

**CHRISTCHURCH CITY COUNCIL  
WATER SUPPLY, WASTEWATER AND STORMWATER BYLAW 2014**

The Christchurch City Council makes this bylaw pursuant to Sections 145 and 146 of the Local Government Act 2002 and Section 64 of the Health Act 1956.

**1. SHORT TITLE AND COMMENCEMENT**

(1) This bylaw is the Christchurch City Council Water Supply, Wastewater and Stormwater Bylaw 2014.

(2) This bylaw comes into force on **1 December 2014**.

**2. PURPOSE**

(1) The purpose of this bylaw is to:

(a) Manage, regulate and protect from misuse or damage the Council's water supply, wastewater and stormwater systems;

(b) Protect the public from nuisance and maintain public health and safety.

**3. INTERPRETATION**

In this bylaw, unless the context otherwise requires:

**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 new title has been issued.

**CHIEF EXECUTIVE** means the principal administrative officer, as defined in section 42 of the Local Government Act 2002.

**COMMERCIAL WATER SUPPLY** means a metered water supply for all purposes for which water is supplied, other than for ordinary 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 .

**COMMON PRIVATE DRAIN** means a drain which passes through or serves separately owned premises but excludes land held under strata titles, company share block titles, cross lease titles, and unit titles.

**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

**CONTAMINANT** has the same meaning as defined in Section 2 of the Resource Management Act 1991.

**COUNCIL** means the Christchurch City Council.

**CUSTOMER** means the person, or the authorised agent, who uses, or has the right to use, the water supply or wastewater system supplied by the Council, or its agent

DIRECT CONNECTION includes any buried outlet or any arrangement of pipes, hoses or Fittings temporary or otherwise which renders possible Backflow into the water supply system.

DISTRICT has the same meaning as defined in Section 5 of the Local Government Act 2002.

DRAIN means wastewater drain or stormwater drain; and drainage has a corresponding meaning.

DRAINAGE WORKS includes all lands, drains, pipes, treatment works, buildings, machinery, and appliances and other things of any kind vested in the Council or acquired or constructed or operated by or under the control of the Council for or relating to the purpose of drainage, whether within or outside the district.

ENVIRONMENT has the same definition as under 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 SERVICE SUPPLY means a supply of water to premises 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 may be attached to or associated with the plumbing or drainage system of any premises, or which is intended for the collection or retention of any waste materials or liquid wastes for ultimate discharge to a drain.

METER means a Council owned meter to measure the flow of water supplied.

OCCUPIER means any person, including the owner, who for the time being, is in control of any premises.

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.

ORDINARY USE means the use of water for domestic purposes which may include use in a fire sprinkler system to NZ 4517, washing down a car or boat, garden watering by hand or fixed or portable garden sprinkler.

OUTFALL means an extension of a private stormwater drainage system to the point where it connects to the public system.

PERMIT means any permit or consent required by this bylaw or any relevant legislation.

POINT OF SUPPLY means the point where the responsibility for ownership and maintenance of the water pipes passes from the Council to the Customer. Where the connection box is on public land the point of supply is where the supply pipe crosses the property boundary. Where the connection box is on private land, the point of supply is where the service pipe crosses the property boundary. (Council will own and maintain the pipes, valves and meters within the connection box but all pipes outside of the connection box on private property remain the responsibility of the property owner.)

PREMISES means the following:

- a) A property or allotment which is held under a separate certificate of title or for which a separate certificate of title may be issued and in respect of which a building consent has been or may be issued; or
- b) A building or part of a building which has been defined as an individual unit by a cross-lease, unit title or company lease and for which a certificate of title is available; or
- c) Land held in public ownership (e.g. reserve) for a particular purpose.

**PRIMARY STORMWATER SYSTEM** means a set of facilities and devices (e.g. pipes, drains, detention ponds, curb and channelling and waterways) either man-made or natural, which are used to convey stormwater, reduce the risk of flooding and to improve water quality.

**PRIVATE DRAINAGE SYSTEM** means the system of pipes and fittings installed on the premises (including a private drain and a private common drain) to convey the wastewater of the premises 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 premises.

**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.

**PRIVATE STORMWATER SYSTEM** means any stormwater system that serves one or more lots where the lots are in common ownership or used for a common activity where such systems are constructed by or vested in private ownership and not managed or maintained by Council

**PUBLIC STORMWATER SYSTEM** includes any stormwater system that serves more than one lot and is not part of a private stormwater system

**REDEVELOPMENT** ('re-developed site') means the alteration of a site or a change in activities on a site where this alteration or change materially affects the quality and/or quantity of the stormwater discharge from the site. Re-development includes, but is not limited to, work on a site that:

- increases the area of impervious surfaces
- involves earthworks
- involves dewatering of the site
- alters the stormwater system;
- changes the land-use e.g. from residential to industrial
- increases the intensity of an existing use of the site.

