



New Plymouth District Council Bylaw 2008

(as amended and readopted, September 2014)

Water, Wastewater and Stormwater Services

The purpose of this part is to manage and regulate the Council's water supply, wastewater and stormwater drainage services and associated assets.



Te Kaunihera-ā-Rohe o Ngāmotu
NEW PLYMOUTH DISTRICT COUNCIL
newplymouthnz.com

Version history

Date	Version	Comments
23 September 2014	1	Replaced Part 14 Wastewater Bylaw 2008 and Part 15 Water Supply Bylaw 2008
15 December 2015	2	Added new clause 4.1.2.1 and amended clause 9.7.2

1. Authority

1.1 This part is made under the authority of sections 145 and 146 of the Local Government Act 2002.

1.2 The supply of water, wastewater and stormwater services by the Council is subject to:

a) Statutory Acts and Regulations:

- i) Building Act 2004.
- ii) Fire Service Act 1975.
- iii) Health Act 1956.
- iv) Local Government Act 2002.
- v) Local Government (Rating) Act 2002.
- vi) Resource Management Act 1991.
- vii) Utilities Access Act 2010.

b) Relevant Codes and Standards:

- i) Drinking Water Standards for New Zealand 2005 (Revised 2008).
- ii) BS EN 14154-3:2005 Water meters. Test methods and equipment.
- iii) SNZ PAS 4509:2008 New Zealand Fire Service Fire Fighting Water Supplies Code of Practice.
- iv) Water New Zealand Boundary Backflow Prevention for Drinking Water Suppliers Code of Practice 2013.
- v) NZWWA Water Meter Code of Practice 2003.
- vi) Land Development and Subdivision Infrastructure Standards (New Plymouth District Council).
- vii) NZS 4517:2002 Fire Sprinkler Systems for Houses.

1.3 A reference in this part to a code or standard that has been revoked is to be taken as a reference to the code or standard that replaces or corresponds to the code or standard revoked.

1.4 On and from 29 September 2014, Part 14 Wastewater and Part 15 Water Supply are revoked and replaced by this new Part 14 which is called Water, Wastewater and Stormwater Services.

2. Purpose

2.1 The purpose of this part is to manage and regulate the Council's water supply, wastewater and stormwater drainage services and associated assets.

3. Interpretation

3.1 This part shall be in addition to the provisions of Part 1 Introductory and if this part is inconsistent with Part 1 Introductory then the provisions of this part shall prevail.

3.2 For the purposes of this part, the word 'shall' refers to practices that are mandatory for compliance with this part, while the word 'should' refers to practices that are advised or recommended.

3.3 In this part, unless the context otherwise requires:

Definitions

Acceptable discharge means wastewater with physical and chemical characteristics which comply with the requirements of the Council as scheduled in Part 11 Trade Waste of the New Plymouth District Council Bylaw 2008.

Approved connections contractors has the same meaning as in the Land Development and Subdivision Infrastructure Standard.

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

Backflow preventer means a device or an assembly which is used to protect potable water supplies from contamination or pollution due to backflow.

Buried services means all Council-owned reticulation and other infrastructure that is located underground.

Characteristic means any of the physical or chemical characteristics of a trade waste referred to in Part 11 Trade Waste of the New Plymouth District Council Bylaw 2008.

Common Private Drain means a private drain that has two or more properties discharging to it.

Customer equipment means the customers plumbing system beyond the point of supply or point of discharge.

Critical main means a main that has a high consequence of failure but not necessarily a high probability of failure.

Detector check valve means a check (non-return) valve which has a positive closing pressure and a metered bypass to measure flows typically associated with leakage or unauthorised use on a dedicated fire supply. A check valve does not constitute a *backflow preventer*.

Domestic wastewater means either that wastewater which is discharged from premises used solely for residential activities, or wastes of the same character discharged from other premises, provided that the characteristics of the wastewater are an acceptable discharge. Such activities shall include the draining of domestic swimming and spa pools subject to clause 10.7 of this part.

Drainage district means that area described within the Council's Assessment of Water and Sanitary Services as required under section 125 of the Local Government Act 2002.

Infiltration means water entering a public sewer or private drain from groundwater through defects such as poor joints and cracks in pipes or manholes. It does not include inflow.

Inflow means water discharged into a public sewer from non-complying connections or other drain-laying faults. It includes stormwater entering through illegal downpipe connections or from low gully traps.

Extraordinary supply means a category of on demand supply including all purposes for which water is supplied other than ordinary supply and which may be subject to specific conditions and limitations.

Level of service means the defined quality for a particular service, against which performance may be measured.

Meter means a device that is manufactured for measuring the flow of water at the location at which the meter is installed.

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

Ordinary supply means a category of on demand supply used solely for domestic purposes.

Primary flow path means a system of pipes and open drains intended to convey stormwater to an outfall.

Point of connection means a generic term to represent the point of supply and point of discharge.

Point of discharge means the point on a sewer or stormwater service pipe denoting the boundary of responsibility between the customer and the Council.

Point of supply is in relation to the supply of water and means the point on the service pipe which denotes the boundary of responsibility between the customer and the Council. It is generally the tail piece of the water meter, backflow preventer or service valve (toby) regardless of the property boundary.

Prohibited characteristics means wastewater which shall not be discharged into the Council's system, as scheduled in Part 11 Trade Waste of the New Plymouth District Council Bylaw 2008.

Potable has the same meaning as in section 69 of the Health Act 1956.

Ranger means a person responsible for the management of a Council-controlled catchment area or water reserve.

Restricted flow supply means a type of water supply connection where a small flow is supplied through a restrictor, and storage and pumping (if required) is provided by the customer to cater for the customer's demand fluctuations.

