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Draft Water Supply and Wastewater Bylaw 2021

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Tell us what you think by
Wednesday 9 February 2022

Introduction

Christchurch City Council is proposing changes to its bylaw on water supply and wastewater, and we want to hear what you think about these changes.

The key changes relate to improvements to protect the water supply from contamination, and to protect the wastewater network from damage, infiltration and misuse.

This consultation document summarises the proposal and includes a copy of the proposed replacement bylaw.

Background and reasons for the proposed new bylaw

The Council has bylaws for water supply, wastewater and stormwater, in order to protect its infrastructure from damage or misuse, and to protect public health and safety. It regulates some activities and behaviours to reduce the potential for contamination of drinking water or damage to the networks that carry drinking water and wastewater.

The bylaw is a local law, specific to Christchurch and Banks Peninsula, which controls matters that are not covered by other laws. It cannot control things that are the responsibility of government departments, the drinking water regulator (Taumata Arowai), or Environment Canterbury. This means that issues of mandatory chlorination or fluoridation of drinking water supplies, resource consents for water takes (e.g. for water bottling); and wider reform of the three waters sector are outside the scope of this bylaw.

The bylaw was due for review by 2024, but we reviewed it sooner to:

- help meet the Council's new stormwater obligations under the Comprehensive Stormwater Network Discharge Consent (CSNDC) from Environment Canterbury;¹
- improve drinking water safety and security to comply with new requirements; and
- improve and update the bylaw to ensure it is fit-for-purpose.

Although national changes have been foreshadowed in the Government's Three Waters Reform Programme, the proposals are not yet finalised, and changes may be several years from being implemented. The bylaw changes being proposed will enable the Council to respond to new requirements that are already in place, such as better protecting the water supply from contamination.

¹ This is the Council's consent from Environment Canterbury to discharge stormwater from the public stormwater network to land and water. The CSNDC places responsibilities on the Council as the consent holder to reduce contaminants in stormwater discharges, in order to protect and improve the health and water quality of local streams and rivers, as well as to protect groundwater resources.

Current bylaw coverage

The Council's current Water Supply, Wastewater and Stormwater Bylaw (2014) is available online at ccc.govt.nz/bylaws

Broadly, the current bylaw aims to:

- protect the water supply from contamination
- protect the wastewater and stormwater networks from things that should not be put into them
- protect the land and infrastructure associated with the networks from damage or misuse – including unauthorised access, connections or discharges
- encourage the efficient use of water, including promoting resilience.

New bylaw structure

As a result of the review, the Council is proposing to split the current bylaw into two separate new bylaws – one for water supply and wastewater, and the other for stormwater and land drainage.

This is because:

- the stormwater network is very different to the drinking water and wastewater networks. Water supply and wastewater are closed, piped networks; while the stormwater network is an open system made up of a mix of pipes, drains, overland flow paths and is integrated with roads, natural waterways, and parks;
- there are a number of significant changes required for stormwater, linked to the CSNDC; and
- it is helpful for administrative reasons, because the current bylaw is our largest and one of the more technically complex bylaws.

This consultation deals with the proposed replacement bylaw for water supply and wastewater. Information on the proposed replacement Stormwater Bylaw can be found online at ccc.govt.nz/waterbylaws

Key proposed changes

Overall, the bylaw is achieving its purpose and regulating the right things. However, there are some emerging issues that need to be addressed in the new bylaw.

The key changes being proposed relate to improvements to protect the water supply network from contamination, and to protect the wastewater network from damage, infiltration and misuse. These changes are summarised in the following table.



Summary of key changes proposed by the Draft Water Supply and Wastewater Bylaw 2022

Issue 1	Inadequate backflow prevention measures presenting a risk of contamination of the public water supply network from backflow.
Proposed solution	New requirements in relation to backflow risks at a property: <ul style="list-style-type: none">• provide information about activity if requested• notify the Council of change in activity.
Reason	This helps to ensure the appropriate level of backflow protection is installed at a property, based on their water use and activity.
Draft bylaw clause: 18	

Issue 2	Certain equipment installed on the privately owned parts of the supply network can cause pressure surges in the public network, and as a result, contaminate the water supply or cause damage to the public network.
Proposed solution	Prohibition of the use of equipment that may cause pressure surges in the water supply network.
Reason	This helps to reduce the risk of contamination of drinking water supplies, and damage to the public water supply network.
Draft bylaw clause: 9(4)	

Issue 3	Potential contamination of source water from aerial spraying of chemicals for agricultural or firefighting purposes.
Proposed solution	A new requirement to notify the Council of aerial applications of fertiliser, pesticides and other chemicals in or near community drinking water protection zones prior to their application.
Reason	This helps to protect the quality of drinking water. If we are aware of these activities before they occur, we can mitigate the risk of contamination to drinking water (e.g. stop taking water for a period).
Draft bylaw clause: 9(6)	

Issue 4	Potential contamination of source water due to chemical spills.
Proposed solution	A new requirement to immediately notify the Council of any chemical spills in or near community drinking water protection zones.
Reason	This helps to protect the quality of drinking water. If we are aware of spills, we can mitigate the risk of any contamination.
Draft bylaw clause: 9(5)	

Issue 5	The practical issues of cost and site space required to implement the mandatory requirement for rainwater storage tanks in restricted-supply areas of Banks Peninsula. There are multiple requirements for various water storage tanks under a range of regulatory tools.
Proposed solution	A change to the existing bylaw requirement for supplementary water storage tanks in Banks Peninsula to allow one rainwater storage tank to meet multiple separate regulatory requirements (e.g. one tank for both non-potable use and for stormwater detention purposes.)
Reason	This provides a solution to the practical issues identified.
Draft bylaw clause: 17	

Issue 6	Unnecessary demand on the water supply network due to unrepaired leaks or excessive water use.
Proposed solution	Add a clause making water wastage a bylaw offence.
Reason	This strengthens the existing 2014 bylaw provisions for promoting the efficient use of water and protecting against waste. Although it is an offence under the Local Government Act 2002 to waste water, the addition of this as a bylaw offence provides greater clarity on what is considered “wastage”.
Draft bylaw clause: 16(3)	

Issue 7	Water meters that are inaccessible for reading or maintenance
Proposed solution	New additions to protect the accessibility of meters include: <ul style="list-style-type: none"> • requiring Council-owned meters to be installed on Council land (unless approved otherwise); and • the authority for the Council to relocate a meter and recover costs from the property owner if the meter has become difficult to access due to changes made by the property owner.
Reason	We need to be able to access and read water meters to monitor water consumption, detect leaks, and for any volumetric charging. Meters that are difficult to access prevent these functions from being carried out.
Draft bylaw clause: 19(4) and 19(5)	

Issue 8	Insufficient access to any part of the water supply or wastewater networks for maintenance purposes, particularly where the infrastructure is within non-Council land and where an adequate easement does not exist.
Proposed solution	Improved provisions, including: <ul style="list-style-type: none"> • the area required to access infrastructure, known as the “maintenance access corridor”, reflects actual requirements to ensure safe access to the asset. • some activities are restricted within the maintenance access corridor – no person may build or install any structure, lay any utility service or private pipe, or undertake site works over or within the maintenance access corridor without approval from the Council. • applications for restricted activities within a maintenance access corridor will be considered by Council on a case-by-case basis. • existing easements (where adequate) and approvals previously granted are exempt from the updated setback distances.
Reason	Maintenance requirements may be urgent in nature. This change makes sure we can access our pipes and other infrastructure if and when we need to, and in a way that meets all safety requirements. (e.g. to meet sloping and shoring requirements).
Draft bylaw clause: 7-8 and 29-30	



Issue 9	Damage to underground public water supply or wastewater pipes caused by tree roots.
Proposed solution	New provisions to prohibit the planting of trees in locations which are likely to cause nuisance or damage to underground infrastructure. Where a tree is found to be restricting access or causing damage to the water supply network, the proposed replacement bylaw enables the Council to either: <ul style="list-style-type: none">• require the property owner to remove the tree or trim the roots of any tree; or• undertake trimming or removal works and recover the costs from the property owner.
Reason	This helps to: <ul style="list-style-type: none">• reduce the risk of damage to the public water supply and wastewater networks (and associated costs to repair)• reduce the risk of contamination or infiltration• provide a process for addressing issues with trees and tree roots in relation to the water supply network, which is not covered by existing legislation, unlike wastewater and stormwater infrastructure.
Draft bylaw clause: 9(7), 9(8), and 33	