**RESIDENTIAL SUPPLY** (standard 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 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 Natural Resources Regional Plan (NRRP)

**RESTRICTED SUPPLY** A type 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 premises.

**SANITARY FIXTURE** means any fixture which is intended to be used for sanitation, personal washing or excretion.

**SECONDARY METER** means a privately owned and maintained meter on the customer's side of the connection box which measures the water consumption (for billing purposes) of each occupier when a single premises has multiple occupiers

**SECONDARY STORMWATER SYSTEM** means any flow paths taken by stormwater when the primary stormwater system is over capacity and includes roads and overland flow paths.

**SERVICE PIPE** means the section of water pipe between a water main or sub main and the connection box.

**SERVICE VALVE** (toby or shut-off valve) means the Council's valve in the Connection box or on the Council's side of the point of supply.

STORAGE TANK means any tank having a free water surface.

STORMWATER In the context of Part 3 of this Bylaw, means any water which enters directly (e.g. through a pipe or stormwater drain) or overland into the public stormwater system.

*[Note: As well as rainwater and surface water runoff, stormwater may include ground and artesian water, overflows from the wastewater system, water from site development and construction activities e.g. water from the dewatering of sites and subject to the Council's approval, condensing or cooling water.]*

STORMWATER RETENTION SYSTEM means a structure or land form (such as a basin or tank) that captures some stormwater inflow and subsequent releases it at a reduced rate

STORMWATER SYSTEM, includes both the primary and secondary storm water systems including any facilities for the retention or treatment of stormwater

STORMWATER DRAIN means a drain primarily for the reception and discharge of Stormwater.

SUPPLY PIPE means the pipe between the connection box and the customer's premises through which water is conveyed to the premises.

SURFACE WATER means all naturally occurring water, other than subsurface water, which results from rainfall on the site or water flowing onto the site including that flowing from a drain, stream, river, lake or sea.

TRADE PREMISES means any premises used or intended to be used for carrying on any trade or industry; and includes any land or premises 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 DRAIN means a drain primarily for the reception and discharge of sewage and including any fittings owned by the Council whether on private or public land, such as the fittings associated with a pressure waste water system.

WATER SUPPLY SYSTEM means all those components of the water supply network between the point of abstraction from the natural environment to the premises.

WATERWAY includes a watercourse (as defined in Section 2 of the Soil Conservation and Rivers Control Act 1941) and drainage channel (as defined in Section 503 of the Local Government Act 1974), and any open drain or waterway as defined in the relevant district plans and the regional plan prepared under the Resource Management Act 1991.

## **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.
- (f) Determine the volumes of water consumed on any premises for rating purposes and/or to locate any water leaks at the premises.

### **CONDITIONS OF SUPPLY**

### **5. REQUIREMENT FOR APPLICATION**

(1) The Council requires all applications relating to the supply of water to be made in writing on the form provided by the Council, and to include, where relevant, a plan showing proposed works and to be accompanied by payment of the prescribed charges (if any).

(2) At its discretion, the Council may decide that a new customer taking over an existing supply is not required to make an application for connection and supply.

(3) The Council may require an existing customer to make a new application for the supply of water where there is a change in the use of a premises e.g. from retail to industrial, or there is a change in the hazard rating for water protection.

(4) Except where the Council exercises its discretion under 5(2) or 5(3) not to require a new application, a written water supply application is required for any of the following:

- (a) A connection to the water supply system and supply of water;
- (b) A change to the type of supply (e.g. from restricted to on demand);
- (c) A change to classification (e.g. from residential to commercial supply) or to the terms and conditions of supply;
- (d) A change to the location of the point of supply;
- (e) An additional point of supply/ supply of water;
- (f) A change in the level of service of supply e.g. quantity of water;
- (g) A temporary water supply for an event;
- (h) A connection and supply for a fire protection system.

***The following note is explanatory and is not part of the bylaw: The Council will not refuse any application for supply if that would require the disconnection of a current water supply except in accordance with this Bylaw, or as provided for in the Local Government Act 2002 or the Health Act 1956.***

## **6. APPROVAL OF APPLICATIONS FOR CONNECTION AND SUPPLY**

(1) On receipt of an application the Council will either approve the application and inform the applicant of the type of supply, the level of service and any conditions applicable to the applicant's supply, or refuse the application and notify the applicant of the decision, giving reasons for the refusal.

(2) There will be only one point of supply for each premises, except where specifically approved (e.g. for a domestic fire protection system).

(3) No person may connect or allow the connection of any fittings to the water supply system, except with the prior approval of the Council.