Restrictor means a flow control device fitted to the service pipe to limit the flow rate of water to a customer's premises.

Reticulation means the network of various infrastructure and components set up to provide water, wastewater and stormwater services.

Rising main means a pipe through which water is pumped or a

pressurised sewer main.

Rural water supply area means an area formally designated by the Council as an area serviced by a reticulated water supply system that is intended to supply water for specified purposes via restricted flow supplies without fire fighting capability. .

Secondary flow path means the route taken by stormwater when the capacity of the primary flow path is exceeded or restricted by blockage.

Service opening means a manhole, or similar means for gaining access for inspection, cleaning or maintenance of a public sewer.

Service pipe means the section of pipe between a main and the point of connection. This section of pipe is owned and maintained by the Council.

Service valve means the valve at the customer end of the water service pipe.

Storage tank means any tank having a free water surface (e.g. a non-pressurised tank).

Stormwater means rainwater that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, channels, or pipes into a defined surface water channel, open watercourse, or a constructed infiltration facility.

Stormwater ponding means the ground surface collection of stormwater.

Stormwater system means all the components of the network after the point of discharge from the customer which are owned and managed by the Council.

Supply pipe means the section of pipe between the point of supply and the customer's premises through which water is conveyed to the premises.

Trade waste bylaw refers to Part 11 Trade Waste of the New Plymouth District Council Bylaw 2008 regulating wastewater discharges from trade premises to a sewer.

Trunk main means a pipe which forms a part of the Council's reticulation system regardless of duty, and includes:

- a) All sewer mains 300mm and larger in diameter.
- b) A water main (of any size) from a reservoir to a reticulation system or cross-connecting reservoirs or reticulation systems.
- c) All water mains 250mm and larger in diameter.

Urban water supply area means an area formally designated by the Council as an area serviced by reticulated water supply system with a fire fighting capability, which is intended to supply water to customers via on demand supplies.

Wastewater system means all the components of the network after the point of discharge from the customer which are owned and managed by the Council.

Water supply system means all those components of the network between the point of abstraction from the natural environment and the point of supply. This includes, but is not limited to, wells, infiltration galleries, intake structures, open raw water storage ponds/lakes, falling mains, treatment plants, treated water reservoirs, trunk mains, service mains, rider mains, pump stations and pumps, valves, hydrants, scour lines, service pipes, boundary assemblies, meters, backflow prevention devices and tobies.

Water unit means the basis of measurement for a restricted flow supply and equal to a volume of 365m³ delivered at the rate of 1m³ per day.

Water, wastewater and stormwater services means the service provided to the customer by the Council for all aspects water supply, wastewater and stormwater drainage.

4. Entitlement of service

4.1 Water Supply

Water supply

4.1.1 Every premise in an urban or rural water supply area is entitled to a water supply, as set out in this clause.

4.1.2 Every premise in an urban water supply area shall be entitled to an ordinary supply of water subject to the following conditions:

Urban water supply area

- a) The exclusion of its use under any restrictions made by the Council under this bylaw;
- b) Payment of the appropriate charges in respect of that premise as set and assessed under the Local Government (Rating) Act 2002;
- c) Any other charges or costs associated with subdivisional development; and
- d) Any other relevant conditions in this part.

4.1.2.1 All new water connections will require a water meter to be fitted to Council specification.

Installation of water meters

4.1.3 The Council shall be under no obligation to provide an extraordinary supply of water.

Extraordinary supply

4.1.4 A restricted flow supply shall only be available to premises in an urban water supply area under special conditions set by the Council.

4.1.5 Every premise in a rural water supply area is entitled to a restricted flow supply of water, subject to the following conditions:

- a) The water supply shall be restricted so as to deliver the agreed number of water units at a steady flow rate.
- b) The Council shall charge for the restricted flow supply by the nominated number of water units.

Note: An on demand supply of water in a rural water supply

area is only available to customers who are in receipt of an on demand supply prior to the commencement of this bylaw and subject to the provisions of clause 9.1.3.

Anyone receiving water and not paying for the service will be converted to a restricted flow supply.

4.1.6 Ordinary use is for domestic purposes (which may include use in a fire sprinkler system to NZS 4517:2002) and shall include: **Ordinary use of water**

- a) Washing down a car, boat or similar.
- b) Garden watering by hand.
- c) Garden watering by a portable sprinkler.
- d) Household use for drinking, washing and laundry.

4.1.7 Extraordinary use includes: **Extraordinary use of water**

- a) Domestic use for spa or swimming pool in excess of 10m³ capacity and fixed garden irrigation systems.
- b) Commercial and business.
- c) Industrial.
- d) Agricultural.
- e) Horticultural.
- f) Viticultural.
- g) Lifestyle blocks (peri-urban or small rural residential).
- h) Fire protection systems other than sprinkler systems installed to comply with NZS 4517:2002.
- i) Out of district (supply to, or within another local authority).
- j) Temporary supply.

4.2 Wastewater **Wastewater**

4.2.1 Every domestic premise shall be entitled to a wastewater service subject to:

- a) The premises lying within a current drainage district.
- b) Adequate capacity within the public wastewater system to cater for the additional connection. If there is not adequate capacity then the public system shall be upgraded at the cost of the applicant.
- c) Any other charges or costs associated with sub-divisional development.
- d) Payment of the appropriate rates and charges as set and assessed under the Local Government (Rating) Act 2002.
- e) Fulfilment of the requirements of this bylaw, any legislative requirements including those under the Resource Management Act 1991, Building Act 2004, any relevant Regulations or other bylaws, and any applicable consent conditions.

