

HURUNUI DISTRICT COUNCIL

BYLAW

Three Waters Services Bylaw



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1. PART 1: GENERAL PROVISIONS

EXPLANATORY NOTE

This Bylaw was adopted following a review of the old Water Supply Bylaw 2014 and Wastewater Network Bylaw 2014 under section 159 of the Local Government Act 2002.

This Bylaw is intended to be read in conjunction with the following documents, or their successor documents:

- *New Zealand Drinking Water Standard Guidelines.*
- *Ministry of Health Water Safety Plan Guide Distribution System – Backflow Prevention Version 1, Reference 2.4 (January 2014).*
- *Hurunui District Council Development Engineering Standard 2017.*
- *Hurunui District Plan.*
- *Canterbury Land and Water Regional Plan.*

1.1 PREAMBLE

- (a) The Hurunui District Council makes this Bylaw pursuant to the Local Government Act and the Health Act 1956.
- (b) This Bylaw applies to the Hurunui District.

1.2 SHORT TITLE AND COMMENCEMENT

- (a) This Bylaw is the Hurunui District Council Three Waters Services Bylaw 2019.
- (b) This Bylaw comes into force on 1 July 2019.
- (c) The following bylaws are revoked from 1 July 2019.
 - (i) the Hurunui District Council Water Supply Bylaw 2014.
 - (ii) the Hurunui District Council Wastewater Network Bylaw 2014.

1.3 PURPOSE

- (a) The purpose of this Bylaw is to:
 - (i) Manage and protect the Council's water supply, Stormwater and Wastewater Networks from misuse or damage;
 - (ii) Control and monitor Trade Waste Discharges into the Wastewater Network;
 - (iii) Protect, promote and maintain public health and safety; and
 - (iv) Protect the environment.

1.4 COMPLIANCE WITH LEGISLATION

- (a) Nothing in this Bylaw derogates from the provisions of the Local Government Act 1974, the Local Government Act 2002, the Land Drainage Act 1908, the Soil and Conservation and Rivers Control Act 1941, the Health Act 1956, the Health and Safety at Work Act 2015, the Resource Management Act 1991, the Building Act 2004, the Hazardous Substances and New Organisms Act 1996 and associated Regulations.

EXPLANATORY NOTE

Granting an Approval or permitting any Connection or Discharge under this Bylaw does not relieve any person from any obligations to obtain any other consent or permission for the Connection or Discharge under any other statutory requirement or any other obligation.

1.5 INTERPRETATION

(a) In this Bylaw, unless the context otherwise requires:

<i>Approve, Approval or Approved</i>	means approved in writing by the Council either by resolution of the Council or by any officer of the Council authorised for that purpose.
<i>Backflow</i>	means the unplanned reversal of flow in water or mixtures of water and Contaminants into the Water Supply Network.
<i>Backflow prevention device</i>	means a device to prevent Backflow as defined in the Ministry of Health Water Safety Plan Guide Distribution System – Backflow Prevention Version 1, Reference 2.4 (January 2014) or its successor document. They include: <ul style="list-style-type: none"> - dual check valves; - air gap devices; - double check valves; and - reduced pressure zone devices.
<i>Characteristic</i>	means any of the physical, chemical or biological Characteristics of Trade Waste and may include the level of a Characteristic.
<i>Cleaner production</i>	means the implementation of effective operations, methods and processes appropriate to the goal of reducing or eliminating the quantity and toxicity of wastes by: <ul style="list-style-type: none"> (i) Using energy and resources efficiently; (ii) Avoiding or reducing the amount of wastes produced; (iii) Producing environmentally sound products and services.
<i>Commercial Swimming Pool</i>	means any pool (as defined in the Building Act 2004) other than a residential swimming pool. It includes a school swimming pool.
<i>Conditional Trade Waste</i>	means a Trade Waste that has, or is likely to have, Characteristics which exceed those in Schedule 1 to the Bylaw (permitted Trade Waste), but which does not have any prohibited Characteristics as defined in Schedule 1B.
<i>Conditional Trade Waste Approval</i>	means an Approval to Discharge to the Wastewater Network which has been granted by the Council subject to conditions.
<i>Connect / Connection</i>	means the physical Connection of a supply pipe and any associated permanent fittings to the Water Supply Network, or a private drain from the Wastewater Network. Connect has the equivalent meaning.
<i>Consumer</i>	means the person or authorised agent who uses or has the right to use the Council water supply or Wastewater or Stormwater Networks. For the purposes of Part 5, it includes the Occupier and owner of a premise that is discharging Trade Waste.
<i>Consumer Equipment</i>	In the context of water supply, means all apparatus and equipment on the Consumer's Premises downstream of the Point of Supply which is used, or designed to be used, for the reticulation, storage or dispensing of water on the Consumer's Premises. In the context of Wastewater and Stormwater, means all apparatus and equipment upstream of the Point of Discharge, for any Connection or Connections.

