

#### **4.11 Approval to Connect, Disconnect or Interfere**

No person other than an authorised agent of Council, shall without approval make any connection or disconnection to or otherwise repair, alter, modify, tamper, or interfere with any part of any Network Infrastructure Service.

Without prejudice to its other rights and remedies, Council shall be entitled to estimate and charge for any additional Network Infrastructure Service allowed to pass or not recorded where a meter or flow control device has been tampered with and may recover from the customer any costs incurred by Council.

#### **4.12 Power of Entry and Removal of Works**

Any appropriately warranted officer or person contracted to supply services to Council, may enter onto any land and enter into any building (not being a dwelling house) for the purpose of inspecting all or any of the fittings, pipes, and other apparatus connected directly or indirectly with the Network Infrastructure Services.

If any such Council officer or contracted person is refused entry or obstructed by any person in the course of undertaking such an inspection; that person commits an offence under this chapter of the Bylaw.

Without prejudice to Council's ability to prosecute any person for refusing entry to or obstructing an appropriately warranted officer or contracted party, Council may also restrict the water supply to the property for which inspection has been denied.

If any inspection conducted in accordance with this Bylaw discloses any fitting or works that contravene the provisions of this chapter of the Bylaw, then the said fitting or works may be altered or removed by a Council officer or contracted party in order to achieve compliance with this chapter of the Bylaw. Notice of such alteration or removal shall be given to the owner or occupier of the property as soon as is reasonably practicable.

#### **4.13 Breaches**

Where Council considers a breach of this chapter of the Bylaw, or statutory or any other legal requirements is such that it is necessary to alter, disconnect, reduce, or limit the Network Infrastructure Service for environmental or health or safety considerations or where there is unacceptable risk of consequential damage to Council assets, Council may take immediate action necessary in order to make good the breach, and recover all reasonable costs.

#### **4.14 Vegetation**

In the event of any vegetation causing or being likely to cause interference to the flow of water within, or block or damage to a Network Infrastructure Service, Council may require the customer to remove the vegetation at the customer's expense with no compensation payable by Council.

#### **4.15 Protection of Network Infrastructure Services**

##### 4.15.1 Building Over or Adjacent to Network Infrastructure Services

- a) No structure shall be located over a Network Infrastructure Service, whether on public or private land, unless otherwise approved by the Council's Engineer.

- b) The minimum horizontal separation distance between the structure and the service shall be 1.5 metre or a distance equal to the maximum depth of the service, whichever is greater, from the nearest face of the service.
- c) Subject to approval, a building developer may meet the cost of diverting the Network Infrastructure Service in accordance with Council Standards.
- d) Where (a), (b) and (c) above are found to be impractical and the structure cannot be sited elsewhere on the property or modified to conform with the above conditions, and it is essential for the proposed structure to be built on that part of the property, approval may be granted subject to the building developer meeting the cost of any specific requirements. These requirements may include the provision of access manholes, pipe strengthening, ducting, additional support of the structures' foundations and relocatable construction. The Network Infrastructure Service shall be registered by the property owner by a Memorandum of Encumbrance and Deed of Covenant against the Record of Title of the property.
- e) There will be instances where constructing over a Network Infrastructure Service is not acceptable and despite clauses (a)-(d) Council reserves the right to refuse any such application.

#### 4.15.2 Loading of Material Over a Network Infrastructure Service

- a) No person shall cause the crushing load imposed on a Network Infrastructure Service to exceed that which causes damage to the service.
- b) No person shall without approval place any additional material over or near to a Network Infrastructure Service so that the Network Infrastructure Service is further buried.
- c) Points of supply and service openings to a Network Infrastructure Service shall be maintained free of soil, growth, or other matter or obstruction which prevents, or is likely to prevent convenient access by Council or its appointed contractor or agent. Removal of any covering material or adjustment of the opening shall be at the property owner's expense.

#### 4.15.3 Excavation Near Network Infrastructure Services

- a) No person or owner or occupier shall without approval from Council allow or carry out excavation, or use trenchless technology, or carry out piling or similar type of work closer than 2 metres from the nearest face of any Network Infrastructure Service. In granting any approval Council may impose conditions on the carrying out of any such work. Damage occurring to a Network Infrastructure Service as a result of any such works shall be reported to Council immediately by the person undertaking and/or in charge of such work. Council shall be entitled to recover any costs incurred as a result of such damage.

#### 4.15.4 Excavation in a Road Reserve or Public Place

No person shall carry out excavation work in a Road Reserve or Public Place without approval from Council.