4.3 Stormwater **Stormwater**

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| 4.3.1 | Domestic premise may be entitled to a stormwater service subject to the provisions and requirements of the Land Development and Subdivision Infrastructure Standard. | Domestic premise |
| 4.3.2 | Commercial and industrial premises may be entitled to a stormwater service subject to the provisions and requirements of the Land Development and Subdivision Infrastructure Standard. | Commercial and industrial premise |
| 4.4 | Level of service | Level of service |
| 4.4.1 | The Council shall provide water, wastewater and stormwater services in accordance with the level of service contained in the Council's Long-Term Plan. For those periods where the level of service allows non-compliance with the specified value(s) or level of service, the Council should make every reasonable attempt to achieve the specified value(s). | |

5. Continuity of service

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| 5.1 | The Council will continue to provide water, wastewater and stormwater services to existing customers and new customers once an approved connection to the water, wastewater or stormwater system has been made. | |
| 5.2 | In the event of a domestic premise changing ownership, the new owner shall automatically become the new customer of that premise. | Change of ownership |
| 5.3 | Due to practical and physical limitations, the Council cannot guarantee uninterrupted or constant water, wastewater and stormwater services. | Limitations on service |
| 5.4 | Where works of a permanent or temporary nature are planned which will affect the service, the Council shall consult with, inform or give notice to all known customers likely to be substantially affected. | Permanent and temporary works |
| 5.5 | Where immediate action to the service is required and notification is not practical, the Council may disrupt the service without notice. | Immediate action |
| 5.6 | During an emergency the Council may restrict or prohibit water, wastewater or stormwater services for any specified purpose, for any specified period, and for any or all of its customers. Such restrictions will be publicly notified. The decision to make and lift restrictions and to enact additional penalties shall be made by the authorised officer of the Council. Where immediate action is required, the authorised officer may enact emergency provisions as deemed necessary without public notification. | Emergency action |
| 5.7 | Natural hazards, events or accidents beyond the control of the Council which result in disruptions to the ability of the Council to provide water, wastewater or stormwater services, will be deemed an emergency and exempted from the levels of service requirements above. | Natural hazards |
| 5.8 | The customer shall comply with any restrictions which may be approved by an authorised officer. Such restrictions shall be advised by public notice. | Restrictions |

6. General customer obligations

6.1	The rights and responsibilities set out in this part are personal to the customer and shall not be transferred, sub-licenced or assigned.	Transfer of rights and responsibilities
6.2	No person other than an approved connection contractor of the Council may, without approval from an authorised officer, make any connection to, or otherwise interfere with, any part of the Council's water, wastewater or stormwater systems.	No unauthorised connections
6.3	A customer in receipt of a water, wastewater or stormwater service shall not extend that service to another person or premise and shall ensure that the service pipe does not extend by any means beyond their premise other than to that of the approved connection.	No unauthorised connections or extensions of service
6.4	The customer shall take all due care not to damage or interfere with part of the water, wastewater or stormwater system.	Care of system
6.5	The Council may, by notice in writing, require the occupier or, in any case where there is no occupier, the owner of any land within the district to cut down or remove any tree on that land, or any specified part of any such tree, the roots of which in the opinion of the Council enter or are likely to enter the water supply system or stormwater reticulation.	Trees
	Note: section 468 of the Local Government Act 1974 deals with tree roots obstructing public drains.	
6.6	Point of connection	
6.6.1	Unless otherwise approved, there shall be only one point of connection for each service per premise.	One point of connection
6.6.2	The Council shall own and maintain the service pipe and all other equipment up to the point of connection. The customer shall own and maintain the pipe and all other equipment beyond the point of connection, irrespective of property boundaries.	Ownership and maintenance
6.6.3	Points of connection are to be designed and constructed to the requirements of the Council's Land Development and Subdivision Infrastructure Standard.	Design and construction of points of connection
6.6.4	The customer shall maintain the area in and around the point of connection keeping it free of soil, growth or other matter or obstruction which prevents, or is likely to prevent, convenient access.	Maintenance
6.6.5	Where the point of connection is on private property, the customer shall allow the Council, or its agents, access with necessary equipment to the point of connection for the purposes of monitoring, testing, maintenance work at any time and for ascertaining whether non-complying connections have been made.	Access to point of connection
6.6.6	The Council shall give notice of entry in accordance with sections 171, 172, 173 and 174 of the Local Government Act	Notice of entry and emergency access

2002 except under emergency conditions where the customer shall allow the Council free access to, and about the point of connection at any hour.

6.7 Building over buried public services

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| 6.7.1 | No building shall be built over any buried public services whether on public or private land. | Building over buried public services |
| 6.7.2 | No building shall be built nearer than 1.5m from the centre line of any pipe or the depth of the pipe plus the diameter of the pipe plus 0.2m whichever is the greater distance. | Distance from buried public services |
| 6.7.3 | Where the previous two clauses are found to be impractical and the building cannot be sited elsewhere on the property or modified to conform with the above conditions, and it is essential for the proposed building to be built on that part of the property, approval may be granted by the Council subject to the building developer meeting the cost of any specific requirements and conditions imposed by the Council. | |
| 6.7.4 | No person shall: <ul style="list-style-type: none"> a) Cause the crushing load imposed on a buried public service to exceed that which would arise from the soil overburden plus a HN-HO-72 wheel or axle load (as defined by Transit New Zealand Bridge Manual); or b) Place any additional material over or near a buried public service without approval. | Crushing of buried public service |

Where service openings are covered in any way without approval by the Council, removal of any covering material or adjustment of the opening shall be at the customer's expense.