	This would extend to include, without limitation, sewer pipes, gully traps, inspection points, private pumping stations, tanks and other equipment. All equipment on private networks is considered to be Consumer Equipment.
<i>Contaminant</i>	has the same meaning as in the Resource Management Act 1991.
<i>Controlled Trade Waste</i>	means a Trade Waste that meets the Characteristics defined in Schedule 1 of this Bylaw.
<i>Cooling water or condensing water</i>	means any water used in any trade, industry or commercial process or operation in such a manner that it does not take up matter into solution or suspension.
<i>Council</i>	means the Hurunui District Council or any person delegated or authorised to act on its behalf.
<i>Cytotoxic waste</i>	means waste that is contaminated by a cytotoxic drug.
<i>Discharge</i>	means the Discharge of Trade Waste or Wastewater to, or into the Wastewater Network whether directly or indirectly, or the Discharge of Stormwater to or into the Stormwater Network
<i>Disconnect/Disconnection</i>	means the physical cutting off or sealing of a supply pipe from the Water Supply Network, or of a private drain from the Wastewater Network for use by any person.
<i>Domestic Wastewater</i>	means Wastewater (with or without matter in solution or suspension therein) Discharge from premise used solely for residential purposes, or wastes of the same character discharged from other premise, provided that the Characteristics of the Wastewater are an acceptable Discharge. Such activities may include the draining of domestic swimming pools and spa pools subject to clause 4.5 (a).
<i>Emergency Response Procedures</i>	means those procedures developed and used to avoid, remedy, or mitigate the actual and/or potential adverse effects on any Trade Waste Discharge on the environment from an unexpected or unscheduled event resulting in Discharge, or potential Discharge, with the Characteristics of concern into the Wastewater Network.
<i>Floodplain</i>	means low lying areas, which are predicted to flood in a storm exceeding the design capacity of the primary system.
<i>Hazardous Materials</i>	means 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 or any other material likely to be deleterious to the Wastewater Network or the health and safety of Council staff and the public; or any Hazardous Substance as defined in the Hazardous Substances and New Organisms Act 1996.
<i>Heat exchange system</i>	means a system of water circulation where water is taken from the reticulated water network and is circulated through a closed circuit in order to heat a system (e.g.: electrical or mechanical). The water may then be returned to the reticulated water network.
<i>Hurunui District</i>	means the Hurunui District Territorial Authority Area which includes, for the purpose of this Bylaw, the area serviced by the Ashley Rural Water Supply Scheme.
<i>Inspection Chamber</i>	means the place, compliant with all relevant legislation, where access may be made to for inspection (including measurement, monitoring or sampling), cleaning and maintenance.
<i>Land Drain</i>	is a man-made open channel whose optimal purpose is to drain land. A Land Drain is part of the overall Stormwater Network and may include culverts, sluice gates and outfall structures as part of their conveyance system.
<i>Management Plan</i>	means any plan for the management of operations of premise from which Trade Waste is discharged, and may include provision for Cleaner production, monitoring and recording of Discharges, waste minimisation, Emergency Response Procedures and any relevant industry Code of Practice.
<i>Mass Limit</i>	means the total mass of any Characteristic of Trade Waste that may be discharged to the Wastewater Network over a stated period from any single Point of Discharge or collectively from several points of Discharge.
<i>Maximum Concentration</i>	means the instantaneous peak concentration that may be discharged to the Wastewater Network at any instant in time.

<i>Meter</i>	means any Meter, automatic sampler, instrument or device indicating, recording or sampling the rate of flow, volume or quality of any Discharge and any ancillary equipment, devices or fittings used in conjunction with these.
<i>Network Equipment</i>	means apparatus and equipment forming part of the public Water Supply Network upstream of the Point of Supply. means apparatus and equipment forming part of the public Wastewater Network, Stormwater or Land Drainage network downstream of the Point of Discharge, for any connection.
<i>Nuisance</i>	has the same meaning as section 29 of the Health Act 1956, and includes a person, thing, or circumstance causing distress or annoyance or unreasonable interference. In the context of this Bylaw the term Nuisance includes, but is not limited to: <ul style="list-style-type: none"> - Danger to life - Danger to public health - Flooding of any building floor or sub-floor, or public roadway - Damage to property - An effect on the efficient operation of Network Equipment - Damage to any facet of Network Equipment - Erosion or subsidence of land - Long or short term adverse effects on the environment - Adverse loss of riparian vegetation - Wastewater overflow to land or water - Anything that causes a breach of any consent condition binding the Council.
<i>Occupier</i>	means the person occupying the premise connected to the Wastewater Network and discharging approved Trade Wastes.
<i>On-Demand Water Supply</i>	an On-Demand Water Supply is a supply that is available on demand directly from the Point of Supply.
<i>Overland Flow Path</i>	means any secondary flow path illustrated in a catchment Management Plan or on Council record plans or the overland route taken by any concentration of, or significant sheet flow, of Stormwater on its way to a Floodplain, in a storm that is more severe than the event the primary drainage system is designed for.
<i>Point of Discharge</i>	means the location of the Wastewater collection or Stormwater collection and removal system at which responsibility for ownership, maintenance and repair passes from the Consumer to the Council. The Point of Discharge will be specified in the Approval or as provided for in this Bylaw.
<i>Point of Supply</i>	means the location on the water supply system at which responsibility for ownership, maintenance and repair passes from the Council to the Consumer. The Point of Supply will be specified in the Approval or as provided for in this Bylaw.
<i>Pollution Prevention Plan</i>	means a plan which identifies actual or potential risks relating to the discharge of contaminants from a specific site or operation, and the management strategies implemented or proposed to mitigate these risks.
<i>Premises / property</i>	means land and/or buildings on which Network Equipment or Consumer Equipment is located or proposed to be located.
<i>Pre-Treatment</i>	means any approved processing of Trade Waste designed to reduce or vary any Characteristic in a waste before Discharge to the Wastewater Network in order to comply with an Approval to Discharge.
<i>Private Stormwater System</i>	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 or vested in private ownership and not managed or maintained by the Council, up until the point of connection with the Public Stormwater System.