Issue 10	Prohibited materials entering the wastewater network, causing blockages, damage, reduced capacity and increased costs.
Proposed solution	Strengthened provisions around what is not permitted to be disposed of into the wastewater network, including defining what is considered “prohibited waste”.
Reason	This amendment is intended to reduce costs and help protect the Council’s infrastructure from common sources of damage, blockages and reduced capacity.
Draft bylaw clause: 31	

Issue 11	Damaged or broken private wastewater drains causing excessive infiltration and problems in the public wastewater network (e.g. capacity issues, blockages, damage to the network or its machinery).
Proposed solution	New requirements for: <ul style="list-style-type: none">• private wastewater drains to be maintained in a state which is free from cracks and other defects• the property owner to investigate and rectify any issues where private laterals are not in a satisfactory operating state.
Reason	This helps to prevent damage and unnecessary capacity issues in the public wastewater network.
Draft bylaw clause: 32	

Issue 12	A lack of application requirements and approval conditions for connections to the wastewater network, including reasons for connection refusal (e.g. if the network is already at capacity).
Proposed solution	A new clause setting out the application and approval requirements for connection to the wastewater network.
Reason	Although the requirement for written authority for wastewater connections is implied in legislation, a requirement in the bylaw is recommended for clarity and consistency.
Draft bylaw clause: 27	

Other proposed changes

In addition to the key changes summarised in the previous table, the following are proposed:

- Outdated references to standards, or legislation have been updated
- Wording changes that do not alter the intent of the bylaw have been made to improve clarity and, in some cases, enforceability
- Definitions have been updated for improved clarity and consistency. New definitions have been added to assist understanding or support enforcement, while terms that are no longer relevant to the bylaw have been removed.
- Bylaw clauses that duplicate legislative requirements and are not required have been removed (e.g. delegation, backflow prevention requirements, obligation to provide adequate supply of water).

Legal considerations

When the Council reviews a bylaw, or makes a replacement bylaw, it must complete an assessment under section 155 of the Local Government Act 2002. This section requires the Council to determine whether the bylaw is the most appropriate way of addressing problems; whether the bylaw is the most appropriate form of bylaw; and whether it gives rise to any implications under the New Zealand Bill of Rights Act 1990.

The Local Government Act 2002 enables the Council to develop a bylaw to:

- manage, regulate against, or protect from damage, misuse or loss, or prevent the use of infrastructure associated with water supply and wastewater drainage; and
- protect the public from nuisance, promote and maintain public health and safety, and minimise the potential for offensive behaviour in public places.

The Council is satisfied the proposed replacement bylaw is the most appropriate way to address the actual and perceived problems associated with the management and protection of the Council's water supply and wastewater infrastructure, as set out in the *Summary of key changes proposed by the Draft Water Supply and Wastewater Bylaw 2021*.

The Council is also satisfied that the proposed Water Supply and Wastewater Bylaw 2021 does not present any issues or inconsistencies with the New Zealand Bill of Rights Act 1990.

The *Bylaw Review Report and Section 155 Analysis* contains a full explanation of these considerations, including an analysis of the actual and perceived problems, and the proposed changes to the bylaw.

This document can be found online at ccc.govt.nz/Waterbylaws

How to have your say

We're accepting feedback on the proposed bylaw until **Wednesday 9 February 2022**.



Fill out our online form at ccc.govt.nz/waterbylaws
This is your quickest and easiest option.



Send an email to engagement@ccc.govt.nz



Post a letter to:
Freepost 178 (no stamp required)
Attention: Hannah Ballantyne, Engagement Advisor
Submissions on the draft Water Supply and Wastewater Bylaw 2022
Christchurch City Council, PO Box 73016, Christchurch 8140



Deliver to Te Hononga Civic Offices at
53 Hereford Street by 5pm Wednesday 9 February 2022.

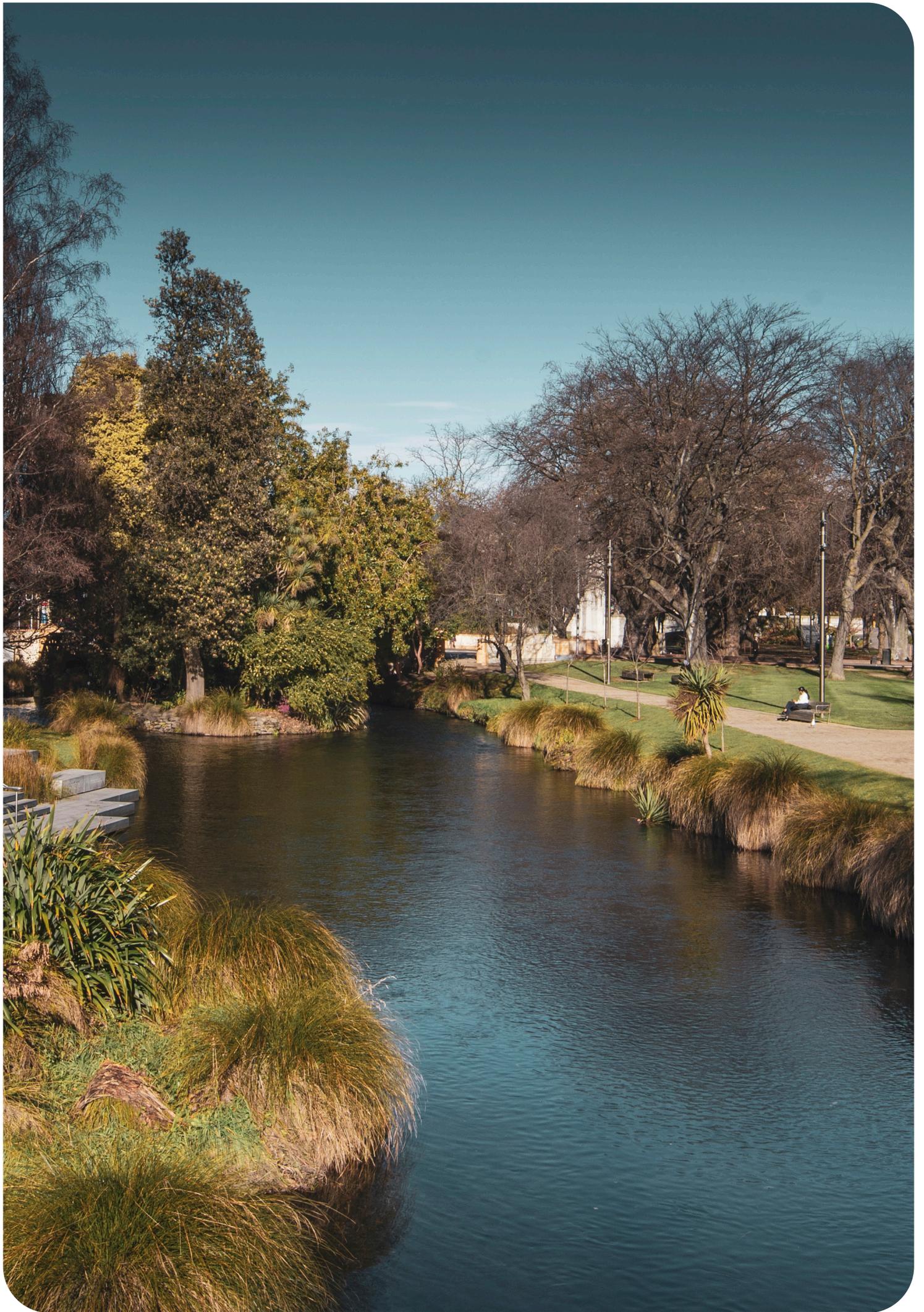
A Hearings Panel will hear oral submissions on this proposal in March 2022.
A final decision on this proposal is expected by mid-2022.

Submissions are public information

Subject to the provisions of the Local Government Official Information and Meetings Act 1987, we will make all submissions publicly available, including all contact details you provide on your submission. If you consider there are reasons why your contact details and/or submission should be kept confidential, please contact us by phoning (03) 941 8999 or 0800 800 169.

You need to include these details in your feedback:

- Your full name, organisation and your role (if applicable)
- Postal address, email address and daytime phone number.



DRAFT Water Supply and Wastewater Bylaw 2022

The Christchurch City Council makes this bylaw under sections 145 and 146 of the Local Government Act 2002.