#### 4.15.5 Protection of Sewer and Stormwater Network Infrastructure

Unless authorised by Council, no person shall:

- a) Cause, permit or allow the entry into any drain or fitting any earth, stones, sand, silt, refuse, night soil, or material except such matter as is normally discharged through a house drain;
- b) Enter any Council drain, pumping station building or appurtenance, or any sewage or stormwater treatment area;
- c) Operate, remove or interfere with any cover of any manhole, inlet or other appurtenance of any drain;
- d) Damage, interfere with or cause to be inoperative any machinery or plant in any pumping station or treatment works or any appurtenance of any pumping station or treatment works;
- e) Obstruct, impede, or cause to be impeded the flow in any drain nor interfere with the free discharge of ventilation thereof nor clog up any appurtenance thereof;
- f) Cover, or allow to remain covered, any manhole, master trap, silt trap, grease trap, or similar structure. If the level of the ground adjacent to a manhole is raised above the manhole top and in the opinion of Council access to or use of the manhole is impeded thereby, then the property owner shall either raise the manhole top to the new ground level or make other approved provision to provide for the removal of the lid and use of the manhole;
- g) Break, injure, damage, or interfere with any drain whether by excavating or otherwise, such that pipes are broken or loosened, foundations are disturbed, sand, earth, or water are admitted, or take any other action prejudicial to the proper and efficient functioning of the drain.

#### **4.16 Discharge or Storage of Hazardous Substances**

No person shall allow or cause to be allowed inadvertently or otherwise the discharge of hazardous substances to a Network Infrastructure Service unless permitted by a consent.

No person shall store raw material, products or wastes containing corrosive, toxic, biocidal, radioactive, flammable, or explosive material, or any material in a manner which in the opinion of Council when mixed with a Network Infrastructure Service stream, is likely to generate toxic, flammable, explosive or corrosive materials in quantities likely to be hazardous, or any other material likely to be deleterious to Council's Network Infrastructure Service or the health and safety of Council staff and the public, without taking all practicable steps to prevent such entry into the Network Infrastructure Service.

Council may require any person to protect the Network Infrastructure Service by such methods and/or systems Council considers necessary to prevent an unapproved and prohibited discharge.

Council shall be immediately notified of the details of a discharge of hazardous or prohibited substances.

#### **4.17 Fees and Charges**

Council may from time to time set fees or charges for the supply and services of Network Infrastructure Services.

Council may, under the provisions of section 175 and section 176 of the Local Government Act 2002, recover any cost incurred by Council in remedying any damage arising from a wilful or negligent breach of this chapter of the Bylaw.

#### **4.18 Offences**

The maximum penalty on summary conviction of an offence against this Bylaw is \$20,000.

## 5. Water Supply

### 5.1 Types of Supply (not including Rural)

#### On-Demand

On-Demand networks (metered and non-metered) with no hardware set restriction on the supply of water under conditions of normal supply.

#### Restricted Supply

Restricted Supply networks having a supply rate of 1800 litres/day. Sufficient storage shall be provided by the customer to meet the demand fluctuations.

### 5.2 Categories of Supply

The two categories of urban water supply are defined as:

#### Ordinary Supply

The supply of water to a customer which is used solely for domestic purposes in a dwelling unit. Such purposes shall include the use of a hose (subject to the provisions of this chapter of the Bylaw) for:

- washing down;
- garden watering by hand;
- garden watering by a portable sprinkler;
- garden watering by a micro-jet system; or
- fire protection systems – including sprinkler systems, fire hose reels and hydrants.

#### Extraordinary Supply

All other purposes for which water is supplied other than Ordinary Supply shall be deemed to be an Extraordinary Supply and may be subject to conditions and limitations. Such purposes shall include:

- domestic - spa or swimming pool in excess of 10m<sup>3</sup> capacity, or fixed irrigation systems;
- commercial business - including farming purposes;
- trade and industrial;
- out of district use;
- temporary supply; and
- non-residential zones supply.

### 5.3 Change of Use

Where the supply category changes from an Ordinary to an Extraordinary type or vice versa or where a change in the use of water supplied is proposed, a new application for supply of service is required.

#### **5.4 Fire Protection**

Any proposed connection for fire protection shall be the subject to a separate application for supply on the approved form.

Where a connection has been provided to supply water to a fire protection system (including hydrants), it shall be used for no other purpose other than firefighting and testing the fire protection system. Connections shall be designed in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 45009:2008.