<i>Prohibited Trade Waste</i>	means any Trade Waste that has, or is likely to have, prohibited Characteristics as defined in Schedule 2 of this Bylaw.
<i>Public Stormwater System</i>	means any Stormwater system that serves more than one lot and is not part of a Private Stormwater System.
<i>Restricted Water Supply</i>	a Restricted Water Supply is a supply 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.
<i>Restrictor</i>	means a device fitted within the Connection to control the flow of water.
<i>Reticulated Stormwater System</i>	means the man-made piped network for conveying rain runoff and Stormwater flows. Manhole and outfall structures are included within these networks.
<i>Sewage</i>	is any Wastewater or Trade Waste Discharge from any sanitary fixtures or sanitary appliance, whether domestic, industrial or commercial.
<i>Soakage</i>	means the primary disposal of Stormwater by Discharge into the ground.
<i>Stormwater</i>	means surface water runoff from precipitation events.
<i>Stormwater Network</i>	means each of the separate and recognised Reticulated Stormwater Systems and Land Drainage systems through which the Council collects, removes and safely disposes of Stormwater.
<i>Tankered Waste</i>	means water or liquid, including waste matter in solution or suspension, which is conveyed by vehicle for disposal, excluding domestic Sewage discharged directly from house buses, caravans, buses or similar vehicles.
<i>Temporary Discharge</i>	means a Discharge of Trade Waste for an intermittent or short duration. Such Discharges include the short-term Discharge of an unusual waste from premise subject to an existing Approval.
<i>Three Waters Networks</i>	means the Water Supply Network, the Wastewater Network and the Stormwater Network.
<i>Trade Waste</i>	means any liquid or gas with or without matter in suspension or solution, which is or may be discharged to the Wastewater Network from a trade Premises in the course of any trade, or industrial process or operation, or in the course of any activity or operation of a like nature and may include Discharges from Commercial Swimming Pools and spa pools; condensing or Cooling waters; Stormwater; (in certain circumstances only if approved by the Council) and Domestic Wastewater or Sewage which cannot be practically separated.
<i>Trade Waste Agreement</i>	means an agreement of the type described in clause 5.12 (a).
<i>Treatment</i>	means the use of any physical, chemical or biological processes to improve the quality of water supply, Wastewater Discharge and Stormwater runoff.
<i>Wastewater</i>	means all water or other liquid including waste matter in solution or suspension that is discharged into the sewer and treated and disposed of as part of the network, irrespective of its origin and Characteristics.
<i>Wastewater Area</i>	means an area demarcated for Wastewater collection purposes.
<i>Wastewater Network</i>	means the system operated and/or controlled by the Council for the collection, Treatment and disposal of Sewage and Trade Wastes, including sewers, pumping stations, storage tanks, Sewage Treatment plants, outfalls, and related structures
<i>Water Meter</i>	means a device, electronic or mechanical, fitted onto a pipe and used to quantify the amount of water passing through it and recording volumes as standard units (gallons, litres, cubic metres).
<i>Water Supply Network</i>	means each of the separate and recognised reticulated water supply systems through which the Council supplies water.

<i>Watercourse</i>	means any natural open river, stream, creek, culvert and channel through which Stormwater commonly flows, whether continuously or not. This falls under the responsibility of Canterbury Regional Council, apart from where an area falls under a Global Discharge Consent Area.
<i>Working Day</i>	has the definition under the Local Government Act 2002.

- (b) Unless the context requires another meaning, a term or expression that is defined in the Act and used, but not defined, in this Bylaw has the meaning giving by the Act.
- (c) 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.
- (d) Any policy and guidance documents prepared by the Council in respect of this Bylaw, are for information purposes only and do not form part of this Bylaw. Such documents may be made, amended and revoked without formality.

1.6 APPLICATION TO CONNECT OR DISCHARGE TO OR DISCONNECT FROM THE NETWORK

- (a) No person may make any Connection, alter any Connection, carry out any works on, disconnect from, take water from or Discharge to the Three Waters Network except in accordance with an Approval to do so and upon payment of a fee prescribed by the Council and any required capital or Connection charges.
- (b) Additional requirements for an application for connecting or discharging to a network are set out in Parts 2 to 5 of this Bylaw.
- (c) At its discretion the Council may decide that a new Consumer taking over an existing supply or Discharge is not required to make an application for Connection, Discharge and/or supply.
- (d) The Council may require an existing Consumer to make a new application for the supply of water or Discharge of Stormwater or Wastewater (whether domestic or Trade Waste) where there is a change in the use of a premise.
- (e) If the Council in its sole discretion, decides as part of granting an Approval, that plans and drawings are required to be produced by it showing the location of equipment or modelling of the capacity of the network then it may determine and charge a reasonable non-refundable fee for the supply of these documents.
- (f) The Council will consider all applications and may either:
 - (i) Decline the application in writing and set out the reasons for that decision; or
 - (ii) Approve the application and inform the applicant of the type of supply, the level of service and any obligations and conditions that must be complied with as part of the Approval.
- (g) If an application is declined or any condition imposed is considered by the applicant to be unreasonable the applicant may lodge an objection in accordance with the Council's Three Waters Services Policy.