Preamble

This preamble is explanatory and is not part of the bylaw: This bylaw replaced the water supply and wastewater parts of the Water Supply, Wastewater and Stormwater Bylaw 2014 as part of a bylaw review process, and was adopted in 2022 as a standalone bylaw.

1 SHORT TITLE AND COMMENCEMENT

- (1) This bylaw is the Christchurch City Council Water Supply and Wastewater Bylaw 2022.
- (2) This bylaw comes into force on <insert date> 2022.

2 PURPOSE

- (1) The purpose of this bylaw is to:
 - (a) manage, regulate and protect from misuse or damage the Council's water supply and wastewater systems; and
 - (b) protect the public from nuisance, and protect, promote and maintain public health and safety.

3 INTERPRETATION

- (1) In this bylaw, unless the context otherwise requires:

Approval means any licence, permit or consent issued under this bylaw or any relevant legislation.

Backflow means the unplanned reversal of flow of water or mixtures of water and contaminants into the water supply system.

Boundary means any boundary which is shown on a survey plan approved by the Chief Surveyor and which is deposited with Land Information New Zealand, whether or not a Record of Title has been issued.

Chief Executive means the Chief Executive of the Christchurch City Council.

Commercial supply means a metered water supply for all purposes other than domestic use and which may be subject to specific conditions, limitations, fees and charges. Commercial supply includes, but is not limited to, the supply of water to Trade Premises and educational and health services.

Condensing water means any water used in any trade, industry, or commercial process or operation in such a manner that it does not materially change its chemical or physical state.

Connection box or 'meter box' means the service valve, meter (where fitted), and associated fittings installed and maintained by the Council at a location convenient to the Council on the service pipe or at the supply pipe or at the point of supply.

Council means the Christchurch City Council, or any person authorised to act on its behalf.

Customer means the person, or the authorised agent, who uses, or has approval to use, the water supply or wastewater system supplied by the Council.

District means the territorial authority area of Christchurch City Council.

District Plan means any relevant operative or proposed district plan prepared by the Christchurch City Council under the Resource Management Act 1991.

Drain means a pipe intended to convey wastewater to the public wastewater system, and drainage has a corresponding meaning.

Environment has the same meaning as defined in section 2 of the Resource Management Act 1991.

Fire protection system means a fixed system of sprinklers, pipes, tanks, control valves, outlets and related fixed components used to control or extinguish fires but does not include fire hose reels.

Fire connection means a connection for the supply of water to a property solely for the purpose of being used in the event of fire.

Fitting means any apparatus or appliance, together with the necessary accessories and connection, which;

- (a) may be attached to, or associated with, the plumbing or private drainage system of any premises; or
- (b) is intended for the collection or retention of any waste materials or liquid wastes for ultimate discharge to a drain.

Groundwater means the water found underground within aquifers to emerge as springs or to be abstracted via wells as part of the Council's water supply system.

Infiltration means stormwater or groundwater that seeps into the public wastewater system or a private wastewater system through broken pipes or joints.

Inflow means stormwater or surface water that enters the public wastewater system, or a private wastewater system, through unauthorised connections (e.g. stormwater downpipes connected to a wastewater pipe) or ponding that overflows directly into gully traps.

Maintenance Access Corridor means the land required to access any part of the water supply system or the wastewater system for maintenance purposes.

Meter means a Council-owned device to measure the volume of water supplied.

On demand supply means a water supply which is available 'on demand' directly from the point of supply subject to the agreed level of service.

Point of discharge means the point where responsibility for ownership and maintenance of the wastewater pipe passes from the customer to the Council. The point of discharge is where the pipe crosses the boundary, unless the property is serviced by a Council-owned pressure system, in which case the point of discharge is where the drain feeds into the tank.

Point of supply means the point where the responsibility for ownership and maintenance of the water pipe passes from the Council to the customer. The point of supply is where the supply pipe or service pipe crosses the property boundary.

Private drainage system means the system of pipes and fittings installed on the property to convey wastewater off the property to the public wastewater system and, where a public system is not available, includes any approved disposal systems within or outside the confines of the property.

Private property means any property or land held in private ownership and includes any private road, right of way or easement relating to a property.

Prohibited waste means anything not normally or intended to be disposed of through the wastewater system. The wastewater system is designed and intended to dispose of wastewater from domestic activities and discharges from authorised trade waste.

Prohibited substances in the wastewater system include, but are not limited to:

- (a) hazardous substances other than household cleaning products (such as oil and automotive liquids; paint and solvents; pesticides and herbicides);
- (b) personal care items (such as wet wipes, condoms, sanitary products or nappies);
- (c) gravel-like substances (such as cat litter or stones from an aquarium);
- (d) things that will not breakdown and may cause pipe or equipment blockages or damage (such as fabric or plastics);
- (e) stormwater and groundwater; and
- (f) unauthorised trade wastes (trade and industrial waste are managed under the Trade Waste Bylaw).

Property means:

- (a) a parcel of land shown as an allotment on a survey plan deposited with or approved by Land Information New Zealand, and for which a Record of Title is available; or
- (b) land or a building or part of a building for which a unit title under the Unit Titles Act 2010, or a cross-lease title, and for which a Record of Title or a company share title is available; or
- (c) land held in public ownership (e.g. reserve) for a particular purpose.

Residential supply means a category of metered water supply to a residential building which is available on demand directly from the point of supply, subject to an agreed level of service and any rates, or fees and charges as set out in the Council's Long Term and/or Annual Plans.

Regional Plan means any relevant operative or proposed regional plan prepared by the Canterbury Regional Council (Environment Canterbury) under the Resource Management Act 1991 e.g. the Canterbury Land and Water Regional Plan.

Restricted supply means a category of water supply connection where a small flow is supplied through a flow control device (restrictor) at a regulated flow rate, as determined by the Council and charged on a per unit basis.

Restrictor means a device installed within the connection to control the flow of water to a property.

Secondary meter means a privately owned and maintained device on the customer's side of the connection box that measures the water consumption (for billing purposes) of each occupier when a single property has multiple occupiers.

Service pipe means the section of pipe between the water main or sub-main and the point of supply.

Service valve means the Council's valve in the connection box or on the Council's side of the point of supply. (Also known as a toby or shut off valve).

Site works means any substantial earthworks, including excavation, grading, significant landscaping, installation of septic tanks, trenches, construction of pavement and driveways, and any works associated with the construction, alteration, demolition or removal of a building.

Sub-main means an underground pipe of less than 100mm diameter in a system of pipes for supplying potable water to properties.

Supply pipe means the privately-owned pipe on the customer's property from the point of supply.

Surface water means water in rivers, watercourses and artificial waterbodies, lakes, wetlands, springs or coastal waters; and rainwater that collects on the surface of the ground but excludes groundwater.

Temporary supply means a water supply which is for an event or fixed length of time.

Trade premises means any property used or intended to be used for carrying on any trade or industry; and includes any land or property wholly or mainly used (whether for profit or not) for agricultural or horticultural purposes.

Waste disposal unit means a device designed to disintegrate organic waste material to a state suitable for disposal to a wastewater drain.

Wastewater pipe means a pipe primarily for the reception and discharge of wastewater and includes any fittings owned by the Council whether on private or public land, such as the fittings associated with a pressure wastewater system.

Wastewater system means all pipes, pump stations, storage tanks, wastewater treatment plants, manholes, outfalls and other related structures or access points owned by or under the control of the Council and used for receiving, transporting, treating or disposing of wastewater.

Water main means the principal underground pipe in a system of pipes for supplying potable water to properties.

Water supply system means all those components of the public water supply network between the point of abstraction from the natural environment to the point of supply. It does not include privately-owned components such as pipes, tanks, or other devices.

- (2) This bylaw contains explanatory notes, which are not part of the bylaw. The Council may add, amend or delete explanatory notes at any time without amending the bylaw.

***Explanatory note:** Explanatory notes are used for a number of reasons, including to explain the intent of a clause in less formal language, to include additional helpful information, or because the information may be subject to change and need to be updated before the bylaw itself has to be updated.*

PART 1: WATER SUPPLY

4 OBJECTIVES

- (1) The objectives of this part of the bylaw are to:
- (a) promote the efficient use of water, manage demand for water and protect against waste or misuse of water;
 - (b) protect the water supply from contamination;
 - (c) regulate the use of land, structures and infrastructure associated with the water supply system to protect these assets from damage, misuse, or loss;
 - (d) prevent unauthorised connection to the water supply system;
 - (e) define the obligations of the Council, installers, owners and the public in matters related to the water supply system; and
 - (f) determine the volumes of water consumed on any property for charging purposes or to locate any water leaks at the property.