(4) No person may run a privately owned supply pipe on Council owned property without the prior written approval of the Council.

(5) If the Council considers backflow prevention measures are necessary or desirable, the Council will require any applicant under this clause to pay for and install a backflow prevention device approved by the Council before the Council allows the connection or continuation of a connection of any premises to the water supply system.

(6) An application under clause 5 may be approved by the Council as either an on demand supply or a restricted supply and classified as either a residential supply or a commercial supply, as the Council thinks fit.

(7) Where the Council determines, either at the time of application or subsequently (e.g. as a result of monitoring of the actual use), that the use of water by a residential premises is significantly in excess of an ordinary residential use, the Council may, at any time, reclassify the supply of water to the premises as a commercial supply and charge the customer at the commercial supply rate.

## **7. FIRE PROTECTION SYSTEMS**

(1) A fire protection system must be constructed, installed and operated so that water cannot be drawn from it for any other purpose, and must be independent of any other water connection on the premises.

(2) Where, in the opinion of the Council, an existing fire connection is so constructed or so 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 fire fighting, 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) Fire hose reels must only draw water from the domestic supply and be used for fire protection purposes.

(5) If a fire fighting connection fee is prescribed by the Council it must be paid by the customer to the Council in respect of each fire connection provided for a fire protection system.

## **8. CUSTOMER RESPONSIBILITIES IN ACCEPTANCE OF SUPPLY**

(1) The customer must comply with the requirements of this bylaw, including any conditions of approval of an application under clause 5 and any other reasonable directions of the Council.

(2) In the case of any supply where special conditions of supply are required, the applicant or customer must enter into such agreement as the Council may require in relation to that supply and the Council may determine the method of supply.

(3) The customer must not transfer to any other party the rights and responsibilities set out in their conditions of supply or in this bylaw.

(4) A supply pipe must serve only one premises and the customer must not extend the supply pipe, by hose or any other pipe, to any other premises.

(5) In particular and not in limitation of the above, any water which the customer draws from the Council supply must not be provided to any other party or premises without the prior written permission of the Council.

## 9. RESPONSIBILITY FOR MAINTENANCE

(1) The Council will own and maintain any pipe up to the point of supply (private property boundary) and the Connection box, including the service valve, the meter (where fitted), any restrictor (where fitted) isolation valve and unions either side of the meter.

(2) The Council does not guarantee the serviceability of the service valve. The customer may use the service valve to isolate the supply to the customer's premises. If the service valve is damaged by the customer the Council may charge the customer for the cost of the repair.

(3) 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 growth, 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.

(4) The customer will own and maintain the service pipe where it is located on private land and the supply pipe and, any fittings (e.g. backflow prevention device) on the customer's side of the point of supply.

(5) 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.

(6) Where the customer fails to carry out any required work within the time period specified in the notice under subclause (5); in addition to any other remedies the Council may charge the customer for the supply of water at the commercial supply rate.

***The following note is explanatory and is not part of the bylaw:*** *The Council's policy for the water supply pipes installed in private land (2001) is attached to this bylaw. The policy is also listed on Council's website under 'Policies'.*

## 10. CONTINUITY OF SUPPLY

(1) The Council will endeavour to provide water in accordance with the level of service contained in the Long Term Plan but 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 premises. 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.

***The following note is explanatory and is not part of the bylaw:*** *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 take all practicable steps to ensure an adequate (continuous) supply of water to Customers except for necessary interruptions e.g. due to an emergency or during planned work on the water supply system. If the Council gets the*

*approval of the Medical Officer of Health and takes all practicable steps to inform affected customers, interruptions to supply may exceed eight hours.*

## **11. LIABILITY**

The Council is not liable for any damage to any private drainage system or for any loss or inconvenience to any Customer as a result of any connection to the water supply system.

## **12. NOTICE WHEN SUPPLY NOT REQUIRED**

(1) When any premises supplied with water by the Council becomes unoccupied or for any other reason a supply of water is no longer required, the customer must immediately give notice in writing to the Council.

(2) If the water supply connection has not been used for a period of 12 months or it is left in a condition that could be detrimental to the water supply system, the Council may disconnect the water supply connection. If a reconnection is required application must be made in accordance with clause 5 of this bylaw.

## **DEMAND MANAGEMENT**

### **13. RESTRICTIONS ON WATER USE**

(1) If at any time the Chief Executive considers that because of drought or for any other reason an adequate supply of drinking water may be at risk and that measures are necessary in order to conserve the available water supply, the Chief Executive may, by notice, restrict or prohibit the use of water for any specified purpose or for any specified period. Any restriction or prohibition may apply to the whole of the District or a portion only of the District.

