

Water Supply and Wastewater Network Bylaw



**Auckland
Council**
Te Kaunihera o Tāmaki Makaurau

Water Supply and Wastewater Network Bylaw 2015

Ture ā Rohe Whakarato Wai me te Pae Kōtuitui Wai Para 2015

made by the
Governing Body of Auckland Council

by
Resolution in Council

on
25 June 2015

(Resolution number GB/2015/62)

Pursuant to the Local Government Act 2002 and the Local Government (Auckland Council) Act 2009, the Governing Body of Auckland Council makes the following bylaw.

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1 Title

- (1) This bylaw is the Water Supply and Wastewater Network Bylaw 2015.

2 Commencement

- (1) This bylaw comes into force on 1 July 2015.

3 Application

- (1) This bylaw applies to Auckland.

Part 1

Preliminary provisions

4 Purpose

- (1) The purpose of this bylaw is to:
- (a) protect the public water supply and wastewater networks from damage, misuse and interference;
 - (b) assist in the provision of reliable, safe and efficient water supply and wastewater services in Auckland;
 - (c) protect the environment and the health of people using the water supply or wastewater network.

5 Interpretation

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

Act means the Local Government Act 2002.

allotment has the meaning given by section 218(2) of the Resource Management Act 1991.

Auckland has the same meaning as in section 4 of the Local Government (Auckland Council) Act 2009.

backflow means the unplanned flow of water from premises into the water supply network.

building work has the same meaning as in section 7 of the Building Act 2004.

code of practice means an approved code of practice that sets standards in relation to water supply or wastewater infrastructure that is to vest in Watercare or connect with the water supply or wastewater network.

***Explanatory note:** the latest approved code of practice as at the date this bylaw was made is Watercare Services Limited's Water and Wastewater Code of Practice for Land Development and Subdivision 2014.*

combined sewer network means the combined stormwater and wastewater drainage system, which carries both stormwater and wastewater within a single piped network.

connection means the physical connection of a supply pipe to the water supply network, or of a private drain to the wastewater network, and **connect** has the equivalent meaning.

council means Auckland Council or any person authorised or delegated to act on its behalf.

disconnection means the physical cutting or sealing of a supply pipe from the water supply network, or of a private drain from the wastewater network, and **disconnect** has the equivalent meaning.

drinking water has the same meaning as in section 69G of the Health Act 1956.

network means the wastewater network and the water supply network.

occupier means the person occupying any premises, and includes the owner of the premises if the premises are unoccupied.

owner means the person who owns any premises.

person means a person or body of persons whether corporate or unincorporated, and includes the Crown and any successor of a person.

point of supply means the boundary between the water supply network or wastewater network and private water supply or private drain, as defined by Watercare from time to time under clause 10.

premises means:

- (a) a property or allotment which is held under separate certificate of title or for which a separate certificate of title may be issued and in respect of which a building consent has or may be issued; or
- (b) a building that has been defined as an individual unit by a cross lease, unit title or company lease and for which a certificate of title exists; or
- (c) an individual unit in a building where units are separately leased; or
- (d) land held in public ownership.

private drain means any privately owned pipe or drain through which wastewater flows before entering into the wastewater network.

prohibited waste means waste that has, or is likely to have, any of the prohibited characteristics set out in Schedule 1.

raw water has the same meaning as in section 69G of the Health Act 1956.

restricted works has the meaning given by clauses 8(3) and (4) of this bylaw.

rising main means a type of wastewater pipe where wastewater is pumped from a pump station to join with another part of the wastewater network.

stormwater means surface run-off water originating from precipitation events such as drizzle, mist, rain, sleet, hail or snow.

supply pipe means any privately owned pipe through which drinking water is conveyed to individual premises from the water supply network.

wastewater means water or other liquid waste, including sewage and waste matter in solution or suspension, discharged to the wastewater network.

wastewater network means all pipes, pumping stations, storage tanks, wastewater treatment plants, sea outfalls and other related structures owned by or under the control of Watercare, and used for receiving, transporting, treating or disposing of wastewater; and includes any part of the wastewater network.

water supply means the supply of drinking water by network reticulation to the point of supply for dwelling houses, commercial and other premises.

water supply network means all components of the water supply network including:

- (a) any well, storage tank or reservoir;
- (b) all intake structures, pipes, pumping stations, treatment plants and other related equipment and structures owned by or under the control of Watercare and used for water supply and includes any part of the water supply network.

Watercare means the Auckland water organisation as defined in section 4(1) of the Local Government (Auckland Council) Act 2009, or any person authorised or delegated to act on its behalf.

watermain means any pipe in the water supply network carrying potable water.

(2) To avoid doubt, compliance with this bylaw does not remove the need to comply with all other applicable Acts, regulations, bylaws, and rules of law.

(3) Unless the context requires another meaning, a term or expression that is defined in the Act and used in this bylaw, but not defined, has the meaning given by the Act.

- (4) Any explanatory notes and attachments are for information purposes, do not form part of this bylaw, and may be made, amended and revoked without formality.
- (5) The Interpretation Act 1999 applies to this bylaw.