***Explanatory note:** Objectives, policies and standards relevant to this part of the bylaw can be found in the Council's Te Wai Ora o Tāne Integrated Water Strategy, the Infrastructure Design Standards and in the consents that the Council holds for water takes for the public water supplies.*

5 APPROVAL REQUIRED FOR CONNECTION, SUPPLY, DISCONNECTION AND OTHER WORKS

- (1) No person may, without the Council's written approval -
- (a) connect, or allow the connection of any fittings to the water supply system;
 - (b) disconnect from the water supply system;
 - (c) change the location of the point of supply;
 - (d) install an additional point of supply or supply of water;
 - (e) install cross-boundary connections;
 - (f) provide water from the Council supply to any other party or property;
 - (g) obtain a temporary water supply;
 - (h) install a connection and supply for a fire protection system; or
 - (i) install a privately-owned supply pipe on Council-owned property.
- (2) A written application for approval of any matter in subclause (1) must be made in the form required, must contain all information requested and must be accompanied by the relevant fee (if any).

- (3) An authorised officer considering an application may require the applicant to provide further information, at the applicant's cost, in order to process an approval.
- (4) The Council may impose conditions as part of an approval. Any conditions must be complied with in the exercise of the approval.
- (5) Any approval will state:
 - (a) the type of supply (on-demand or restricted supply, and either residential, commercial or temporary supply);
 - (b) whether or not the applicant must pay for and install a backflow prevention device approved by the Council; and
 - (c) any other conditions related to the supply.
- (6) Where a single point of supply serves more than one property, and the water supply needs to be separated, the property owner is (or property owners are) responsible for all costs associated with separating the supply, unless otherwise agreed by the Council.

***Explanatory note:** The requirement to separate private supplies may be triggered by subdivision, an upgrade to water supply infrastructure, or changing regulatory requirements.*

- (7) Without limitation, the Council may decline approval to connect to the water supply system where, in the Council's reasonable opinion:
 - (a) there is insufficient capacity in the network to accommodate the connection;
 - (b) the design of the proposed connection does not meet Council standards or requirements;
 - (c) the connection is outside the area currently served by the water supply system, regardless of its proximity to any specific component of the water supply system; or
 - (d) refusal is necessary to protect the water supply system, the health and safety of any person, or the environment.
- (8) Where the Council declines an application it will notify the applicant of the decision, giving reasons.
- (9) If a connection to the water supply system is not physically made within twelve months of an approval being granted, the approval will be deemed to have lapsed and a new application will be required.
- (10) Where the Council approves a disconnection:
 - (a) the point of disconnection will be determined by the Council on a case by case basis; and
 - (b) the works must be undertaken by an authorised agent of the Council; and
 - (c) the person who has been granted approval for the disconnection is responsible for all costs of this work, including the removal of any Council-owned pipes.

***Explanatory note:** The point of disconnection is generally at the sub-main or water main, rather than the point of supply. This is to prevent 'dead ends' in the network and water stagnating at these points, which could result in bacteria growth that compromises the safety of the drinking water supply.*

- (11) A customer with a current connection may request that the Council change:
 - (a) the type of supply (e.g. from restricted to on demand);
 - (b) the classification of the supply (e.g. from residential to commercial supply); or
 - (c) the terms and conditions of supply.

- (12) The Council may require a new application for any request under subclause (11).
- (13) The Council may, at any time, review a connection approval and any conditions.
- (14) Following the review, and after obtaining and considering the written views of the customer, the Council may;
- (a) vary or add any conditions that the Council considers necessary; or
 - (b) require a new application for connection to be submitted within the timeframe specified.

6 TEMPORARY CONNECTIONS

- (1) The Council may assess and recover the value of any water drawn and any other associated costs incurred by the Council for any temporary connections to the water supply system.
- (2) No person may access, or take any water from a standpipe or hydrant unless that person is -
- (a) an authorised agent of the Council; or
 - (b) authorised by the Council to take water from a hydrant under clause 5; or
 - (c) approved by the Council to make a temporary connection to the water supply system; or
 - (d) operating on behalf of Fire and Emergency New Zealand, for the purpose of fighting fires, emergency management, training and testing.
- (3) Any person accessing water from a standpipe must use a Council-supplied standpipe fitted with a backflow prevention device and a water meter, and pay the Council for the cost of the water supplied.

Explanatory note: Approved standpipes can be hired from Council authorised agents.

7 RESTRICTED ACTIVITIES WITHIN MAINTENANCE ACCESS CORRIDORS

- (1) This clause applies to parts of the water supply system that are located underground and within non-Council land. The Council requires that these parts of the water supply system are accessible in order to repair, replace, or otherwise maintain these parts of the water supply system.
- (2) This clause does not apply where there is an easement in favour of the Council registered against a Record of Title for a property that enables adequate maintenance access for the water supply system, irrespective of the width of the easement strip created by that easement.
- (3) No person may, without the Council's written approval under this bylaw, carry out the following restricted activities:
- (a) build, place or install, or allow to be built, placed or installed, any building or structure (other than a boundary fence), over or within a Maintenance Access Corridor;
 - (b) lay or permit any utility service or private pipe across or along the line of an existing part of the water supply system within a Maintenance Access Corridor; or
 - (c) undertake site works within a Maintenance Access Corridor.

Explanatory note: Structures include temporary or relocatable buildings (such as sheds), shipping containers, storage tanks, decks, hard landscaping, etc. Each request will be considered on a case-by-case basis, taking into account the particular set of circumstances involved, and the likely access needs for maintenance. Reinstatement of areas after access for maintenance will be completed to a safe standard, and may not be to the exact prior condition (eg: it may not be possible to reinstate or match some features or finishes, such as coloured or textured concrete).

Written approval for a similar purpose under a revoked version of this bylaw is considered written approval under this bylaw, in accordance with the savings provisions in this bylaw (clause 41).

Any person who believes that compliance with the requirement in clause 7 would adversely affect them or their business, without a corresponding public benefit, can apply to the Council for a dispensation from compliance with this requirement under clause 13 of the General Bylaw 2008.

- (4) No person may plant any tree within a Maintenance Access Corridor that is likely to cause a nuisance or damage to any part of the stormwater network.
- (5) Where the Council's infrastructure or asset is a pipe, the Maintenance Access Corridor width is calculated by the Council as the greater of either:
 - (a) twice the buried depth of the pipe (surface to trench base), plus the outside diameter of the pipe; or
 - (b) 1.5 metres from either side of the centre of the pipe.
- (6) Where the infrastructure or asset is not a pipe, the Maintenance Access Corridor is one metre of the asset's border in all directions (eg a manhole).

Explanatory note: *The details of each specific site and the width and location of the Maintenance Access Corridor will be determined by the Council. Deeper, and usually larger, pipes require a greater area for maintenance access.*

8 APPLICATIONS AND APPROVALS FOR RESTRICTED ACTIVITIES WITHIN A MAINTENANCE ACCESS CORRIDOR

- (1) A written application for approval of a restricted activity within a maintenance access corridor must be made in the form required, must contain all information requested, and must be accompanied by the relevant fee (if any).
- (2) An authorised officer considering an application may require the applicant to provide further information, at the applicant's cost, in order to process an approval.
- (3) The Council may impose conditions as part of an approval. Any conditions must be complied with in the exercise of the approval.
- (4) Where the Council declines an application it will notify the applicant of the decision, giving reasons.

9 PROTECTION OF SOURCE WATER AND THE WATER SUPPLY SYSTEM

- (1) No person, other than the Council and its authorised agents, may enter any fenced area, building, or facility set aside by the Council for the protection of source water or as a public water supply facility, without prior written approval of the Council.
- (2) No person, other than the Council and its authorised agents, may access any part of the water supply system without prior written approval of the Council, except to operate the service valve.
- (3) No person may enter, make any connection with, discharge into, tamper or otherwise interfere with any part of the water supply system without prior written approval of the Council.
- (4) Unless approved by the Council, no person may install quick-closing valves, pumps or any other equipment on any piping on the customer's side of the point of supply which may cause pressure

surges or fluctuations to be transmitted within the water supply system, or compromise the ability of the Council to maintain its levels of service. If such unauthorised devices are found, the Council will require these are removed or replaced with an acceptable valve, at the owner's cost, to minimise potential damage to Council assets.