(2) No person may use any water, or allow any water to be used in contravention of any restriction or prohibition made under this clause.

(3) When such restrictions apply, the Council will take all practicable steps to ensure that an adequate supply for domestic purposes is provided to each point of supply.

***The following note is explanatory and is not part of the bylaw:*** *The Council can also restrict the water supply for non payment of any account or failure to remedy a water leak (see section 69S of the Health Act 1956) or for any of the reasons set out in section 193 of the Local Government Act 2002, including for any breach of this Bylaw. Any restricted supply must still provide an adequate supply of drinking water under Part 2A of the Health Act 1956.*

### **14. Prevention of waste and water efficiency**

***The following note is explanatory and is not part of the bylaw:*** *Section 192 of the Local Government Act 2002, states that "A person who is supplied with reticulated water by, or on behalf of, a local authority must not waste the water or allow it to be wasted." Wasting water is an offence under s224 of the Act.*

(1)The Council supplies potable water for consumptive use and unless specifically approved by the Council the customer must not use water for:

- (a) a single pass cooling system; or
- (b) for the dilution of trade waste prior to disposal; or
- (c) for driving lifts, generators, condensers, machinery, or other similar devices,.

(2) Any air conditioning or industrial plant using water from the water supply system for cooling purposes must have water conservation equipment so that the consumption is limited to that required to make up reasonable losses due to evaporation, wind, flushing, and similar effects.



***The following note is explanatory and is not part of the bylaw: Discharge of cooling water must comply with parts 2 and 3 of the bylaw.***

## **15. Requirement for supplementary water storage for Akaroa and Little River areas**

(1) Within the Council water supply areas of Akaroa, Duvauchelle, Takamatua, Wainui, Pigeon Bay, Little River and Birdlings Flat (Schedule 1 to this bylaw) a tank or facility with a minimum capacity of 5000 litres is required for all new premises constructed in these areas after this bylaw comes into force for the purpose of collecting and storing rainwater for non potable purposes only.

***The following note is explanatory and is not part of the bylaw: Examples of non potable water use include toilet flushing and the watering of gardens. Schedule 1 to this bylaw- a map of the water supply areas will be appended to the bylaw once the mapping is completed.***

(2) If there is any potential for possible contamination of the public water supply system from the supplementary water storage tank or facility, backflow prevention measures must be installed to the satisfaction of the Council.

***The following note is explanatory and is not part of the bylaw: Further information about the requirement under Clause 15 can be found on the Council's website.***

(3) For the purposes of clause 15(1), the construction of new premises means:

- (a) the construction of a residential or commercial building on an undeveloped site
- (b) the construction of a replacement residential or commercial building that increases the footprint area of the pre-existing building on the site

BUT does not mean:

- (c) the construction of a replacement residential or commercial building that covers the same footprint area or less of the pre-existing building on the site
- (d) repairs or alterations to any building
- (e) the construction of a garage or outbuilding
- (f) the construction of a temporary building that has an intended life of less than 5 years.

***The following note is explanatory and is not part of the bylaw: If any person believes that compliance with the requirement in clause 15 would needlessly and injuriously 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.***

## **16. PROTECTION OF WATER SUPPLY SYSTEM**

(1) No person may enter onto any fenced land or any building owned or occupied by the Council which is set aside for the protection of source water or for a public water supply facility without first obtaining the permission 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) Except as set out in clause 17, no person may make any connection to, discharge into, or otherwise interfere with or take water from, any part of the water supply system without prior written approval of the Council.

(4) Where a restrictor or meter is damaged, without prejudice to other remedies available, the Council may assess and recover the value of water drawn without authorisation.

## **17. FIRE HYDRANTS**

### **No unauthorised connection or interference**

(1) Except in an emergency, no person other than a member of the Fire Service may take water from standpipes or hydrants or any other part of the water supply system without prior written approval of the Council.

(2) Fire Service personnel may gain access to, and draw water from fire hydrants for the purposes of fighting fires, emergency management, training, and testing.

### **Other Uses**

(3) The right to gain access to, and draw water from the water supply system for uses other than fire fighting (e.g. flow testing or pipe flushing) is restricted to:

(a) The Council or its authorised agents.

(b) Permit holders, being those persons who have prior written approval of the Council to draw water from a fire hydrant.

***The following note is explanatory and is not part of the Bylaw:*** *The Council will only allow the use of water from a fire hydrant if Council approved metered standpipes are used to draw the water and payment is made to the Council for the water supplied. Approved standpipes can either be hired from Council authorised agents or permitted users can have their own standpipes approved by the Council.*

(4) The Council may seize and impound any equipment used by an offender to gain access to, or draw water from a fire hydrant, in accordance with either section 164 or 165 of the Local Government Act 2002, whichever is applicable. The Council may assess and recover the value of any water drawn without authorisation and recover any other associated costs incurred by the Council.