EXPLANATORY NOTE

A resource consent under the Resource Management Act 1991 and/or a building consent under the Building Act 2004 may also be required. Where activities subject to any consent, licence, permit, or other Approval issued under any Act, regulation, or other bylaw in a particular case overlap with the activities subject to this Bylaw, compliance with the requirements of this Bylaw may be made a condition of the other consent, licence, permit, or Approval. Alternatively, the Council may determine that the terms of the other consent, licence, permit, or Approval are sufficient to satisfy the requirements of this Bylaw in that particular case, and issue an Approval under this Bylaw accordingly. This is a matter for the Council's discretion.

1.7 TRANSFER OF RIGHTS AND RESPONSIBILITIES

- (a) Any Approval granted under this Bylaw will be issued in the name of the Consumer and cannot be transferred.
- (b) Unless written Approval is obtained from the Council, the Consumer must not allow water to be taken from their Point of Supply by another person, supply water to any other party or premise, allow waste (whether domestic or Trade Waste) to be discharged at their Point of Discharge to the Wastewater Network or allow Stormwater to be discharged at their Point of Discharge to the Stormwater Network.
- (c) The Council may agree to transfer an Approval on change of ownership or occupation of a premise.
- (d) The Council's consent to transfer an Approval will not be unreasonably withheld.
- (e) Where a Consumer wishes to Disconnect from the Three Waters Network they must notify the Council. The Council may require a final Meter reading and charge a cost for the reading.

1.8 CONSUMER RESPONSIBILITIES UPON CONNECTION

- (a) The Consumer must comply with the requirements of this Bylaw, including any conditions of Approval of an application made under this Bylaw and any other reasonable directions of the Council.
- (b) Unless an Approval specifies otherwise, the Consumer is required to install and maintain any equipment, fittings or devices in accordance with the manufacturer's specifications or guidelines and in accordance with any relevant codes of practice and standards or Council policy.

1.9 MAINTENANCE, DAMAGE TO OR INTERFERENCE WITH THE NETWORK

- (a) Except as authorised by the Council no person may damage, stop, obstruct, modify, tamper or otherwise interfere with the Three Waters Network or any device, fitting or equipment connected to that network.
- (b) The Council will own, maintain and repair any pipe up to the Point of Supply or Point of Discharge and the Connection box, including the service valve, the Meter (where fitted) and Restrictor (where fitted) isolation valve and unions either side of the Meter.

- (c) The Consumer will own and maintain the Consumer Equipment on private land on the Consumer's side of the Point of Supply or Point of Discharge.
- (d) The Consumer will:
 - (i) provide a secure and accessible location, approved by the Council, for any Network Equipment (including Meters) located on their Premises; and
 - (ii) ensure any Meters are readily accessible for reading, maintenance and servicing at all times.
- (e) The Consumer will notify the Council promptly if any Network Equipment located on their Premises is damaged or they otherwise suspect that a fault has occurred with Network Equipment.
- (f) If a Meter or any other measuring device has been damaged or interfered with, without prejudice to the other remedies available, the Council may declare any readings from that Meter or device to be void and estimate charges payable by the Consumer.
- (g) Consumers will keep the area around and under the Network Equipment free from growth or other obstruction. Spacings to be observed for plantings (using the centre of the tree trunk for reference) are:
 - (i) Large trees >10m mature height, shelter belts and plantations greater than 4m deep are to be 4m spacing from any Network Equipment.
 - (ii) Shelter trees and shrubs less than 4m deep, smaller trees <10m mature height are to be 2m spacing from any Network Equipment.
- (h) The Council reserves the right to request removal or thinning of plantings or any other obstructions where these are likely to interfere with Network Equipment or any Meters on the property. The cost of such works will be met by the Consumer unless otherwise agreed in writing with the Council.
- (i) No person may carry out restricted works except in accordance with prior written Approval by the Council and any conditions attaching to that Approval. For the purposes of this clause restricted works are works which will or are likely to damage or adversely affect the operation of the Three Waters Network and which include:
 - (i) Building or extending a building that is located closer than 1.5m from any Network Equipment; and
 - (ii) Erecting any structure, other than a boundary fence, over, or within a distance of 1m from the side of any public drain.
 - (iii) Laying any public or private utility service or private drain:
 - (1) Along the line of any existing public drain; or
 - (2) Within a parallel distance of one metre from the nearest part of any public drain.