***Explanatory note:** Pressure surges, or changes in pressure, can cause contamination of the water supply and damage to the water supply system.*

- (5) Any person responsible for, or aware of, a chemical or hazardous substance spill within a community drinking water protection zone must immediately report the spill to the Council.

***Explanatory note:** Any spill within a community drinking water protection zone has the potential to contaminate source water. Examples of spills include (but are not limited to): diesel, fertilisers and pesticides. Environment Canterbury must also be notified of any such spill.*

- (6) Any person intending to undertake the aerial application of any chemical in the vicinity of a community drinking water protection zone, including but not limited to, fertilisers, herbicides or pesticides, must notify the Council of the activity -

- (a) as soon as practicable for application of any fire-fighting chemical; or
- (b) at least two working days prior to application for any other chemical.

***Explanatory note:** Notifying the Council of intended aerial spraying applications in water catchment areas helps the Council to better mitigate any contamination risk to drinking water supplies. Environment Canterbury's Land and Water Regional Plan controls aerial application activities, and provides setback distances for protection of community drinking water supplies. The drinking water protection zones can be viewed on Canterbury Maps.*

- (7) No person may:

- (a) plant any tree in a position that is likely to cause a nuisance or damage to any part of the water supply system; or
- (b) allow the roots of any tree on their property to cause damage, interference, or blockage to any part of the water supply system, or to otherwise restrict access to any part of the water supply system.

- (8) Where, in the Council's opinion, tree roots from a tree located on private property are causing damage, interference or blockage to any part of the water supply system, or are otherwise restricting access:

- (a) the Council may require the property owner to remove the tree or trim the roots; or
- (b) the Council may remove the tree or trim the roots, and may seek to recover costs from the property owner.

***Explanatory note:** Where tree roots from a tree on private property are found to be preventing access or causing damage to the water supply system, the Council will, where possible, prune the roots in such a way that the health or stability of the tree is not compromised.*

10 CONTINUITY OF SUPPLY

- (1) The Council does not guarantee a constant flow of water or any maximum or minimum pressure.
- (2) Nothing in this bylaw should be construed as obliging the Council to provide or continue to provide a supply of water to any property. No allowance or compensation will be made or allowed by the

Council if the water supply is restricted or interrupted, or if there is any change of pressure in the supply.

- (3) If a customer has a particular requirement for an uninterrupted flow, pressure or quality of water supply, it is the responsibility of that customer to provide any necessary storage, back up facilities or equipment necessary to meet that level of service.

***Explanatory note:** The Council as water supplier has certain obligations under Section 69S of the Health Act 1956 for the supply of drinking water. The Council must ensure that an adequate supply of drinking water is provided to each point of supply except for necessary interruptions e.g. due to an emergency or during planned work on the water supply system. Interruptions to supply may exceed eight hours if the Council gets the approval of the Medical Officer of Health and takes all practicable steps to inform affected customers.*

11 POINT OF SUPPLY AND SUPPLY PIPES

- (1) There will only be one point of supply for each property, except where specifically approved (e.g. for a fire protection system).
- (2) A supply pipe must serve only one property and the customer must not extend the supply pipe, by hose or any other pipe, to any other property.
- (3) The Council will own and maintain any pipe up to the point of supply and the connection box, including the service valve, meter (where fitted), any restrictor (where fitted) isolation valve, and unions either side of the meter.
- (4) Water mains installed in residential private property (or residential right of way), fitted with one or more fire hydrants and for the benefit of more than one landowner, are maintained by the Council, up to and including, the hydrant(s).
- (5) Any pipe installed within an easement, and utilised by the person with the benefit of the easement or the landowner is owned and maintained by the named parties at their expense. Water mains protected by an easement in favour of the Council are owned and maintained by the Council.
- (6) While the customer may access and use the service valve to isolate the supply to the customer's property, the Council does not guarantee the serviceability of the service valve.
- (7) Where the connection box is located on private property, the customer must maintain the area in and around the connection box by keeping it free of vegetation, or other matter or any obstruction which prevents, or is likely to prevent convenient access. Where the customer fails to keep access to the connection box free of growth or other obstructions, the Council may carry out any work necessary to remove any obstruction and may charge the customer for the cost of such work.
- (8) The customer will own and maintain the service pipe where it is located on private property and the supply pipe and any fittings on the customer's side of the point of supply (e.g. backflow prevention device).
- (9) Where in the opinion of the Council, any pipe or fitting on the customer's side of the point of supply has been damaged or is of inferior quality or workmanship, or is causing or is likely to cause water to be wasted or is insufficient for the proper supply of water, the Council may give the customer notice in writing requiring any work specified in the notice to be carried out in within the timeframe specified in the notice.

- (10) Where the customer fails to carry out any required work within the time period specified in the notice under subclause (9), in addition to any other remedies, the Council may charge the customer for the excess supply of water.

12 FIREFIGHTING SUPPLIES AND FIRE PROTECTION SYSTEMS

- (1) A fire protection system must be constructed, installed and operated so that water cannot be drawn from it for any purpose other than fire protection, and must be independent of any other water connection or supply on the property.
- (2) Where, in the opinion of the Council, an existing fire connection is constructed or located so water is, or is likely to be drawn from it or from any part of it by any person for purposes other than firefighting, the Council will require a meter to be installed on the fire connection.
- (3) The Council will not charge for water used for the purpose of extinguishing fires.
- (4) No person may install or connect a fire hose reel to a fire connection. A fire hose reel must be connected to a mains water supply.

***Explanatory note:** The water supplied to fire protection systems is from a fire connection, which can only be used for fire protection (for example, a fire protection sprinkler system). Fire hose reels must be connected to the mains water supply, as a fire hose can be used at any time and may be used for purposes other than fire protection.*

- (5) Where a private water supply pipe is connected to a fire hydrant and the supply is not a dedicated firefighting supply, the Council may require that:
 - (a) the connection supplying the fire hydrant is converted into a dedicated firefighting supply; and
 - (b) all other water on the site is supplied by a separate new point of supply; and
 - (c) if required, the property owner(s) apply for a new water connection for the new point of supply; and
 - (d) all works and applications are paid for by the property owner(s).

13 LIABILITY

- (1) The Council is not liable for any damage to any private plumbing system or for any loss or inconvenience to any customer as a result of being connected to the water supply.

14 WATER SUPPLY NO LONGER REQUIRED DUE TO DEMOLITION, REMOVAL OR ABANDONMENT OF BUILDINGS

- (1) When any property supplied with water by the Council no longer requires a supply of water (for example, due to the removal, demolition or abandonment of buildings), the customer must give notice in writing to the Council within one month of the date from which the water supply is no longer required, and apply to disconnect the water supply under clause 5, if applicable.

***Explanatory note:** Clause 14(1) does not apply if the property is being renovated, repaired, or redeveloped immediately following demolition or removal of buildings.*

- (2) Where the customer fails to contact the Council as required by subclause (1), the Council may disconnect the water supply to a property where the removal, demolition or abandonment of buildings has occurred, and where the water supply connection:

- (a) has not been used for a period of 12 months; or
 - (b) is left in a condition that could be detrimental to the water supply system.
- (3) If reconnection is required after such a disconnection, an application must be made in accordance with clause 5.

15 COUNCIL MAY IMPOSE WATER RESTRICTIONS

- (1) The Chief Executive may restrict or prohibit the use of water supplied to premises in the district where the Council's ability to maintain an adequate supply of drinking water is, or may be, at risk due to:
- (a) drought;
 - (b) emergency;
 - (c) maintenance;
 - (d) excessive demand; or
 - (e) for any other reason.
- (2) Any restriction under subclause (1) may:
- (a) specify types of use that are restricted (e.g. limiting outdoor water use);
 - (b) apply to the entire district or one or more parts of the district; and
 - (c) apply for any specified length of time.

***Explanatory note:** Types of restriction may include (but are not limited to): volume restrictions per property, hand-held garden watering only, restrictions on the time of day, or day of garden watering (e.g. only after sunset or on specific days).*

- (3) The Council will give notice of any restriction in any manner the Chief Executive considers is appropriate and reasonable in the circumstances of the restriction.
- (4) No person may use any water, or allow any water to be used in contravention of any restriction or prohibition made under this clause.