6.8 Working near buried public services

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| 6.8.1 | The Council will keep permanent records of the location of its buried public services. | Buried public services records |
| 6.8.2 | Any person proposing to carry out excavation work shall view the as-built information to establish whether or not Council services are located in the vicinity. | Notify the Council |
| 6.8.3 | Any person proposing to carry out excavation work in road reserve shall submit a Corridor Access Request to the Council. | Working within road reserve |
| 6.8.4 | Any person proposing to carry out excavation work in the vicinity of its buried public services on any land (private or public, excluding road reserve) shall give the Council at least five working days notice in writing of the intention to excavate. | Working on any other land |
| 6.8.5 | Any excavation proposed to be undertaken in the vicinity of trunk and/or critical mains may be subject to a Council standover during the physical work. | Working near trunk and/or critical mains |
| 6.8.6 | Where appropriate the Council will mark out the location of its buried public services, and nominate in writing any restrictions on the work it considers necessary to protect its services. | Mark out of buried public services |
| 6.8.7 | The person undertaking the works shall physically locate the buried public services before commencing the works. | |

6.8.8	The Council may charge the person carrying out the excavation work for any service provided by the Council as detailed in clauses 6.8.5 and 6.8.6.	Charges for Council services
6.8.9	When excavating and working around buried public services due care shall be taken by persons carrying out excavation work to ensure the services are not damaged, and that bedding and backfill are reinstated in accordance with the appropriate Council specification. Persons carrying out excavation work shall follow the Safe System of Work as set out in the Department of Labour's Guidelines for Safety with Underground Services 2002 (or its successor guidelines).	Guidelines for safe working
6.8.10	Any damage which occurs to a buried public service shall be reported to the Council immediately. Any person who damages a buried public service shall not repair the damage. Repairs are to be arranged by the Council. The cost of the repair will be charged to the person or legal entity responsible for the damage (this will be the property owner where they have engaged or allowed a contractor to undertake work on their premise).	Cost of damage

7. General connection requirements

7.1	Any person wanting to connect to the water, wastewater or stormwater system has to apply to the Council for approval to connect. An application shall be made irrespective of whether or not a water, wastewater or stormwater system has already been laid up to the point of connection.	Application for connection
7.2	Every application for connection to the water, wastewater or stormwater system shall be made in writing on the form provided by the Council and be accompanied by payment of the prescribed charges. The applicant shall provide all the details required by the Council.	
7.3	On receipt of an application the Council shall, after consideration of all relevant matters either: a) Approve the application and inform the applicant of any particular conditions applicable; or b) Refuse the application and notify the applicant of the decision giving the reasons for refusal.	Consideration of application
7.4	For the agreed level of service to the applicant, the Council may determine the sizes of all pipes, fittings and any other equipment, up to the point of connection. The Council shall allow the supply and installation of the service pipe to be carried out by approved contractors at the applicant's cost.	Equipment requirements
7.5	Where an application has been accepted by the Council which requires a connection to be constructed from the existing system to the point of connection, the customer shall pay such charges as agreed between themselves and the approved connection contractors for this work. The service pipe shall normally be supplied and installed up to the point of connection except as provided for under a subdivision approval or consent.	Work to public system

The customer is responsible for all costs associated with the supply and installation of the service pipe.

- 7.6** An approved application which has not been actioned within six months of the date of application will lapse unless a time extension has been applied for and approved. Any refund of fees and charges shall be at the discretion of the Council.
- Lapse of approved application**

8. General disconnection requirements

- 8.1** Any person wanting from disconnect from the water, wastewater or stormwater system has to apply to the Council for approval to disconnect.
- 8.2** Every application for connection to the water, wastewater or stormwater system shall be made in writing on the form provided by the Council and be accompanied by payment of the prescribed charges. The applicant shall provide all the details required by the Council.
- 8.3** The applicant shall have the authority to act on behalf of the owner of the premises for which the disconnection is sought, and shall produce written evidence of this if required.
- 8.4** The Council will only authorise disconnection from the stormwater service where the customer can ensure that all stormwater from their site is contained on site.
- Application to disconnect**
- Owner representation**
- Stormwater disconnection**

9. Water supply

9.1 Water supply service

- 9.1.1** Clauses 9.1.2 and 9.7.13 cover specific requirements for water supply additional to the general requirements in this bylaw.
- 9.1.2** If a customer has a particular requirement for an uninterrupted level of service (flow, pressure or quality), it shall be the responsibility of that customer to provide any storage, back-up facilities or equipment necessary to provide that level of service.
- 9.1.3** Where a customer seeks a change in the level of service or end use of water supplied to a premise, and/or the supply changes from an ordinary to an extraordinary type or vice versa, a new application for supply shall be submitted by the customer.
- Uninterrupted service**
- Change of water supply level of service**

If a customer in a rural water supply area moves from on demand to restricted flow they cannot move back to an on demand supply.

9.2 Protection of water supply system

- 9.2.1** No person other than the Council and its authorised agents shall have access to any part of the water supply system, except to connect to the point of supply, subject to clause 7, and to operate the service valve.
- Access to system**

9.2.2 Only the attending Fire Service shall gain access to, and draw water from fire hydrants for the purpose of fighting fires, training and testing. **Fire hydrants**

9.2.3 The right to gain access to, and draw water from the water supply for uses other than fire fighting (e.g. flow testing or pipe flushing) shall be restricted to: **Other uses**

- a) The Council or its agents.
- b) Permit holders, being those persons who after having submitted an application to the Council are subsequently approved to draw water from designated tanker filling points. Such permits shall be valid only so long as the permit holder complies with the conditions endorsed on the permit. Without prejudice to other remedies available, the Council may remove and hold any equipment used by an offender to gain access to, or draw water from a fire hydrant, and assess and recover the value of water drawn without authorisation and any other associated costs from the offender.