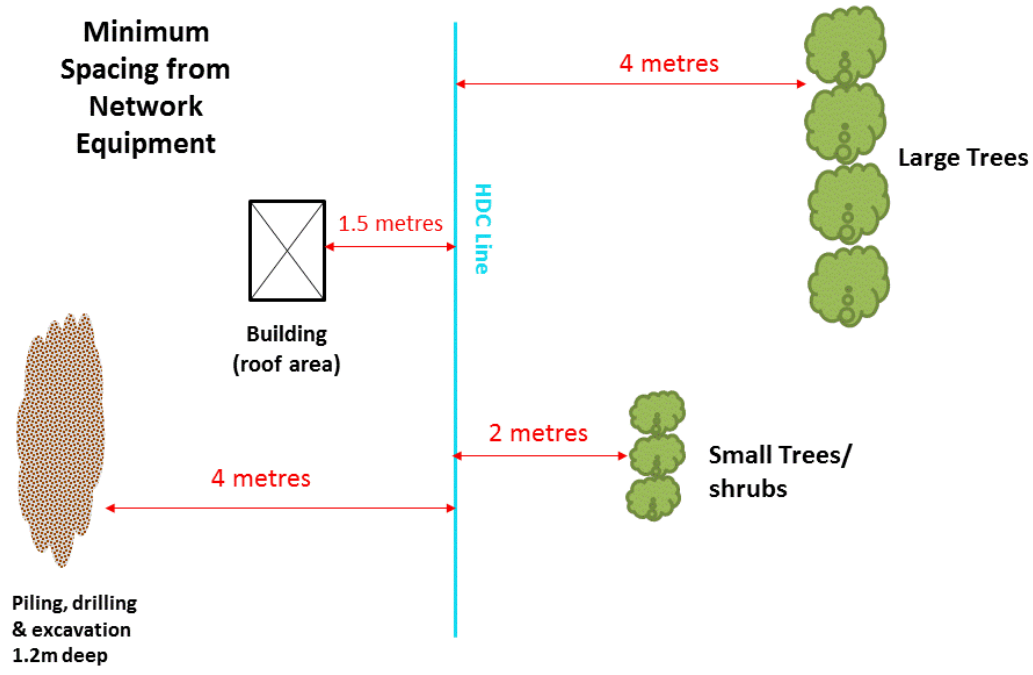
- (iv) Any piling, drilling or deep excavation that is more than 1.2m deep and located within 4m of any Network Equipment (on either side).
- (j) No person may enter onto any fenced land or any building owned or occupied by the Council which is set aside for the protection of source water or for a public water supply facility without first obtaining the written permission of the Council.
- (k) No person other than the Council may access or allow access to any part of the Three Waters Network without prior written Approval of the Council.
- (l) No person will allow demolition or removal of any building(s) connected to the Three Waters network commence until the Council has given written permission for such works to proceed.

1.10 STORAGE, TRANSPORT, HANDLING AND USE OF HAZARDOUS MATERIALS

- (a) No person will store, transport, handle or use, or cause to be stored, transported, handled or used, any Hazardous Materials, chemical, Sewage, Trade Waste, Contaminant or other substance in a manner that causes, or may cause it to enter either directly or indirectly into the Three Waters Network.
- (b) All persons will take all reasonable steps to prevent the accidental entry of any Hazardous Materials, chemical, Sewage, Trade Waste, Contaminant or other substance from entry into the Three Waters Network as a result of leakage, spillage or other mishap.

EXPLANATORY NOTE

The diagram below illustrates the minimum spacing for plantings from Network Equipment as addressed in clause 1.9 (i) above. In the event 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, the Council will follow the procedure set out in section 468 of the Local Government Act 1974.



2. PART 2: WATER SUPPLY: ON-DEMAND WATER SUPPLY AND RESTRICTED WATER SUPPLY

2.1 OBJECTIVE OF PART 2

- (a) The objectives of Part 2 of the Bylaw are to:
 - (i) Promote the effective and efficient management and regulation of the On-Demand Water Supply systems and the Restricted Water Supply systems.
 - (ii) Protect the water supply from contamination.
 - (iii) Regulate the use of land, structures and infrastructure associated with the Water Supply Network to protect these assets from damage, misuse or loss.
 - (iv) Prevent unauthorised Connection to the Water Supply Network.
 - (v) Define the obligations of the Council, installers, owners and the public in matters related to the Water Supply Network.
 - (vi) Determine the volumes of water consumed on any premise for rating purposes.

2.2 APPLICATION TO CONNECT TO A NETWORK AND TAKE WATER

- (a) An application to connect to the Water Supply Network must be made to the Council on the form provided by the Council and accompanied by a plan showing proposed or completed works and the specified fee, in the following circumstances:
 - (i) A new or altered Connection to the Water Supply Network.
 - (ii) A new or altered Connection to a supply from an existing but unused Connection to the network.
 - (iii) A change to the type of supply (e.g. from restricted to on-demand or vice versa) or to the use or terms and conditions of supply.
 - (iv) A change to the location of the Point of Supply.
 - (v) An additional Point of Supply or supply of water.
 - (vi) A change in the level of service of supply (e.g. a greater or smaller quantity of water).
 - (vii) A temporary water supply for an event.
 - (viii) A Connection and supply for a fire protection system.
 - (ix) A new or altered Connection to a network where an applicant's property lies outside the recognised network on the same basis as those within the network area.
 - (x) A temporary connection for a water carrier or tanker.
- (b) The Council may in its sole discretion decline an application for Approval to connect to the Water Supply Network including (but not limited to) where the Consumer has not made adequate provision for sufficient storage on their property to cover water usage during periods of non-supply.

- (c) Approval will be granted as either an on demand supply or restricted supply and classified as residential or commercial supply, as the Council sees fit.

2.3 CONTINUITY OF SUPPLY

- (a) The Council will endeavour to meet the level of service requirements of the Long Term Plan within the targeted rate area for the Three Waters Networks, but it does not guarantee a constant level of service.
- (b) If a Consumer has a particular requirement for an uninterrupted flow, pressure or quality of water supply or particular levels of service, it is the responsibility of the Consumer to provide any necessary storage, back up facilities, equipment or any other thing necessary to meet that level of service.
- (c) On restricted schemes, Consumers are required to make provision for sufficient storage on their property to cover their water usage during periods of non-supply. Consumers must have the ability to store a minimum of three days' supply, according to their allocation.

EXPLANATORY NOTE

Clause 2.3(c) is not intended to be applied where the non-supply lasts longer than three days.

Existing Consumers will be required to make provision for sufficient storage on their property in accordance with clause 2.8(b) below.