16 WATER EFFICIENCY AND PREVENTION OF WASTE

***Explanatory note:** The Council can restrict the water supply for any of the reasons set out in section 193 of the Local Government Act 2002, including for any breach of this bylaw. This includes failure to remedy a water leak. Any restricted supply must still provide an adequate supply of drinking water under Part 2A of the Health Act 1956.*

- (1) Unless specifically approved by the Council, the customer must not use water for:
- (a) a single pass heating or cooling system;
 - (b) the dilution of trade waste prior to disposal; or
 - (c) driving lifts, generators, condensers, machinery, or other similar devices.
- (2) The customer must have water conservation equipment as part of any system using water from a Council water supply for heating or cooling purposes (e.g. air conditioning, industrial plant) so that the consumption is limited to that required to make up reasonable losses due to evaporation, wind, flushing, and similar effects.

Explanatory note: Discharge of cooling water must comply with part 2 of this Bylaw and with the Council's Stormwater Bylaw.

- (3) A customer must not waste water, or allow water to be wasted, from any pipe, tap, or other fitting on their property.

Explanatory note: Wasting water is an offence under sections 192 and 224 of the Local Government Act 2002 and may result in disconnection or restriction of the supply and/or prosecution. Examples of water being wasted include (but are not limited to): watering in areas where it is not required (e.g. driveways), excessive watering (including water flowing off the customer's property i.e. to the footpath, road or a neighbouring property), and unrepaired leaks.

17 SUPPLEMENTARY WATER STORAGE FOR BANKS PENINSULA WATER SUPPLY AREAS

- (1) For all new residential or commercial properties constructed within the Council water supply areas of Akaroa, Duvauchelle, Takamatua, Wainui, Pigeon Bay, Little River and Birdlings Flat the customer must install a tank or facility with a minimum capacity of 5,000 litres for the purpose of collecting and storing rainwater for non-potable usage.

Explanatory note: Examples of non-potable water use include toilet flushing and watering the garden.

- (2) For the purposes of subclause (1), the construction of new properties means:

- (a) the construction of a residential or commercial building on an undeveloped site; or
- (b) the construction of a replacement residential or commercial building that increases the footprint area of the pre-existing building on the site;
- (c) but does not include:
 - i. the construction of a replacement building that has a footprint area that is the same or less than the pre-existing building;
 - ii. repairs or alterations to any existing building;
 - iii. the construction of a garage or outbuilding; or
 - iv. the construction of a temporary building that has an intended life of less than five years.

Explanatory note: This bylaw requires supplementary water storage for non-potable purposes in Banks Peninsula, but there are additional requirements for water storage tanks for other purposes and in other areas of the Christchurch district.

- (3) Where multiple tanks are required on a property for different purposes, the Council may give permission for a single tank to meet multiple requirements.

Explanatory note: Tanks may be required for the purposes of stormwater detention, fire-fighting, or other non-potable purposes. Tanks must meet all other regulatory requirements, including backflow prevention in order for the Council to consider granting approval.

Additionally, if any person believes that compliance with the requirement in clause 17 would adversely affect them or their business, without a corresponding public benefit, they can apply to the Council for a dispensation from compliance with this requirement under clause 13 of the General Bylaw 2008.

18 BACKFLOW PREVENTION

- (1) At the Council's request, the customer must provide any information about any use or activity at their property in relation to backflow risks, and take any action requested by the Council to ensure backflow prevention is achieved to the Council's satisfaction.
- (2) Where there is a change of use or activity carried out at their property that may alter the hazard rating or the risk of backflow occurring, the customer must:
 - (a) notify the Council of any change of use or activity; and
 - (b) demonstrate how backflow prevention will be achieved in relation to the change, to the Council's satisfaction; and
 - (c) install a backflow prevention device if one is required, or comply with any requirement made by Council under section 69ZZZ of the Health Act 1956.
- (3) A backflow prevention device must not be bypassed unless the bypass is also fitted with a backflow prevention device appropriate for the same hazard rating and approved by the Council.
- (4) The Council may charge for site audits and applications for changes in hazard rating, and may recover costs for installing, testing and maintaining backflow prevention devices.

Explanatory note: Backflow is a risk of contamination of our public water supply. Backflow prevention measures are intended to protect the quality and safety of our drinking water.

Property owners are required to install the appropriate level of backflow prevention in relation to the backflow risks arising from activities on their site. This may be either by ensuring an adequate air gap or by installing a Council-approved backflow prevention device.

It is the customer's responsibility under the Health Act 1956 and the Building Act 2004 to take all necessary measures on the customer's side of the point of supply to prevent water which has been drawn from the Council water supply from returning to that supply (i.e. backflow prevention measures).

To change the hazard rating, the property owner can request the Council review the hazard rating on their property. The property owner must pay any relevant fee for inspection as outlined in the Council's Schedule of Fees and Charges. Alternatively, the customer may provide the Council with a report from a suitably qualified person advising of the risk category for the property.

Where a customer cannot demonstrate that the risk of backflow is adequately managed, in accordance with section 69ZZZ of the Health Act 1956, the Council may fit a backflow prevention device on the public side of the point of supply, and recover the costs from the property owner for the design, installation, maintenance and testing of the device.

More information on the requirements for backflow prevention can be found on the Council's website – www.ccc.govt.nz.

19 INSTALLATION OF METERS

- (1) For any property there shall be only one metered supply, unless otherwise approved by the Council.

- (2) All new connections for fire protection systems must have a meter of a type that has minimal pressure loss characteristics as specified by the Council.
- (3) All meters (other than secondary meters referred to in subclause(6)) are supplied, installed and maintained by the Council, and remain the property of the Council.
- (4) All Council-owned water meters are to be located on Council property unless prior written approval is given otherwise.
- (5) If a meter becomes difficult to access due to changes made by the customer, the Council may relocate it to a more accessible location and recover the costs of relocation from the customer.
- (6) Where one or more secondary meters are fitted, whether as a result of a requirement of the Council or at the request of the customer(s), all such meters are the property of the customer(s) who must pay for all costs relating to these secondary meters including for the installation, maintenance, monitoring and reading of the meters.

***Explanatory note:** It is the Council's policy to install water meters on all supplies for the purposes of monitoring water consumption and detecting leaks, and for volumetric charging where applicable.*

20 METERS ON PRIVATE PROPERTY

- (1) Where meters are to be installed on a property the customer must:
 - (a) provide a Council approved location within the property for the meter;
 - (b) take sufficient precautions to protect the meter from damage at all times;
 - (c) enclose the meter in a suitable box or other enclosure and, in cases where natural support is absent, provide suitable wall brackets or other support; and
 - (d) ensure that the meter is readily accessible for reading and servicing at all times.

21 READING OF METERS AND ACCOUNTS

- (1) Meters will be read, and where applicable, accounts rendered, at such intervals as the Chief Executive may determine.
- (2) Meter readings made at the request of the customer will be charged for as set out in the Council's schedule of fees and charges.
- (3) The customer must pay all charges for the supply of water as determined by the Council.
- (4) A customer must give the Council five working days' notice to arrange a final water meter reading and pay any relevant fee for the final reading as set out in the Council's schedule of fees and charges.

22 ESTIMATED ACCOUNTS

- (1) If any meter ceases to register, is difficult to access or is unable to be read, the Council will estimate the consumption based on the average of the previous available consumption periods for that customer.
- (2) If the previous available consumption periods for that customer contain large variations for seasonal or other reasons, the Council will determine a reasonable estimate based on the available information.

- (3) Where a restrictor is damaged, without prejudice to other remedies available, the Council may assess and recover the value of water drawn over and above what would have been supplied if the restrictor was in working order.
- (4) The Council's decision under this clause is final, and the customer must pay the estimated account.

23 TESTING OF METERS

- (1) If a customer disputes the accuracy of a meter, the customer may request that the Council have it tested. The customer must pay the cost of having the meter tested.
- (2) If any tested meter is found to be reading inaccurately, the Council will adjust the customer's account accordingly, and either refund or charge the customer according to the adjusted account.

24 WORKS MUST COMPLY

- (1) Any person responsible for the construction of infrastructure which is to be vested in Council and become part of the water supply system, must comply with all relevant codes of practice, standards, specifications, approvals and conditions relating to such infrastructure.
- (2) Any person responsible for the construction or maintenance of infrastructure which is to connect to the water supply system must comply with all relevant codes of practice, standards, specifications, approvals and conditions relating to the connection.
- (3) The Council is not required to accept the vesting of infrastructure, or a connection to the system which does not comply with subclauses (1) and (2).