## **18. BACKFLOW PREVENTION**

### **Customer Responsibility**

***The following note is explanatory and is not part of the Bylaw:*** *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's water supply from returning to that supply.*

*Fire protection systems that include appropriate backflow prevention measures would generally not require additional backflow prevention, except in cases where the system is supplied by a non-potable source or a storage tank or fire pump that operates at a pressure in excess of the Council's normal minimum operating pressure.*

(1) The Council may require the Customer to provide backflow prevention either by ensuring an adequate air gap or by installing a Council approved backflow prevention device to prevent any cross-connection between the Council water supply;

and

i) Any other water supply (potable or non-potable);

ii) Any other water source;

iii) Any storage tank;

iv) Any other pipe, fixture or equipment containing chemicals, liquids, gases, or other non-potable substances.

## **Unmanaged Risk**

(2) Notwithstanding clause 18(1) the Council may fit a backflow prevention device on the customer side of the point of supply where the customer cannot demonstrate that the risk of backflow is adequately managed. The Council may recover the cost of installing the device from the customer.

## **WATER METERS**

*The following note is explanatory and is not part of the Bylaw. It is the Council's policy to install water meters on all supplies for the purposes of monitoring water consumption and detecting leaks, and in respect of certain categories of supply for the purpose of volumetric charging. Fees and charges can be found in the Council's long term and annual plan documents.*

## **19. INSTALLATION**

(1) For any premises 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 (others than secondary meters referred to in 19 (4) below) are supplied installed and maintained by the Council, and remain the property of the Council.

(4) 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.

## **20. 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 determined by the Council.

(3) The Customer must pay all charges for the supply of water as determined by the Council.

## **21. ESTIMATED ACCOUNTS**

(1) If any meter is out of repair or ceases to register, the Council will estimate the consumption for the period since the previous reading of the meter excluding the period while it is under repair, based on the average of the previous available consumption periods for that Customer.

(2) Clause 21(1) is subject to the requirement that when, by reason of a large variation of consumption due to seasonal or other causes, the average of the previous periods would be an unreasonable estimate of the consumption, the Council may take into consideration other evidence for the purpose of arriving at a reasonable estimate.

(3) The Council's decision is final, and the customer must pay the estimated account.

## **22. PROTECTION OF METERS**

Where Meters are to be installed on the premises the customer must:

(a) Provide a Council approved site within the premises for the meter;

- (b) Take sufficient precaution 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 must provide suitable wall brackets or other support; and
- (d) Ensure that the meter is readily accessible for reading and servicing at all times.

### **23. TESTING OF METERS**

If a customer disputes the accuracy of a meter the Customer may apply to the Council for, and pay a fee to have, the meter tested. If the meter is found to be over-reading the test fee will be refunded.

### **24. METER ACCOUNT ADJUSTED**

If any meter, after being tested, is found to be reading incorrectly, the Council will make an adjustment to the customer's account in accordance with the results of the test and the customer must pay or be refunded where the original account has already been paid, according to the adjusted account.

## **PART 2: WASTEWATER**

### **25. OBJECTIVE**

The objective of this part of the bylaw is to manage, regulate against, or protect from, damage, misuse, or loss, or prevent the use of, the land, structures and infrastructure associated with wastewater drainage

### **26. PROTECTION OF THE DRAINAGE WORKS**

Unless authorised by the Council no person may:

- (a) Cause or allow the entry into any drain or fitting any material or thing except such matter that is normally discharged through a residential drain.
- (b) Enter any drain, pumping station building or related accessory, or any wastewater treatment area.
- (c) Operate, remove, cover or interfere with any cover of any manhole, inlet or other equipment associated with any drain.
- (d) Erect any structure, other than a boundary fence, over, or within a distance of one metre from the side of any public drain.
- (e) Lay any public or private utility service or private drain:
  - (i) Along the line of an existing public drain; or
  - (ii) Within a parallel distance of one metre from the nearest part of any public drain

### **27. WASTEWATER DRAINS**

(1) Unless authorised by the Council no person may:

- (a) Cause or allow any water from a water pipe, artesian well, ram or other hydraulic appliance or any surface water, subsoil drainage, roof water or condensing water to enter a wastewater drain or a drain connected with a wastewater drain.
- (b) Cause or allow any water which may contain fat, sediment or other extraneous matter to be discharged from a butcher's shop, fish shop, restaurant or other premises (except a dwelling) where food is prepared, processed or served, directly to a wastewater drain or a drain connected to a wastewater drain.
- (c) Use any waste disposal unit connected to any drainage works other than for the purpose of disposing of ordinary domestic household waste.
- (d) Cause or allow any steam, or any other matter (solid or liquid) at a temperature higher than 40°C to pass into any wastewater drain.