- (d) The Council may prohibit or restrict water supply or issue a notice of non-supply if the Council considers that an adequate supply of drinking water is at risk for any reason, or will cause the Council to contravene conditions of a resource consent granted by Canterbury Regional Council and that restrictive measures are necessary in order to conserve the available water, provided this does not compromise the Council's obligation to provide an adequate supply of drinking water as required by the Health (Drinking Water) Amendment Act 2007.
- (e) The Council will give such public notice as is reasonable in the circumstances of any restriction on use under clause 2.3(d).
- (f) No person may use water contrary to a prohibition or restriction made under clauses 2.3 (d) and (e).
- (g) The Council will not be liable for any loss, damage or inconvenience which any person may sustain as a result of deficiencies in or restrictions, prohibitions or interruptions to any Connection to the Water Supply Network.

EXPLANATORY NOTE

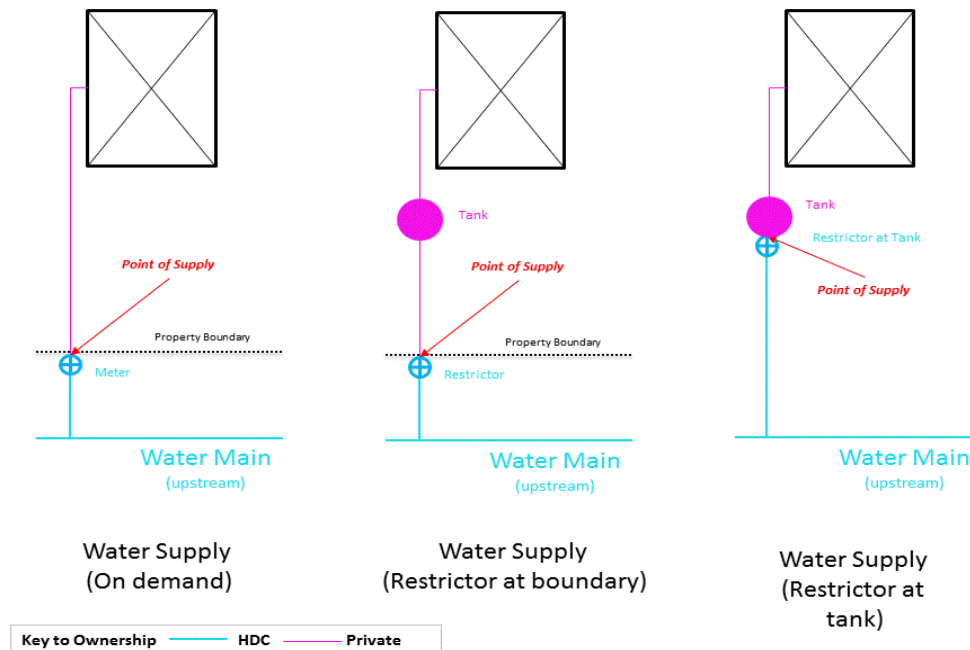
The Council as a water supplier has certain obligations under section 69S of the Health Act 1956 for the supply of drinking water. The Council must take all practicable steps to ensure an adequate (continuous) supply of water to Consumers except for necessary interruptions e.g. due to an emergency or during planned work on the Water Supply Network.

2.4 POINT OF SUPPLY

EXPLANATORY NOTE

Clauses 1.9(b) and 1.9(c) of the Bylaw set out the ownership and maintenance responsibilities of the Council and Consumer with respect to the Point of Supply.

- (a) Unless an Approval to connect specifies otherwise, the Point of Supply shall be as shown on the following diagram:



- (b) For each individual Consumer, there will be only one Point of Supply unless otherwise approved by the Council.
- (c) The Council reserves the right to change the Point of Supply should the existing Point of Supply for any Connection become not viable for any reason.
- (d) For applications to connect and take water from a restricted supply network in rural areas where the applicant is new to the scheme and is the sole beneficiary, the applicant is required to meet all the costs of connecting to the Point of Supply.

2.5 WATER METERS AND OTHER DEVICES

(a) General

- (i) For any premise there shall be only one Meter supplied, unless otherwise approved by the the Council.
- (ii) The Water Meter and any Restrictors, flow control devices and pressure control equipment required by an Approval (excluding Backflow prevention devices) will be

supplied, installed and maintained by the Council at Council's expense and will remain the property of the Council at all times.

EXPLANATORY NOTE

Backflow prevention devices are addressed in section 2.6 below.

- (iii) Where one or more Consumers on any on-demand network share a Point of Supply or Water Meter, those Consumers will meet the cost of separating the Connections, creating new points of supply as required (and Meter(s) if required) and any reinstatement works, if separate points of supply have been requested by one or more of the Consumers affected or if required by the Council.

(b) Reading of Meters and accounts

- (i) Meters will be read, and where applicable, accounts rendered at such intervals as the Council may determine.
- (ii) Meter readings made available at the request of the Consumer will be charged for as determined by the Council.
- (iii) The Consumer must pay all charges for the supply of water as determined by the Council.

(c) Estimated accounts

- (i) 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 Consumer.
- (ii) Clause 2.5(c)(i) is subject to the requirement that when by reason of a large variation of consumption due to seasonable or other causes, the average of the previous periods would be an unreasonable estimate of consumption, the Council may take into consideration other evidence for the purpose of arriving at a reasonable estimate.
- (iii) The Council's decision is final, and the Consumer must pay the estimated account.

(d) Testing of Meters

- (i) If a Consumer disputes the accuracy of a Meter or Restrictor, the Consumer must apply to the Council for, and pay a fee to have, the Meter or Restrictor tested. If the Meter is found to be over-reading, the test fee will be refunded.
- (ii) If any Meter, after being tested, is found to be reading incorrectly, the Council will make an adjustment to the Consumer's account in accordance with the results of the test and the Consumer must pay or be refunded where the original account has already been paid, according to the adjusted amount.