25 IDENTIFY UNDERGROUND SERVICES PRIOR TO SITE WORKS

- (1) Any person undertaking site works must view and verify the as-built plans held by the Council prior to the commencement of works to establish whether or not Council services are located in the vicinity of the proposed work.
- (2) If any pipe, drain or other asset is found not to be on as-built plans, or incorrectly shown on the as-built plans, the person must determine what the pipe, drain or other asset is, and supply that information to the Council.

***Explanatory note:** Any works to be undertaken within the road corridor (which includes the road, footpath and berm) is regulated under the Utilities Access Act 2010 and the Council's Traffic and Parking Bylaw, and requires the submission of a Corridor Access Request to the Council.*

PART 2: WASTEWATER

26 OBJECTIVES

- (1) The objectives of this part of the bylaw are to:
 - (a) regulate the use of land, structures and infrastructure associated with the wastewater system to protect these assets from damage, misuse or loss;
 - (b) prevent unauthorised access and interference with a connection to the wastewater system;

- (c) protect the wastewater system from stormwater inflow and groundwater infiltration; and
- (d) define the obligations of the Council, installers, owners and the public in matters related to the wastewater system.

***Explanatory note:** Objectives, policies and standards relevant to this part of the bylaw can be found in the Council's Te Wai Ora o Tāne Integrated Water Strategy, the Infrastructure Design Standards and in the resource consents that the Council holds for the public wastewater system.*

27 APPROVAL REQUIRED FOR CONNECTION, DISCHARGE AND DISCONNECTION

- (1) No person may, without the Council's written approval
 - (a) connect, or allow the connection of any fittings, to the wastewater system;
 - (b) disconnect from the wastewater system;
 - (c) change the location of the point of discharge;
 - (d) increase the number of residential units connected to an existing connection; or
 - (e) increase the commercial discharge (flow or volume) through an existing connection.
- (2) A written application for approval of any matter in subclause (1) must be made in the form required, must contain all information requested, and must be accompanied by the relevant fee (if any).
- (3) An authorised officer considering an application may require the applicant to provide further information, at the applicant's cost, in order to process an approval.
- (4) The Council may impose conditions as part of an approval. Any conditions must be complied with in the exercise of the approval.
- (5) Without limitation, the Council may decline approval to connect to the wastewater system where, in the Council's reasonable opinion:
 - (a) connection would or may give rise to wastewater overflows;
 - (b) there is insufficient capacity in the system to accommodate the connection;
 - (c) the connection could compromise the Council's ability to maintain levels of service;
 - (d) the connection is outside the area currently served by the wastewater system, regardless of its proximity to any specific component of the wastewater system; or
 - (e) refusal is necessary to protect the wastewater system, the health and safety of any person, or the environment.
- (6) Where the Council declines an application it will notify the applicant of the decision, giving reasons.
- (7) The Council may, at any time, review a connection approval and any conditions.
- (8) Following the review, the Council may, after obtaining and considering the written views of the customer;
 - (a) vary or add any conditions that the Council considers necessary; or
 - (b) require a new application for connection to be submitted within the timeframe specified.

28 RESTRICTIONS ON ACCESS TO THE WASTEWATER SYSTEM

- (1) No person may, without the Council's approval, carry out any of the following restricted activities:

- (a) enter any fenced area, building, or facility that is part of the wastewater system;
- (b) access, tamper with, or otherwise interfere with any part of the wastewater system;
- (c) make any connection to or discharge into, any part of the wastewater system; or
- (d) remove, cover, or otherwise interfere with any manhole cover, inlet or other equipment associated with the wastewater system.

29 RESTRICTED ACTIVITIES WITHIN MAINTENANCE ACCESS CORRIDORS

- (1) This clause applies to parts of the water supply system that are located underground and within non-Council land. The Council requires that these parts of the water supply system are accessible in order to repair, replace, or otherwise maintain these parts of the water supply system.
- (2) This clause does not apply where there is an easement in favour of the Council registered against a Record of Title for a property that enables adequate maintenance access for the water supply system, irrespective of the width of the easement strip created by that easement.
- (3) No person may, without the Council's written approval under this bylaw, carry out the following restricted activities:
 - (a) build, place or install, or allow to be built, placed or installed, any building or structure (other than a boundary fence), over or within a Maintenance Access Corridor;
 - (b) lay or permit any utility service or private pipe across or along the line of an existing part of the wastewater system within a Maintenance Access Corridor; or
 - (c) undertake site works within a Maintenance Access Corridor.

***Explanatory note:** Structures include temporary or relocatable buildings (such as sheds), shipping containers, storage tanks, decks, hard landscaping, etc. Each request will be considered on a case-by-case basis, taking into account the particular set of circumstances involved, and the likely access needs for maintenance. Reinstatement of areas after access for maintenance will be completed to a safe standard, and may not be to the exact prior condition (eg: it may not be possible to reinstate or match some features or finishes, such as coloured or textured concrete).*

Written approval for a similar purpose provided under a revoked version of this bylaw is considered written approval under this bylaw, in accordance with the savings provisions in this bylaw (clause 39).

If any person believes that compliance with the requirement in clause 29 would adversely affect them or their business, without a corresponding public benefit, they can apply to the Council for a dispensation from compliance with this requirement under clause 13 of the General Bylaw 2008.

- (4) No person may plant any tree within a Maintenance Access Corridor that is likely to cause a nuisance or damage to any part of the stormwater network.
- (5) Where the Council's infrastructure or asset is a pipe, the Maintenance Access Corridor width is calculated by the Council as the greater of either:
 - (a) twice the buried depth of the pipe (surface to trench base), plus the outside diameter of the pipe; or
 - (b) 1.5 metres from either side of the centre of the pipe.
- (6) Where the infrastructure or asset is not a pipe, the Maintenance Access Corridor is one metre of the asset's border in all directions (eg a manhole).

Explanatory note: The details of each specific site and the width and location of the Maintenance Access Corridor will be determined by the Council. Deeper, and usually larger, pipes require a greater area for maintenance access.

30 APPLICATIONS AND APPROVALS FOR RESTRICTED ACTIVITIES WITHIN A MAINTENANCE ACCESS CORRIDOR

- (1) A written application for approval of a restricted activity within a Maintenance Access Corridor must be made in the form required, must contain all information requested, and must be accompanied by the relevant fee (if any).
- (2) An authorised officer considering an application may require the applicant to provide further information, at the applicant's cost, in order to process an approval.
- (3) The Council may impose conditions as part of an approval. Any conditions must be complied with in the exercise of the approval.
- (4) Where the Council declines an application it will notify the applicant of the decision, giving reasons.

31 DISCHARGES INTO THE WASTEWATER SYSTEM

- (1) No person may cause or allow any of the following to enter a wastewater pipe or fitting, a drain connected with a wastewater pipe, or the wastewater system, without the Council's written approval under clause 27, or an approval or consent under the Council's Trade Waste Bylaw:
 - (a) stormwater or groundwater (including from a water pipe, an artesian well or spring, surface water, subsoil drainage or roof water);
 - (b) water from any hydraulic appliance, or de-watering or construction process;
 - (c) condensing or cooling water;
 - (d) fat, oil, food waste, sediment or other extraneous matter from a non-residential property where food is prepared, processed or served;
 - (e) food waste other than domestic household food waste from a waste disposal unit; or
 - (f) any steam, or any other matter (solid or liquid), at a temperature higher than 40°C.
- (2) No person may cause or allow any prohibited waste to enter any plumbing fixture or drain connected with a wastewater pipe, or the wastewater system.

Explanatory note: The wastewater system takes away the wastewater from toilets, and from basins, showers, baths, washing machines, sinks and dishwashers. The system is designed to handle wastewater produced during normal daily activities. This may contain soaps, household cleaners, detergents, cooking by-products, toilet paper and bodily fluids. To avoid blockages and damage to private pipes and the public wastewater system, do not dispose of substances or things down sinks, drains or toilets that the system is not designed to handle.