9.3 Protection of source water

9.3.1 No person shall knowingly or willingly undertake an activity in any surface water or groundwater catchment areas that contribute to the contamination or destruction of the water supply.

9.4 Catchment classes

9.4.1 Surface water and groundwater catchment areas from which untreated water is drawn for the purposes of water supply may be designated as: **Catchment classes**

- a) Controlled;
- b) Restricted; or
- c) Open.

9.4.2 The following conditions apply:

- a) Catchment areas which are designated as controlled, or any area held by the Council as a water reserve, shall not be entered by any person except those specifically authorised or permitted in writing by the Council. Within such areas unless provided for by the Council no person shall:
 - i) Camp.
 - ii) Take or allow to stray any livestock.
 - iii) Bathe or wash anything.
 - iv) Deposit any dirt, rubbish or foul material of any kind.
 - v) Defecate.
- b) Entry permits shall forbid, regulate or control the following activities:
 - i) Hunting, trapping, shooting or fishing.
 - ii) Lighting or maintaining any fire.

Controlled catchments

Entry

Permits

- iii) Taking of any dog or other animal.
- iv) Damaging or destroying any trees, shrubs, or other existing cover, or interference with any property.
- v) Carrying of any firearm or weapon of any kind, any trap or any fishing gear which may be used for the hunting or catching of birds, fish or animals.
- vi) Use of any pesticide or toxic substance for any purposes whatsoever.
- c) Unless otherwise stated in the permit:
 - i) No person to whom any permit has been issued shall enter or leave any controlled catchment area or land held by the Council as a water reserve without presenting such a permit for inspection by the ranger and notifying the ranger of their intention of entering or leaving such an area as the case may be.
 - ii) Every person on any controlled catchment area or land held by the Council as a water reserve shall upon demand produce any such permit for inspection by the ranger.
 - iii) No permits issued are transferable.
- d) The Council may at any time, by notice in writing delivered to the holder, revoke or suspend any permit for such time as shall be stated in the notice.
- e) In any controlled catchment area or any land held by the Council as a water reserve:
 - i) Every person acting in contravention of this part shall upon the request of the ranger or authorised officer of the Council immediately leave the controlled catchment area or land held by the Council as a water reserve and be liable to be prosecuted for the breach of any of the provisions of this part. Failure to leave shall constitute a further offence.
 - ii) No person shall obstruct or hinder any duly appointed officer of the Council in the exercise of any powers vested in that officer under the provisions of this part.

Interference and obstruction

9.4.3 Catchment areas which are designated as restricted shall allow for certain activities, but shall be treated as controlled catchments for other activities. Those activities may include unrestricted entry for:

Restricted catchments

- a) Tramping.
- b) Shooting (other than animals, i.e. target shooting).
- c) Fishing.
- d) Off-road cycling.

No person shall without approval of an authorised officer in any water catchments:

- a) Camp.
- b) Take or allow to stray any livestock.

- c) Bathe or wash anything.
- d) Defecate.
- e) Light or maintain any fire.
- f) Hunt, trap or shoot any animals.
- g) Use any boat.
- h) Use any pesticide, herbicide or toxic substance for any purpose whatsoever.

Note: Lake Mangamahoe is designated as a restricted catchment. Refer to the New Plymouth District Lake Mangamahoe Management Plan for defined catchment area.

9.4.4 In open catchment areas whether designated or not, there will generally be no restriction on activities other than any provisions of the regional or district plan and any National Environmental Standard. **Open catchments**

9.4.5 In the event of a spillage, or any event which may compromise the water supply, the person responsible for the spillage event shall advise the Council with due urgency. This requirement shall be in addition to those other notification procedures which are required for other authorities.

9.5 Fire protection connection

9.5.1 Any proposed connection for fire protection shall be the subject of a specific application (on the standard Council form) made to the Council for approval. Any such connection shall be subject to the conditions specified by the Council. **Connection application**

9.5.2 It shall be the customer's responsibility to ascertain in discussion with the Council and monitor whether the supply available is adequate for the intended purpose. **Design**

9.5.3 It is the customer's responsibility to ensure fire protection is designed to be adequate at the Council's lowest normal operating pressure of 300kPa.

9.5.4 Where the supply of water to any premises is metered the Council may allow the supply of water for the purposes of fire fighting to be made in a manner which bypasses the meter provided that: **Fire protection connection metering**

- a) The drawing of water is possible only in connection with the sounding of an automatic fire alarm or the automatic notification of the fire brigade; or
- b) A Council approved detector check valve has been fitted on the meter bypass.

Any unmetered connection provided to supply water to a fire protection system shall not be used for any purpose other than fire fighting and testing the fire protection system unless the fire protection system is installed in accordance with NZS 4517:2002.

Where a fire connection has been installed or located so that it is likely or possible that water may be drawn from it by any person for purposes other than fire fighting, the Council may require the supply to be metered.

9.5.5 Where the supply of water to any premises is metered, fire hose reels shall be connected only to the metered supply, not to the fire protection system. The water supply to the fire hose reels shall comply with the requirements of NZS 4503:2005. **Fire hose reels**

9.5.6 Customers intending to test fire protection systems in a manner that requires a draw-off of water, shall obtain the approval of the Council beforehand. Water used for routine flushing and flow testing does not constitute waste but the quantity of water used may be assessed and charged for by the Council. **Testing of fire protection systems**

9.6 Backflow prevention

9.6.1 It is the customer’s responsibility (under this bylaw, 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. These include: **Customer responsibility**

- a) Backflow prevention either by providing an adequate air gap, or by the use of an appropriate backflow prevention device.
- b) The prohibition of 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.
- c) The customer shall be responsible for the cost of installing, maintaining and testing their backflow prevention.