Part 2

Protection of water supply and wastewater networks

6 Connection, disconnection and other works

- (1) No person may, without Watercare's approval:
 - (a) connect to the water supply network or the wastewater network;
 - (b) disconnect from the water supply network or the wastewater network;
 - (c) carry out any other works on, or in relation to, the water supply network or the wastewater network;
 - (d) open any manhole, chamber, access point, or valve on, or otherwise tamper with, the water supply network or the wastewater network.
- (2) Any person wishing to connect to or disconnect from the water supply network or wastewater network, or to otherwise carry out works on such a network, must make a written application for approval to Watercare, and must provide with that application all information relating to the application as is specified by Watercare.
- (3) Watercare may grant approval to such connection, disconnection or other works, as the case may be, and may impose conditions which must be complied with in the exercise of the approval.
- (4) Without limiting subclause (3), a condition imposed under that subclause may require that the connection, disconnection or works comply with any relevant code of practice.
- (5) Watercare may refuse an application for approval to connect to a network where:
 - (a) the applicant has not paid fees or charges associated with the connection (including infrastructure growth charges) that have been required by Watercare, or has refused to provide such information relating to the application as has been specified by Watercare; or
 - (b) Watercare has a documented record of the applicant's non-compliance with this bylaw or any previous water supply or wastewater bylaws, codes of practice, or approvals granted under such bylaws or codes of practice; or
 - (c) in Watercare's reasonable opinion, there is insufficient capacity in the network to accommodate the connection; or
 - (d) in Watercare's reasonable opinion, the connection could compromise its ability to maintain levels of service in relation to the water supply or wastewater network; or
 - (e) the connection is outside the area currently served by the water supply or wastewater network, regardless of its proximity to any specific component of the water supply or wastewater network; or
 - (f) in Watercare's reasonable opinion, refusal is necessary to protect the water supply network or wastewater network, the health and safety of any person, or the environment.
- (6) Without limiting subclause (5), Watercare may refuse approval to connect to a network work where:
 - (a) in the case of the water supply network, connection may detrimentally affect its ability to supply water at the volume and/or pressure required for firefighting;
 - (b) in the case of the wastewater network, connection would or may give rise to wastewater overflows.

7 Damage to or interference with water supply or wastewater network

- (1) Except as authorised by Watercare, no person may damage, stop, obstruct or otherwise interfere with the water supply network or the wastewater network.

- (2) Any person who breaches subclause (1) must promptly report that damage, stopping, obstruction, or other interference to Watercare.

8 Works near water supply or wastewater network

- (1) No person may carry out restricted works except in accordance with an approval granted by Watercare, and any conditions attaching to that approval.
- (2) Every person carrying out restricted works must, before commencing the works:
- (a) notify Watercare of their intention to carry out the works;
 - (b) obtain written approval from Watercare for the works, which approval may include such reasonable conditions as Watercare considers appropriate including a requirement to carry out or to permit Watercare to carry out (in either case at the expense of the person) works for the protection of the network.
- (3) For the purposes of this clause, restricted works are works which will or are likely to damage, or adversely affect the operation of, the water supply network or the wastewater network.
- (4) Without limiting subclause (3), restricted works are works of the following type which are carried out closer than the specified distance to the asset type set out in the following table:

Type of works	Type of water supply or wastewater network asset	Specified distance from asset
General excavation	pipes 300mm in diameter and greater, including connected manholes and structures	10 metres
	pipes less than 300mm in diameter, including connected manholes and structures	2 metres
Piling	pipes 300mm in diameter and more, including connected manholes and structures	10 metres
	pipes less than 300mm in diameter, including connected manholes and structures	2 metres
Blasting	pipes 300mm in diameter and more, including connected manholes and structures	15 metres
	pipes less than 300mm in diameter, including connected manholes and structures	15 metres

- (5) No person may undertake restricted works or any building work over a watermain or a rising main without prior Watercare approval.

9 Standard of water supply or wastewater infrastructure

- (1) Any person responsible for the construction of water supply or wastewater infrastructure which is to vest in Watercare and become part of the water supply or wastewater network (whether on the

deposit or approval of a survey plan or at any other time) must comply with all relevant codes of practice and standards relating to such infrastructure.

- (2) Any person responsible for the construction of water supply or wastewater infrastructure which is to connect to the water supply or wastewater network must comply with all relevant codes of practice and standards relating to the connection.

Explanatory note: the relevant standard as at the date this bylaw is made is Watercare Services Limited's Water and Wastewater Code of Practice for Land Development and Subdivision 2014.

- (3) To avoid doubt, Watercare is not required to accept the vesting of water supply or wastewater infrastructure, or a connection to the water supply or wastewater network, which does not comply with subclauses (1) or (2).

10 Point of supply

- (1) Watercare may from time to time and by resolution define the point of supply, and make information as to the point of supply publicly available on its website.

Part 3

Water supply

11 Protection of water quality

- (1) No person may contaminate or pollute any raw water, source of raw water, or drinking water, or do any act likely to contaminate or pollute any raw water, source of raw water, or drinking water.
- (2) Every owner must prevent backflow either by providing an adequate air gap or by using a backflow prevention device.