#### **5.5 Backflow Prevention**

Council reserves the right to require an assessment of the risk of backflow from any property and to require an appropriate backflow prevention device or system to be installed at the customer's expense at the point of supply.

#### **5.6 Fire Hydrants**

The right to gain access to, and draw water from, fire hydrants shall be restricted to:

- Council or its authorised agents; and
- The New Zealand Fire Service Fire and Emergency New Zealand personnel.

Without prejudice to other remedies available, Council may remove and hold any equipment used to gain unauthorised access to, or draw water from, a fire hydrant.

#### **5.7 Rural Water Supplies**

Connections to rural water supplies will be subject to availability and compliance with any relevant considerations as direct by Council.

#### **5.8 Refusal of Connection**

Council reserves the right to decline any application where it is not feasible or economic to supply water to a (proposed point of supply).

## **6. Sewerage**

#### **6.1 Acceptance of Discharge**

Every domestic premise shall be entitled to have its domestic sewage discharged to the Sewer Network Infrastructure provided that:

- the premise is within an area which is served by a Council Sewer Network Infrastructure; and
- payment is made in full of the appropriate rates and charges levied in respect of that property for general and sewage services; and
- there is compliance with the requirements of this chapter of the Bylaw; and

- unless authorised by Council no person shall allow, cause or permit any contaminant to be discharged to the Sewer Network Infrastructure with a characteristic (excluding flow) in excess of those considered at the time of application.

Unless authorised by Council no person shall allow, cause or permit any water from a water pipe, artesian well or other hydraulic appliance to enter the Sewer Network Infrastructure.

### **6.2 Flow Rate**

No person connected to a public sewer may allow a daily volume or peak flow rate that has the potential to alter the discharge in such a manner that it fails to meet the connection and discharge approved by Council.

### **6.3 Prevention of Inflow and Infiltration**

The customer shall not permit stormwater or groundwater to enter the Sewer Network Infrastructure. This includes stormwater from roof down pipes, surface water runoff, overland flow, and sub-surface drainage.

### **6.4 Refusal of Connection**

Council reserves the right to decline any application where it is not feasible or economic to supply water to a (proposed point of supply).

### **6.5 Prohibited Discharges**

No person shall let enter the network any discharge not approved by Council at the time of connection being made.

### **6.6 Non-Domestic Discharges**

All non-domestic discharges shall be subject to Council approval and any such conditions required to protect the integrity of the network. Council reserves the right to decline any applications that will have a negative or un-anticipated impact on the sewer network.

## **8. Stormwater**

### **8.1 Acceptance of Discharge**

A premise or property may be entitled to have its stormwater accepted for discharge into Council's Stormwater Network Infrastructure provided that:

- a) the premises or property is within an area serviced by a Stormwater Network Infrastructure; and
- b) payment is made in full of the appropriate rates and charges levied in respect of that premises or property for general and stormwater services; and
- c) there is compliance with the requirements of this chapter of the Bylaw; and
- d) any connection to the Stormwater Network Infrastructure Service shall be only upon application and Council approval to discharge stormwater which may include specific requirements; and

- e) Council may require the provision and maintenance of any pre-treatment works as necessary to regulate the quality, quantity and rate of stormwater discharge, or other constituents or characteristics of the stormwater discharges, prior to the point of discharge. The provision and maintenance of such pre-treatment works shall be at the customers expense.

## **8.2 Prohibited Stormwater Characteristics**

No person shall allow, cause or permit the discharge either directly or indirectly into any part of the Stormwater Network Infrastructure:

- a) contaminants, sewage or trade wastes in breach or contravention of an approval to discharge stormwater; or
- b) any contaminants which in the opinion of Council have the potential to cause a breach of Council general authorisations or discharge consents; or
- c) prohibited characteristics.

## **6.3 Cancellation of Approval to Discharge**

Council may at any time cancel any approval to discharge to the Stormwater Network Infrastructure by giving the customer written notice of that cancellation and disconnection where:

- the customer discharges to any Stormwater Network Infrastructure in breach of this chapter of the Bylaw, or, in the opinion of Council, causes damage to any part of the Stormwater Network Infrastructure or endangers the health and safety of any person as a result of such a discharge; or
- the customer discharges any prohibited substance into the Stormwater Network Infrastructure; or
- the customer fails to comply with any condition of any approval to discharge to the Stormwater Network Infrastructure which in the opinion of Council may cause Council to be in breach of any general authorisation or discharge consent; or
- the existence of any other circumstance which, in the opinion of Council renders the cancellation of any approval necessary in the public interest.



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