NOTE: 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.

9.6.2 Any new industrial or commercial development, or upgrade of existing site, requires as a minimum, a medium risk backflow preventer to ensure that any pollutants or contaminants from the industrial activity do not enter the Council’s water supply. **Industrial or commercial activity**

9.6.3 Home based businesses require a backflow preventer to ensure that any pollutants or contaminants from the activity do not enter the Council’s water supply. **Home based business**

9.6.4 All extraordinary supplies of water require as a minimum, a medium risk backflow preventer. **Extraordinary water supply**

9.7 Meters and flow restrictors

9.7.1 All new water connections will require a water meter to be fitted to Council specification and the cost of the fitting will be charged for in accordance with clause 12. Notwithstanding the requirement for all new water connections to have a water meter fitted, an ordinary use of water shall not normally be **Metering of ordinary use of water**

	<p>metered (subject to the Council reserving the right to fit a meter and charge for the metered connection where it considers water use is excessive, or for a meter to be fitted at the customer's request), and the cost of such use will be charged for in accordance with clause 12</p>	
9.7.2	<p>An extraordinary supply shall be metered and will be charged for in accordance with clause 12.</p> <p>Where the extraordinary use is for fire protection only, this supply shall not normally be metered but should be fitted with a detector check assembly.</p>	Metering of extraordinary use of water
9.7.3	<p>Meters and restrictors shall be located in a position where they are readily accessible for reading and maintenance, and if practicable immediately on the Council side of the point of supply.</p>	Location
9.7.4	<p>Where the point of supply is on private property the customer shall allow the Council access to, and about the point of supply between 7.30am and 6.00pm on any day for:</p> <p>a) Meter reading without notice; or</p> <p>b) Checking, testing and maintenance work with notice being given whenever possible.</p>	Right of access
9.7.5	<p>Outside these hours (such as for night time leak detection) the Council shall give notice to the customer.</p>	Out of hours access
9.7.6	<p>Where access is not made available for any of the above times and a return visit is required by the Council, a fee may be charged as for 'meter reading by appointment'.</p>	
9.7.7	<p>Meters shall be tested as and when required by the Council or as prescribed in OIML R49.</p> <p>Restrictors shall be tested by measuring the quantity that flows through the restrictor in a period of not less than one minute at the expected minimum operating pressure.</p> <p>A copy of independent certification of the test result shall be made available to the customer on request.</p> <p>Any customer who disputes the accuracy of a meter or restrictor may apply to the Council for it to be tested, provided that it is not within three months of the last test. If the test shows non-compliance with the accuracy above, the customer shall not be charged for the test. If the test shows compliance, the customer shall pay a fee in accordance with the prescribed fees and charges.</p>	
9.7.8	<p>If any meter or restrictor, after being tested, is found to register or restrict a greater or lesser consumption than the quantity of water actually passed through such a meter, the Council shall make an adjustment in accordance with the results shown by such tests, backdated for a period at the discretion of the Council but not exceeding 12 months, and the customer shall pay a greater or lesser amount according to the adjustment.</p>	Adjustment
9.7.9	<p>Should any meter be out of repair or cease to register, or be removed, the Council shall estimate the consumption for the period since the previous reading of such meter (based on the average of the previous four billing periods charged to the customer) and the customer shall pay according to such an estimate. Provided that when, by reason of a large variation of consumption due to seasonal or other causes, the average of</p>	Estimating consumption

the previous four billing 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, and the customer shall pay according to such an estimate.

Where the seal or dial of a meter is broken, the Council may declare the reading void and estimate consumption as described above.

- 9.7.10** Where a situation occurs, other than as provided in clause 9.7.9, where the recorded consumption does not accurately represent the actual consumption on a premise, the account shall be adjusted using the best information available to the Council. Such situations include, but are not limited to, misreading of the meter, errors in data processing, meters assigned to the wrong account and unauthorised supplies.

Incorrect amounts

Where an adjustment is required, in favour of the Council or the customer, this shall not be backdated more than 12 months from the date the error was detected.

- 9.7.11** The Council will waive half of any debt attributed to a leak provided that the customer shows diligent and timely attitude to locating and fixing the leakage (e.g. within the same billing period as identified or within two weeks of notification of the same).

Incorrect amounts due to leakage

Only one such waiver shall be considered for any particular property in any 24 month period.

- 9.7.12** Quick-closing valves, pumps or any other equipment 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 stated levels of service shall not be used on any piping beyond the point supply. In special circumstances such equipment may be approved by the Council.

Plumbing system

In accordance with the Building Regulations 1992 the plumbing system shall be compatible with the water supply. Specific features of the Council supply which need to be taken into account are contained in table 1.

Table 1: Compatibility features

Feature	Value
Maximum pressure	1,200 kPa
Minimum pressure	200 kPa
Normal operating pressure	300 – 1,000 kPa

- 9.7.13** The customer shall not intentionally allow water to run to waste from any pipe, tap or other fitting, nor allow the condition of the plumbing within the premise to deteriorate to the point where leakage or wastage occurs.

The Council provides water for consumptive use not as an energy source. The customer shall not use water or water pressure directly from the supply for driving lifts, machinery, educators, generators or any other similar device, unless specifically approved.

The customer shall not use water for a single pass cooling system or to dilute trade waste prior to disposal, unless specifically approved.

10. Wastewater

10.1 Clauses 10.2 to 10.9.5 cover specific requirements for wastewater additional to the general requirements in this bylaw.

10.2 Any new property within a wastewater reticulated area is required to connect to the reticulated drainage system.

Requirement to connect to system

Any existing property within a wastewater reticulated area that is not connected to the reticulated system and where there is evidence of environmental or public health risk associated with existing onsite systems will be required to connect to the reticulated system.