2.6 PROTECTION OF WATER QUALITY

- (a) No person may contaminate or pollute, or do any act likely to contaminate or pollute, any raw water, source of water, or drinking water.
- (b) The Council reserves the right to require an assessment of the risk of Backflow from any property and to require a Backflow Prevention Device or system approved by the Council to be installed and maintained at the Point of Supply before the Council allows a Connection or the continuation of a Connection of any premise to the Water Supply Network.

EXPLANATORY NOTE

The Council has developed a Backflow Prevention Policy that addresses specific requirements for backflow prevention.

- (c) Closed loop heat exchange systems will not be considered where there is a direct connection back into the reticulated water network.

2.7 FIREFIGHTING CONNECTIONS

- (a) Where a Connection has been provided to supply water to a Fire Protection System (including hydrants) it will only be used for the purpose of firefighting and testing the Fire Protection System.
- (b) Unless the Approval states otherwise, the Fire Protection System must be constructed, installed and operated so that water cannot be used for another purpose, and must be independent of any other water Connection on the property.
- (c) The Council will not charge for water used for the purpose of extinguishing fires.
- (d) In the event water used for extinguishing fires passes through a Water Meter, the Consumer will estimate the quantity of water used for the purpose of extinguishing fires and apply to the Council to have this quantity credited (where charging is based on water used) to their water charges. The Council reserves the right to limit or challenge any application for a credit.
- (e) The right to gain access to, and draw water from, fire hydrants or standpipes shall be restricted to:
 - (i) The Council or its authorised agents;
 - (ii) New Zealand Fire Service or a member of the volunteer fire bridge in the event of an emergency or for the purpose of emergency management, training and testing;
 - (iii) A person that has the written Approval of the Council to do so, and the taking of water is in accordance with any conditions attached to that Approval.
- (f) Without prejudice to other remedies available, the Council may remove and hold any equipment used to gain unauthorised access to, or draw water from, a fire hydrant or standpipe.
- (g) Any person using a fire hydrant pursuant to clause 2.7(e)(iii) above is liable to the Council for any direct or indirect damage or loss caused to the fire hydrant or the Water Supply Network

as a result of that use. The Council may also assess and recover the value of any water drawn without authorisation and recover any other associated costs incurred by the Council.

2.8 PROVISIONS FOR EXISTING CONNECTIONS

(a) Backflow Prevention

- (i) For existing Premises and businesses, compliance with section 2.6 of this Bylaw needs to be achieved within a period not exceeding 24 months from the date the Bylaw comes into force.
- (ii) Notwithstanding clause 2.8(a)(i) above, if the Council considers there is an urgent need to install a Backflow prevention device (as per section 2.6) it may, in consultation with the Consumer, require such a device to be installed at any time at the Consumer's expense.
- (iii) The Council reserves the right to install equipment to achieve compliance with section 2.6 of this Bylaw, at the Consumer's expense, where the Consumer cannot demonstrate that the risk of Backflow is being adequately managed.

(b) Water Storage

- (i) All existing Consumers on restricted schemes are required to make adequate provision for sufficient storage on their property to cover water usage during periods of non-supply within a period not exceeding 24 months from the date the Bylaw comes into force. Consumers must have the ability to store a minimum of three days' supply, according to their allocation.

3. PART 3: STORMWATER NETWORK AND LAND DRAINAGE

3.1 OBJECTIVE OF PART 3

- (a) The objectives of Part 3 are to:
- (i) Manage the development and maintenance of the public Stormwater Network, and the land, structures, and infrastructure associated with that network;
 - (ii) Protect the public Stormwater Network, and the land, structures, and infrastructure associated with that network, from damage, misuse or loss;
 - (iii) Manage the use of the public Stormwater Network, and the land, structures, and infrastructure associated with that network, and provide for the conditions on which Connections to the public Stormwater Network may be made or maintained;
 - (iv) Ensure that Discharges into the public Stormwater Network do not damage the network;
 - (v) Ensure that Discharges into the public Stormwater Network do not damage the receiving environment and / or compromise the Council's ability to comply with any applicable global or Discharge consent;
 - (vi) Prevent interference with the public Stormwater Network, and the land, structures, and infrastructure associated with that network;
 - (vii) Manage the public Stormwater Network, and the land, structures and infrastructure associated with that network, so as to protect the public from Nuisance and promote and maintain public health and safety.

3.2 APPLICATION TO CONNECT TO THE STORMWATER NETWORK

- (a) An application to connect to the Stormwater Network must be made to the Council on the form provided by the Council, and include where requested a plan showing proposed or completed works, and accompanied by the specified fee for a new or altered Connection to the Stormwater Network.
- (b) If a site is deemed to be a high risk under Schedule 3 of the Land and Water Regional Plan and Approval is sought to Discharge to the public Stormwater Network, the Council may require the application to be accompanied by a Pollution Prevention Plan which has been prepared by a suitably qualified person.
- (c) Where required by the Council an on-site Stormwater Treatment/management system will be installed by the Consumer to the specifications and satisfaction of a Council Officer in an approved position within the boundary of the property.

EXPLANATORY NOTE

In areas where the Council holds a global Discharge consent from Canterbury Regional Council anyone wanting to Discharge runoff to the Stormwater Network or to ground will also need to apply to the Council under that global Discharge consent to do so.