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

***The following note is explanatory and is not part of the Bylaw:***

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

*In the event of the roots of any tree on any private property causing or being likely to cause damage, interference to the flow, or blockage to any facet of a public stormwater system, Council will follow the procedure set out in section 468 of the Local Government Act 1974.*

## **PART 3 STORMWATER**

***The following note is explanatory and is not part of the Bylaw:***

*This part of the Bylaw is to help manage stormwater within Christchurch City so as to protect people, property and the environment by minimising the impact of flooding, erosion and contamination of stormwater.*

*This Bylaw is in addition to controls on stormwater imposed by the Canterbury Regional Council and Christchurch City Council under the Resource Management Act 1991, the Building Act 2004, or any other Act, Regulation or Bylaw.*

### **28. OBJECTIVES**

- a) To control the discharge of contaminants into the public stormwater system.
- b) To enable the Council to meet relevant objectives, policies and standards for discharges from the public stormwater system.
- c) To protect the land, structures and infrastructure of the public stormwater system
- d) Prevent the unauthorised discharge of stormwater into the public stormwater system.
- e) Defining the obligations of the Council, installers, owners and the public in matters related to the discharge of stormwater and management of stormwater systems

***The following note is explanatory and is not part of the Bylaw:*** *Objectives policies and standards relevant to this part of the bylaw can be found in the Council's Surface Water Strategy, Waterways and Wetlands Natural Asset Management Strategy, Infrastructure Design Standards and in the comprehensive consents that the Council holds for the discharge of stormwater from its system.*

### **CONSTRUCTION OR ALTERATION OF STORMWATER SYSTEMS**

#### **29. ACCEPTANCE OF STORMWATER**

- (1) Every premise is entitled to have its stormwater accepted by Council subject to:
- (a) The premises lying within an area which is serviced by a public stormwater system;
  - (b) There being sufficient capacity within the public stormwater system. If the capacity is not sufficient, then at the cost of the owner or applicant; the public stormwater system must be upgraded or the discharge of stormwater must be adequately controlled within the premises or an alternative solution must be found.
  - (c) Gaining prior written approval of Council in accordance with this Bylaw; and
  - (d) Fulfilment of the requirements of this Bylaw, any relevant consent, the Resource Management Act 1991, Building Act 2004, or any other Acts, Regulations or Bylaws.

#### **30. APPLICATIONS FOR USE OF THE SYSTEM**

(1) Without the prior written approval of the Council, no person other than a Council Officer may discharge stormwater into the public stormwater system or make a connection to, alter, or otherwise interfere with any facet of any public stormwater system or secondary flow path or discharge stormwater which exceeds any minimum stormwater standard provided for under clause 35 of this bylaw.

(2) Unless otherwise approved by the Council, every application for approval to discharge to the public stormwater system or to carry out any work affecting the public stormwater system must be in writing and include all the information required by Council together with payment of

any charges. An application is required whether or not a public stormwater system has already been laid up to the outfall.

(3) Following receipt of any application (for works affecting the stormwater system or to discharge stormwater to the stormwater system) Council may after considering the proposal and site specific information, either approve the application subject to any conditions for the protection of the public stormwater system or decline the application. Council will notify the applicant in writing of its decision and if an application is declined, give reasons for its decision.

(4) For the avoidance of doubt, Council's approval under this bylaw is not required for work carried out in terms of an approved building consent or for the discharge of stormwater in terms of a resource consent granted by Environment Canterbury.

### **31. DESIGN AND OTHER REQUIREMENTS**

(1) Unless authorised by the Council, all proposed stormwater systems and any proposed alterations to any existing stormwater systems must be designed, constructed and operated in accordance with the following:

- (a) Environment Canterbury Erosion & Sediment Control Guidelines,
- (b) Christchurch City Council Christchurch Waterways, Wetlands and Drainage Guide Parts A and B
- (c) Christchurch City Council Infrastructure Design Standard
- (d) Christchurch City Council Civil Engineering Construction Standard Specifications
- (e) Any relevant Stormwater Management Plan
- (f) The District Plan
- (g) Any relevant Regional Plan
- (h) Any resource, building or other consent(s) relevant to the works; and
- (i) Any written conditions imposed by Council when approving the works.

***The following note is explanatory and is not part of the Bylaw:*** Council may require the installation and maintenance of private stormwater systems (e.g. detention or treatment basins, swales, rain tanks, etc) as part of development or redevelopment of a property in order to attenuate and/or treat the flow of stormwater prior to outfall into the public stormwater system.