10.3 No domestic wastewater shall:

Limits on domestic wastewater

a) Exceed the substance limits scheduled in Part 11 Trade Waste of the New Plymouth District Council Bylaw 2008.

b) Contain any substances prohibited in Part 11 Trade Waste of the New Plymouth District Council Bylaw 2008.

10.4 Where part of a domestic premises is used as an office or other trade related activity from which no trade waste could be produced, and which no other persons apart from those living at those premises use, then it shall be treated as domestic premises. Any trade activity which produces or has the potential to produce wastewater shall be treated as being from trade premises.

Business from home

10.5 The acceptance of trade wastes is the subject of Part 11 Trade Waste of the New Plymouth District Council Bylaw 2008.

Trade waste

10.6 The customer serviced by the public sewer network shall not store raw material, products or wastes containing corrosive, toxic, biocidal, radioactive, flammable, or explosive materials, or any material which, when mixed with the wastewater stream, is likely to generate toxic, flammable, explosive or corrosive materials in quantities likely to be hazardous, or any other material likely to be deleterious to the Council wastewater system or the health and safety of the Council staff and public, without taking all reasonable steps to prevent entry into the Council sewer from leakage, spillage or other mishap.

Storage of harmful substances

10.7 Customers drainage system

10.7.1 The customer's drainage system is governed by the Building Act from inside the building to the point of discharge.

10.7.2 The customer's drainage system shall be designed, installed and maintained, both in its component parts and in its entirety, to ensure that it complies with the Building Act and the New Zealand Building Code.

10.7.3 A customer whose gully trap is overflowing or has other reasons to suspect a blockage, shall first call a drainlayer to clear and remove any blockage in their private drain (including common private drains).

10.7.4 If the drainlayer finds that the blockage is within the public sewer, then the drainlayer or customer shall contact the Council to clear and remove the blockage and clean up all affected areas. Provided that the blockage has not been forced downstream into the public sewer in the act of clearing it from the private drain, or that the customer has not been wilful or negligent in discharging non-acceptable wastewater, then the Council shall reimburse the customer for actual and reasonable drainage costs. If otherwise, the Council shall recover the costs of the unblocking work from the customer.

10.7.5 Any private wastewater drain shall not extend by pipe or any other means to serve another premise unless it is a common private drain.

10.7.6 Private drains shall be kept and maintained in a state which is free from cracks and other defects which may allow infiltration.

10.7.7 The maximum instantaneous flow rate discharged from a domestic premise shall not exceed 2.0 litres/sec. The Council may also set a lesser daily flow rate discharged from a domestic premise.

Flow rate

10.7.8 Customers with swimming or spa pools shall be required to demonstrate that the pool drain has been fitted with a flow limiting device to ensure the discharge does not exceed the maximum instantaneous flow requirement of 2.0 litres/sec.

Swimming/spa pools

10.8 Common private wastewater drains

10.8.1 Common private drains shall serve a maximum of seven single dwelling units, and shall have one point of discharge only (in common).

Common private drains

The maintenance and management of a common private drain is the responsibility of the owner or owners of the common private drain.

10.9 Pump stations

10.9.1 Private wastewater pump stations will be approved only where there are no practical alternatives for a gravity flow discharge to the public sewer.

10.9.2 A private wastewater pump station for a single dwelling unit represents an alternative solution in terms of the Building Act. As such, the customer will be required to demonstrate that the pump station complies with the provisions of the New Zealand Building Code when seeking a consent.

10.9.3 A private wastewater pump station for multiple dwellings must comply with Council approved specification, have a compliance schedule and an annual building warrant of fitness if that pump station has one or more of the specified systems listed in Schedule 1 Specified Systems of the Building (Specified Systems, Change the Use and Earthquake-prone Buildings) Regulations 2005 (SR 2005/32).

Multiple ownership

- 10.9.4** A Common Pump Station Agreement shall be required between all owners of a private wastewater pump station. The agreement will specify that the owners are responsible for the construction, operation and maintenance of the pump station, including appropriate maintenance of rising mains. It shall be registered against the Certificate of Title of each party.
- 10.9.5** The combined rate of discharge to the public sewer shall not exceed the rate specified by the Council.

11. Stormwater

- 11.1** Clauses 11.2 to 11.8 cover specific requirements for stormwater additional to the general requirements in this bylaw.

11.2 Flow paths

Flow paths

- 11.2.1** The Council will supply all available information to any person wanting to know the location of overland flow paths on their property.
- 11.2.2** No person shall intentionally block a primary or secondary flow path on their premise or any other land.
- 11.2.3** If a flow path is found to be blocked, the Council will require the removal of the cause of the blockage at the cost of the owner.
- 11.2.4** Any flooding or other damage caused by a deliberate blocking of a flow path will be the responsibility of the person who blocked the flow path.
- 11.3** The customer shall take all practicable steps to prevent any stormwater or groundwater entering the wastewater drainage system. This includes roof downpipes, surface water run-off, overland flow, and sub-surface drainage.

Note: For trade premises where stormwater cannot be separated from wastewater refer to Part 11 Trade Waste of the New Plymouth District Council Bylaw 2008.

- 11.4** The customer shall ensure that stormwater is excluded from the wastewater drainage system by ensuring that:
- a) There is no direct connection of any stormwater pipe or drain to the wastewater system.
 - b) Gully trap surrounds are set above stormwater ponding levels (refer New Zealand Building Code G13), and secondary overland flow path flood levels.
 - c) Inspection covers are in place and are appropriately sealed.
- 11.5** Stormwater which is contaminated may be accepted as a trade waste discharge. Refer to Part 11 Trade Waste of the New Plymouth District Council Bylaw 2008.