Things that should not be disposed of down a toilet or sink are: wipes (wet wipes, baby wipes or any kind of "flushable" wipes), nappies, sanitary products or condoms; gravel-like substances, such as cat litter or fish tank gravel; hazardous substances, such as fuel or poisons (other than household cleaning products); fat or cooking oil (other than from washing dishes); clothing; or plastic. Many things people have attempted to inappropriately dispose of down their toilet or sink have blocked their own pipes, caused a blockage in the wastewater system, or damaged the equipment used to treat our wastewater.

- (3) Customers with a pressure wastewater system, or any other system that is connected to the public wastewater system, must use that system in accordance with any operating manual or guidelines for that system.

***Explanatory note:** The guidelines for pressure systems owned and/or installed by, or required by the Council are available on the Council's website under 'Wastewater'.*

- (4) Where a blockage in the public wastewater system is caused by prohibited waste generated from within a private property, the Council will recover the costs of repairs to the network from the property owner.

32 MAINTENANCE OF PRIVATE WASTEWATER DRAINS

- (1) The customer owns the private wastewater drains within the customer's property and on the customer's side of the point of discharge, and is responsible for all repairs and associated costs.

***Explanatory note:** The Council owns and is responsible for maintenance of the public wastewater system including the pipe and the fittings from the point of discharge.*

- (2) Private wastewater drains must be maintained in a state which is free from cracks and other defects which may allow infiltration, leakage, or cause blockages.
- (3) If the Council believes that wastewater drains on private property are deficient, damaged, blocked, receiving excessive inflow and infiltration, are leaking, or are otherwise not in a satisfactory operating state; the Council may require the property owner to investigate the drain and rectify any issues, at the owner's cost.

***Explanatory note:** Wastewater leaching from substandard drains can cause public health or environmental health issues (such as contaminating groundwater, producing a foul odour or attracting flies). Stormwater, groundwater, tree roots, sediment and other contaminants can enter the public wastewater system from cracks and damage in private wastewater drains, and overload or block the public wastewater system, or cause damage to the system or its machinery.*

- (4) Where the Council requires a property owner to investigate and rectify any issues, a property owner must:
 - (a) Engage a suitably qualified person to undertake a camera investigation (or other agreed method of investigation) of the drain, and prepare a report on the findings; and
 - (b) Submit the report to the Council on the condition of the drains, prepared by a registered drainlayer, that includes either an appropriate repair strategy, or confirmation that the drain is in a satisfactory operating state (ie: contains no cracks, substandard joins, tree roots or other signs of blockage); and
 - (c) If repairs or replacements are necessary to fulfil the repair strategy, the property owner must demonstrate, to the Council's satisfaction that the repairs or replacements have occurred.
- (5) Where the Council requires a property owner to investigate and rectify a drain under subclauses (3) and (4), the investigation and any repairs or replacements must be completed within timeframes as specified or agreed by the Council.

***Explanatory note:** The requirements of this bylaw do not limit the Council from taking action under section 459 of the Local Government Act 1974.*

33 PROTECTION FROM DAMAGE CAUSED BY TREES

- (1) No person may plant any tree in a position that is likely to cause a nuisance or damage to any part of the wastewater system, or allow any tree or its roots to cause a nuisance or damage to any part of the wastewater system.

***Explanatory note:** Where the roots of any tree on private property are causing damage, interference or blockage of any part of the wastewater system, or otherwise restricting access to any part of the network, the Council may take action to remove the tree, or to trim the roots of the tree, under sections 355 or 468 of the Local Government Act 1974, as appropriate. Where tree roots from a tree located on private property are found to be preventing access or causing damage to the wastewater network, the Council will, where possible, prune the roots in such a way that the health and stability of the tree are not compromised.*

34 WORKS MUST COMPLY

- (1) Any person responsible for the construction of infrastructure which is to be vested in Council and become part of the wastewater system, must comply with all relevant codes of practice, standards, specifications, approvals and conditions relating to such infrastructure.
- (2) Any person responsible for the construction or maintenance of infrastructure which is to connect to the wastewater system must comply with all relevant codes of practice, standards, specifications, approvals and conditions relating to the connection.
- (3) The Council is not required to accept the vesting of infrastructure, or a connection to the system which does not comply with subclauses (1) and (2).

35 IDENTIFY UNDERGROUND SERVICES PRIOR TO SITE WORKS

- (1) Any person undertaking site works must view and verify the as-built plans held by the Council prior to the commencement of works to establish whether or not Council services are located in the vicinity of the proposed work.
- (2) If any pipe, drain or other asset is found not to be on as-built plans, or incorrectly shown on the as-built plans, the person must determine what the pipe, drain or other asset is, and supply that information to the Council.

***Explanatory note:** Any works to be undertaken within the road corridor (which includes the road, footpath and berm) is regulated under the Utilities Access Act 2010 and requires the submission of a Corridor Access Request to the Council.*

PART 3: GENERAL AND ADMINISTRATIVE

36 MONITORING AND INSPECTIONS

- (1) The Council may carry out monitoring and inspections of any property for the purposes of determining compliance with approvals and this bylaw.
- (2) The occupier of any property must co-operate with any monitoring and inspections required at the discretion of an authorised officer, including, but not limited to:
 - (a) enabling access to enter the property; and
 - (b) providing documents, plans and other information.

***Explanatory note:** The Local Government Act 1974, the Local Government Act 2002, and the Christchurch District Drainage Act 1951 also contain various powers for entry and inspection of private property, and the Council may also rely on those powers from time to time.*

37 OFFENCE AND PENALTY

- (1) Every person who breaches this bylaw commits an offence and is liable on conviction to a fine not exceeding \$20,000, as set out in the Local Government Act 2002.

***Explanatory note:** There are also offences and penalties provided for in the Local Government Act 2002 and the Health Act 1956 (and other Acts) concerning water related issues, or damage to Council property. For example, see sections 175-176, 224-228, 232, and 242 of the Local Government Act 2002, and sections 66(1) and 69ZZO of the Health Act 1956.*

38 RECOVERY OF COSTS

- (1) Where any breach of this bylaw causes damage to the water supply system or wastewater system, the Council may recover the cost of repairing the damage and any associated losses or expenses incurred by the Council from the person responsible for the breach.

***Explanatory note:** Under section 175 of the Local Government Act 2002, the Council has a right to recover against any person who wilfully or negligently damages Council property.*

39 FEES

- (1) Where this bylaw provides for the Council to issue an approval, or give any authority for any thing (for example, a change in hazard rating), or carry out an inspection, monitoring, review or audit, the Council may require the payment of a fee.
- (2) Where this bylaw provides for a connection to the water supply system or the wastewater system, or the provision of any good, service, or amenity the Council may require payment of a fee for that service.

***Explanatory note:** Any fees are set out in the Council's Annual Plan or Long Term Plan. The Council also charges targeted rates in relation to water supply and wastewater. The rates charged and how they are calculated is set out in the Funding Impact Statement of either the Council's Annual Plan or Long Term Plan, as applicable for the particular year. The purpose of these rates is to recover the operating costs of providing the water supply and wastewater systems, plus a significant share of the expected cost of asset renewal and replacement.*

The Council can restrict the water supply for non-payment of any water-related charges. Any restricted supply must still provide an adequate supply of drinking water under Part 2A of the Health Act 1956.

40 CHRISTCHURCH CITY COUNCIL GENERAL BYLAW 2008

- (1) The provisions of the Christchurch City Council General Bylaw 2008 and any bylaw passed in amendment or substitution are implied into, and form part of this bylaw.

41 REVOCATIONS AND SAVINGS

- (1) The Christchurch City Council Water Supply, Wastewater and Stormwater Bylaw 2014 is revoked.

- (2) Any permission, consent, agreement, approval or any other act of authority which originated under the Christchurch City Council Water Supply, Wastewater and Stormwater Bylaw 2014, or which was continued by that bylaw and which is still in force at the commencement of this bylaw continues to have full force and effect for the purpose of this bylaw.
- (3) This bylaw is implied into and forms part of any permission, consent, agreement, approval, or any other act of authority continued by this clause.
- (4) The revocation of the Christchurch City Council Water Supply, Wastewater and Stormwater Bylaw 2014 does not prevent any legal proceedings, criminal or civil, being taken to enforce that bylaw and such proceedings continue to be dealt with and completed as if that bylaw had not been revoked.

The resolution to make this bylaw was passed by the Christchurch City Council at a meeting of the Council held on <date>.

Kōrero mai | **Have your say**

Draft Water Supply and Wastewater Bylaw 2021

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Tell us what you think by
Wednesday 9 February 2022