(2) For sites being re-developed, Council may require retrofit stormwater mitigation and/or implementation of specific site management plans or practices to treat or retain stormwater runoff from all or some part of existing impervious areas.

(3) Council may require treated stormwater discharges or discharges from coated roofs of commercial or residential properties to outfall into a separate part of the public stormwater system from untreated or contaminated discharges.

(4) As-built plans showing details of all new connections or alterations to the public stormwater system must be provided to Council within the time frame specified in Council's written approval.

## **32. REQUIREMENTS FOR SITE DEVELOPMENT**

(1) Unless authorised by the Council, an Erosion and Sediment Control Plan must accompany all applications for new or re-development sites. The design and performance criteria of the Plan shall be in accordance with the current version of the Environment Canterbury Erosion Sediment Control Guidelines.

(2) No site works are to commence until the Erosion and Sediment Control Plan has been approved by Council. The Erosion and Sediment Control Plan shall be implemented on site during the construction phase.

## **PROTECTION OF PUBLIC STORMWATER SYSTEMS**

### **33. PROHIBITED ACTIVITIES**

Without the written authorisation of the Council, no person may:

(a) Allow any material, hazardous substance, chemical, sewage, trade waste or other substance that causes or is likely to cause a nuisance to enter either directly or indirectly a public stormwater system (*e.g. via a private stormwater system*).

(b) Allow any material, chemical, hazardous substance or other substance likely to cause a nuisance to be located so that in the event of a spillage or as a result of a storm event, it is likely to enter a public stormwater system, either directly or indirectly as part of surface runoff; or

(c) Do anything or allow any stock or vehicles to do anything that damages or is likely to cause damage to any part of any public stormwater system.

### **34. RESTRICTED ACTIVITIES**

Unless authorised by the Council, no person may:

(a) Erect or construct any bridge, culvert, dam, weir, crossing or other similar structure in, on or over any waterway within a public stormwater system.

(b) Erect any structure or undertake earthworks, grow any vegetation, deposit any rubbish or other debris or carry out any activity in a place or manner which is likely to cause nuisance or damage to a public stormwater system.

(c) Obstruct or fill within any overland flow paths or floodplains with any material or structures (*e.g. buildings, fences, retaining walls*).

(d) Remove any existing covering material or place any additional material over or within one metre of any part of a public stormwater system.

(e) Enter any public drain, waterway, pumping station building or related accessory.

(f) Cover, remove, alter or block (partially or fully) any service opening such as manholes, catchpits or any other stormwater infrastructure.

(g) Erect a structure, place any material or plant any vegetation (*e.g. tree or hedge*) where it could impede access by machinery or apparatus used to clean, maintain or improve any part of a proposed or existing public stormwater system.

(h) Erect a structure or lay any utility service over or within a distance of one metre from the side of any public stormwater system.

(i) Widen, deepen, dam, divert, make narrower or alter the course of any waterway within a public stormwater system.



(j) Modify the bank structure of any open waterway within a public stormwater system or plant any vegetation on the banks in such a way as to alter the flow of stormwater, cause destabilisation or create other nuisance.

(k) Allow stormwater originating from within or flowing into their land to discharge onto or into a neighbouring property, other than what would naturally occur from the pre-developed condition, in a manner that is likely to cause nuisance or damage unless the discharge is authorised by a resource consent from Environment Canterbury.

(l) Discharge stormwater which exceeds the minimum stormwater standards as provided by clause 35 of this bylaw unless the discharge is specifically authorised by a resource consent from Environment Canterbury.

***The following note is explanatory and is not part of the Bylaw: In the event of the roots of any tree on any private property causing or being likely to cause damage, interference to the flow, or blockage to any facet of a public stormwater system, Council will follow the procedure set out in section 468 of the Local Government Act 1974.***

### **35. MINIMUM STORMWATER STANDARDS**

(1) The Council may by resolution specify minimum standards for stormwater discharges into the public stormwater system.

(2) The Council may by resolution subsequently amend or revoke any resolution made under 35(1).

(3) Before making any resolution under this clause the Council will consider the views and preferences of persons affected by the decision.

***The following note is explanatory and is not part of the Bylaw: The Council may obtain views and preferences by carrying out a targeted consultation applying the principles in section 82 of the Local Government Act 2002. All resolutions made under this clause will be recorded in a register which will be made available on the Council's website.***

### **36. BURIED SERVICES**

(1) Any person proposing to carry out excavation work must view the as-built information held by the Council to establish whether or not Council services are located in the vicinity of the proposed work.

(2) Locating the actual position and depth of existing lines is the responsibility of the person undertaking the work or their representative.

(3) When excavating and working around buried services, care must be taken to ensure the services are not damaged, and that bedding and backfill is reinstated in accordance with the appropriate Council specification.