- 11.6** For large impervious areas (e.g. stock yards or truck washing facilities), specific provision shall be made by the customer for a permanent barrier preventing water from outside the confines of the facility from entering the wastewater system. This could be by way of a nib wall or appropriately graded surrounds.
- 11.7** Where it is impractical to cover a large impervious area, the system shall detain run-off from the first foul flush for ultimate disposal to the wastewater system, with subsequent run-off disposal as stormwater.
- 11.8** No person shall allow the discharge of contaminants, either directly or indirectly, into any part of the public stormwater network unless:
- a) The discharge is permitted by a rule in a regional plan; OR
 - b) Is authorised by a resource consent.

No unauthorised discharges

Note: Rules and requirements to ensure the quality of stormwater and prevent contamination and pollution are required, monitored and enforced by the Taranaki Regional Council through the Taranaki Regional Freshwater Plan.

12. Fees and charges

- 12.1** Where this bylaw provides for a connection to the water, wastewater or stormwater service, 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 under section 150 of the Local Government Act 2002.
- 12.2** Charges applicable at the time of connection may include:
- a) Connection application fee.
 - b) Payment to the approved connection contractor for the cost of the physical works required to provide the connection.
 - c) A development contribution charge determined in accordance with the Local Government Act 2002.
 - d) A financial contribution charge determined in accordance with the Resource Management Act 1991, only as part of a subdivision or development.
- 12.3** Where this bylaw provides for a disconnection to the water, wastewater or stormwater service, 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 under section 150 of the Local Government Act 2002.
- 12.4** Charges may be set for a metered water service for extraordinary use, ordinary use, and restricted flow.
- 12.5** Without prejudice to its other rights and remedies, the Council shall be entitled to estimate (in accordance with clause 9.7.10) and charge for the additional water consumption not recorded or allowed to pass where a meter or restrictor has been tampered

with, and recover any costs incurred.

13. Offences

13.1 Without limitation, the following are deemed breaches of the conditions to supply water, wastewater or stormwater services:

Breaches of conditions

- a) An unauthorised connection to the service.
- b) An incorrect application for the service, which fundamentally affects the conditions of supply of service (clause 7).
- c) Failure by the customer to meet and comply with any conditions.
- d) Unauthorised excavation or building near buried services.
- e) Any tampering or interfering with Council equipment, either directly or indirectly.
- f) Failure to meet any obligation placed on the customer under all current Acts and Regulations.
- g) Frustration of the Council's ability to adequately and effectively carry out its obligations.
- h) Failure to pay the appropriate charges by the due date.

13.2 Without limitation, the following are deemed breaches of the conditions to supply water:

Breaches for water supply

- a) Failure to repair a leak, or in any way wilfully allowing water to run to waste, or to be misused.
- b) The fitting of quick-closing valves, pumps or any other equipment 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 stated levels of service.
- c) Failure to prevent backflow.
- d) Failure to comply with water use restrictions or prohibitions introduced by the Council for any specified purpose.
- e) Using water or water pressure directly from the supply for driving lifts, machinery, eductors, generators or any other similar device, unless specifically approved by the Council.
- f) Using water for a single pass cooling or heating system, or to dilute trade waste prior to disposal, unless specifically approved.
- g) Extending by hose or any other pipe a private water supply beyond that customer's premise.
- h) Providing water drawn from the Council supply to any other party without approval of the Council.
- i) Taking water from the Council supply otherwise than via an approved and compliant connection.

13.3 Without limitation, the following are deemed breaches of the conditions to wastewater:

Breaches for wastewater

- a) Failure of any new property within a wastewater reticulated area to connect to the reticulated drainage system.
- b) Failure to ensure domestic wastewater does not exceed

the substance limits scheduled in Part 11 Trade Waste of the New Plymouth District Council Bylaw 2008.

- c) Failure to ensure domestic wastewater does not contain the substances prohibited in Part 11 Trade Waste of the New Plymouth District Council Bylaw 2008.
- d) The storing raw material, products or wastes containing corrosive, toxic, biocidal, radioactive, flammable, or explosive materials, or any material which, when mixed with the wastewater stream, is likely to generate toxic, flammable, explosive or corrosive materials in quantities likely to be hazardous, or any other material likely to be deleterious to the Council wastewater system or the health and safety of the Council staff and public, without taking all reasonable steps to prevent entry into the Council sewer from leakage, spillage or other mishap.
- e) Failure to ensure that any private drain shall not extend by pipe or any other means to serve another premises unless it is a common private drain.

13.4 Without limitation, the following are deemed breaches of the conditions to stormwater:

Breaches for stormwater

- a) Block a primary or secondary flow path on their premise or any other land.
- b) Failure to remove a cause of a blockage to a primary or secondary flowpath.
- c) Having a direct connection of any stormwater pipe or drain to the wastewater system.
- d) Failure to ensure that gully trap surrounds are set above stormwater ponding levels (refer New Zealand Building Code G13), and secondary overland flow path flood levels.
- e) Failure to ensure that inspection covers are in place and are appropriately sealed.

13.5 In the event of a breach, the Council shall serve notice on the customer advising the nature of the breach and the steps to be taken to remedy it.

14. Transitional provisions

14.1 Any application to connect to, or disconnect from a water, wastewater or stormwater service or application to carry out any other works, made under New Plymouth District Council Bylaw 2008 (Water or Wastewater) for which approval has been granted, but works not yet completed at the time of commencement of this part shall be deemed to be an application made under this part.

Existing applications and approvals

14.2 Applications as specified in clause 14.1 shall be completed within two years of the commencement of this part.