12 Restriction on water use

- (1) Where the council considers that its ability to maintain an adequate supply of drinking water is or may be at risk because of drought, emergency or for any other reason, it may restrict the use of water supplied to any premises.
- (2) Any such restriction may apply to all of Auckland or one or more parts of Auckland.
- (3) The council will give such public notice as is reasonable in the circumstances of any restriction on water use under subclause (1).
- (4) No person may use water contrary to a restriction made under this clause.

13 Fire hydrants

- (1) No person may take water from a fire hydrant unless that person:
 - (a) is a firefighter or a member of a volunteer fire brigade or is taking the water for the purposes of firefighting; or
 - (b) has the written approval of Watercare to do so, and the taking of water is in accordance with any conditions attaching to that approval.
- (2) Any person using a fire hydrant in breach of subclause (1) must immediately remove the standpipe when requested to do so by Watercare.
- (3) Any person using a fire hydrant pursuant to subclause (1)(b) is liable to Watercare for any damage or loss caused to the fire hydrant or the water supply network as a result of that use.

Part 4

Wastewater network

14 Prohibited inflow and discharge

- (1) No person may cause or allow stormwater to enter the wastewater network or any private drain which is connected to the wastewater network.
- (2) Subclause (1) does not apply where:
 - (a) the stormwater is directed to the combined sewer network with council approval as a resource consent authority or building consent authority and there is no provision for separate stormwater drainage; or
 - (b) the addition of stormwater to the wastewater network is in accordance with clause 12(2)(a) or 12(2)(b) of the Trade Waste Bylaw 2013.
- (3) No person may discharge or introduce prohibited waste into the wastewater network.

Part 5

Enforcement, offences and penalties

15 Offences

- (1) A person who breaches clause 8, 12, 13 or 14 of this bylaw commits an offence under section 239 of the Act.

Explanatory note: As at 1 July 2015 the maximum penalty for a person convicted of the offence of breaching this bylaw is a fine of \$20,000 per offence.

16 Removal of works

- (1) The council or Watercare may:
 - (a) remove or alter any work or thing that is, or has been, constructed in breach of this bylaw; and
 - (b) recover on demand the full costs of removal or alteration from the person who committed the breach.

17 Default in undertaking action required under bylaw

- (1) If an owner, occupier or other person defaults in undertaking any action required under this bylaw, the council or Watercare may at its discretion, upon giving notice to that owner, occupier or other person, undertake that action and recover on demand from them the full cost of undertaking the action from that person.

18 Recovery in the event of damage or other loss

- (1) Where any breach of this bylaw causes damage to the water supply network or wastewater network, or otherwise causes the council to incur a loss, the council or Watercare may recover the cost of repairing the damage and/or the full extent of its loss from the person responsible for the breach.

Schedule 1 – Prohibited Waste

Prohibited waste is waste that has or is likely to have any of the prohibited characteristics set out below. Prohibited characteristics are present if their concentration exceeds background levels. The background level in relation to any substance means the extent to which that substance is present (if at all) in the water supply network serving the premises, or in any other water supply that is approved by the Watercare for the purpose of discharging waste.

Prohibited characteristics

- (1) Any discharge has prohibited characteristics if it has any solid, liquid or gaseous matters, or any combination, or mixture of such matters which by themselves or in combination with any other matters will immediately or in the course of time:
 - (a) interfere with the free flow of wastewater in the wastewater network, or damage any part of the wastewater network; or
 - (b) in any way, directly or indirectly, cause the quality of the effluent or biosolids and other solids from any wastewater treatment plant to breach the conditions of a permit issued under the Resource Management Act 1991, or water right, permit or other governing legislation; or
 - (c) prejudice the occupational health and safety of any person or people; or
 - (d) after treatment be toxic to fish, animal or plant life in the receiving waters; or
 - (e) cause malodorous gases or substances that causes the discharge of any wastewater treatment plant to receiving waters to be coloured.
- (2) A discharge has a prohibited characteristic if it has any amount of:
 - (a) harmful solids, including dry solid wastes and materials which combine with water to form a cemented mass; or
 - (b) dry solids, solids longer than 30mm, heavy solids which settle faster than 50mm/minute, fibrous material, sheet films, and anything which may react to form a solid mass.
 - (c) liquid, solid or gas which could be flammable or explosive in the wastes, including oil, fuel, solvents (except as allowed for in Schedule 1), calcium carbide and any other material which is capable of giving rise to fire or explosion hazards either spontaneously or in combination with sewage; or
 - (d) asbestos; or
 - (e) the following organo-metal compounds:
 - i. tin (as tributyl and other organotin compounds); or
 - ii. chromium (as organic compounds); or
 - (f) genetic wastes, being all wastes that contain or are likely to contain genetically altered material from premises where the genetic alteration of any material is conducted; or
 - (g) any health care wastes covered by NZS 4304 or any pathological or histological wastes; or
 - (h) radioactivity levels in excess of national radiation laboratory guidelines.
 - (i) any pharmaceutical liquid waste containing cytotoxic ingredients. Cytotoxic waste means waste that is contaminated by a cytotoxic drug.