### **37. MAINTENANCE RESPONSIBILITIES**

(1) All privately owned stormwater systems must be designed, constructed, managed and maintained by the owner, at the owner's expense or by some other arrangement acceptable to the Council.

(2) All privately owned stormwater systems including open watercourses, stopbanks and other parts of the systems are to be maintained by or at the expense of the owner to ensure free flow of water. Rubbish or debris must not be left on a property in a manner that is likely to cause a nuisance.

(3) Council may require the removal of any trees, plants, weeds or growths that obstruct or are likely to obstruct the free flow of water in any waterway.

## **PART 4: MISCELLANEOUS**

### **38. FEES**

(1) Where this bylaw provides for the Council to issue a certificate, permit, or consent, or give its authority of approval for anything, or carry out an inspection, the Council may require the payment of a fee. Any such fee will be prescribed by the Council under section 150 of the Local Government Act 2002.

(2) Where this bylaw provides for a Connection to the water supply system or the wastewater or stormwater system, or the provision of any good, service, or amenity the Council may require payment of a fee for that service, as determined by the Council from time to time by resolution publicly notified.

### **39. OFFENCE AND PENALTY**

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

*The following note is explanatory and is not part of the Bylaw: 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 224-228, 232, and 242 of the Local Government Act 2002, and section 69ZZO of the Health Act 1956*

### **40. DELEGATION**

In this bylaw where any written permission or approval of the Council is required, that approval may be given by the Chief Executive, and the Chief Executive may delegate all or part of that function to any other officer of the Council.

### **41. CHRISTCHURCH CITY COUNCIL GENERAL BYLAW 2008**

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.

### **42. REVOCATIONS**

The following bylaws are revoked:

- Christchurch City Council Water Related Services Bylaw 2008

The initial resolution to make this bylaw was passed by the Christchurch City Council at a meeting of the Council held on the 26<sup>th</sup> June 2014 and was confirmed following consideration of submissions received during the special consultative procedure by a resolution of the Council at a subsequent meeting of the Council held on the 13<sup>th</sup> November 2014.

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### **EXPLANATORY NOTE**

This bylaw was adopted following a review of the Water Related Services Bylaw 2008 under section 159 of the Local Government Act 2002

There are a number of Council policies that relate to water supply wastewater and stormwater which are relevant to the interpretation of this bylaw including:

- Authorised Water Supply Installer Scheme (27 March 2003)
- Reading of Water Meters (28 September 2000)
- Water Supply - Backflow Prevention (25 February 1999)
- Water Supply Pipes Installed In Private Land (26 April 2001)
- Waterways land drainage management (22 June 1992)

The current version of these and other policies can be found on the Council's website [www.ccc.govt.nz](http://www.ccc.govt.nz) under 'Policies'

## **SCHEDULE 1- TO BE COMPLETED**

Maps of the areas of Akaroa, Duvauchelle, Takamatua, Wainui, Pigeon Bay, Little River and Birdlings Flat which are supplied with reticulated drinking water by the Christchurch City Council.

### **ATTACHMENT**

#### **Council Policy: Water supply pipes installed in private land**

That the Council adopt[s] the following rules in respect to the maintenance of water supply pipes installed in private property.

- (a) All pipes within a single property title, and serving only that property shall be maintained by the property owner/s at their expense and effort.
- (b) That any pipe installed within an easement, and utilised only by those parties, named in the easement documents, is owned by and will be maintained by the named parties at their expense and effort.
- (c) That all pipes protected by an easement in favour of the Christchurch City Council are owned and will be maintained by the Council.
- (d) A pipe which is owned by the Council and which is installed in private land (or ROW), principally for water supply networking purposes (with or without an easement in favour of the Council) will be maintained by the Council.
- (e) That all pipes installed in private land (or ROW) fitted with fire hydrants for the benefit of more than one landowner are considered to be owned and, therefore, maintained by the Council up to and including the hydrants.
- (f) That pipework installed in a ROW and used by the owners of the ROW shall be maintained by the users of the pipe.
- (g) That where a pipe is installed in private land and legal difficulties arise in respect to the use and maintenance of the installed pipework, the Council will attempt to facilitate a satisfactory outcome. In assisting with the determination of an outcome, an assessment will be made of the public and private benefit accruing from any proposed work and costs will be proportionally allocated between the parties
- (h) The Council will maintain and service water connection boxes whether installed on private property or public land.
- (i) That where the owners of a private pipe do not maintain the pipe Section 676 of the Local Government Act will be used to have the pipe repair arranged by the Council, but the Council will not undertake full restoration of the surface, and will take steps to recover the cost of repair.

Council  
26 April 2001