3.3 POINT OF DISCHARGE

- (a) The Council is responsible for the ownership, maintenance and repair of the public Stormwater Network up to the Point of Discharge of any Connection.
- (b) Unless otherwise specified in the Approval, for individual service Connections draining to public land areas or onto Stormwater easements in favour of the Council, the Point of Discharge will be:
 - (i) one metre downstream of the boundary of the property where the main collection Stormwater pipe is outside of the property; or
 - (ii) if present, at the downstream end of an Inspection Chamber at the property boundary; or
 - (iii) at the Connection of the Consumer service lateral to the main collection Stormwater pipe where the Stormwater main is within the property boundary or less than one metre outside of the property boundary; or
 - (iv) at the point of Connection at the kerb, where an individual Connection Discharges into the kerb and channel of a Council road or State Highway.
 - (v) at the Connection of the Consumer Land Drain to the main Land Drain, where an individual Connection Discharges to a Land Drain.

EXPLANATORY NOTE

Please refer to the Three Waters Services Policy for a diagram showing Points of Discharge.

- (c) Unless otherwise approved there will be one Point of Discharge only for each Premises, and any private line will not extend by pipe or any other means to serve another Premises unless it is a common private line.
- (d) The Point of Discharge for the different forms of multiple ownership of Premises and/or land will be as follows:
 - (i) For company share/block scheme (*body corporate*) as for single ownership;
 - (ii) For leasehold/tenancy in common scheme (*cross lease*), strata title, and unit title (*body corporate*):
 - (1) Where practicable each owner will have an individual line with the Point of Discharge determined by agreement with the Council. If not practicable there will be a common private line which will be incorporated as an additional provision in the lease agreement. In specific cases other arrangements will be acceptable subject to individual Approval.
 - (2) Each owner's Point of Discharge must be approved by the Council and an as-built drainage plan provided to the Council. The as-built plans are to be in accordance with the specifications of the Development Engineering Standard

2017, or its successor document. Easements will be required to protect a Consumer's Point of Discharge.

- (e) Common private lines will:
 - (i) serve a maximum of 6 single dwelling units, and may also have one Point of Discharge only (in common).
 - (ii) be covered by an easement recording the rights of each party, which is registered against the Certificate of Title.

3.4 PRIVATE STORMWATER SYSTEM

- (a) Privately owned Stormwater systems, including open Watercourses and stopbanks:
 - (i) will be designed, constructed, managed and maintained by the Consumer at the Consumer's expense;
 - (ii) will be maintained by or at the expense of the Consumer to ensure free flow of water and ensure that there is no obstruction, rubbish or debris on the property that might cause a Nuisance in a storm event.
 - (iii) the Consumer must, on request by the Council, provide such information as is required to demonstrate that the Stormwater management system complies with the obligations in clauses 3.4(a)(i) and (ii).
 - (iv) the Council may require the removal of any trees, plants, weeds or growths which obstruct or are likely to obstruct the free flow of water in any Land Drain and/or Watercourse.
 - (v) the Council may specify controls for the disposal of Stormwater through ground Soakage for sites in a specified area.

3.5 DESIGN

- (a) All proposed Stormwater system and any proposed alterations to Stormwater systems must be designed, constructed and operated in accordance with Canterbury Regional Council and Hurunui District Council Guidelines, the District or Regional Plan, any resource or building consents relevant to the works and any other conditions imposed by the Council when approving the works.

3.6 PROHIBITED ACTIVITIES

- (a) No person shall:
 - (i) Do anything or allow any stock to do anything that damages or is likely to cause damage to any facet of any Public Stormwater System; or
 - (ii) Discharge into a Public Stormwater System in any way or manner which may contravene resource consent conditions, or the requirements of the Resource Management Act.

3.7 RESTRICTED ACTIVITIES

- (a) Without the prior written Approval of the Council, no person may:
- (i) Discharge any Stormwater into a public Land Drain and/or Watercourse or any drain leading to a public Land Drain and/or Watercourse;
 - (ii) Erect or construct any bridge, culvert, dam, weir, crossing or other similar structure in, on or over any Land Drain and/or Watercourse in the Public Stormwater System;
 - (iii) Stop, obstruct, hinder, alter, interfere with or divert any Watercourse, Overland Flow Paths, Floodplains, drains or in a manner likely to adversely affect the performance of the Watercourse, Overland Flow Path, Floodplain, drain or the velocity or direction of Stormwater.
 - (iv) Erect any structure, undertake earthworks or grow any vegetation, deposit any rubbish or other debris or carry out any activity in a place or manner that is likely to cause Nuisance or damage to a Public Stormwater System;
 - (v) Extract any water from or allow their stock access to any facet of any Public Stormwater System;
 - (vi) Connect any pipe, channel or other flow conduit, to any drain;
 - (vii) Operate, remove, cover or interfere with any cover of any manhole, inlet or other equipment associated with the Stormwater Network;
 - (viii) Enter any public drain, Land Drain and/or Watercourse or pumping station building;
 - (ix) Stop, widen, deepen, dam, narrow or alter the course of any drain within a Public Stormwater System;
 - (x) Modify the bank structure of any open Land Drain and/or Watercourse within a Public Stormwater System or plant any vegetation or remove any vegetation on the banks in such a way as to alter the flow of Stormwater, cause destabilisation or create other Nuisance.
 - (xi) 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 Canterbury Regional Council.

4. PART 4: WASTEWATER NETWORK

4.1 OBJECTIVE OF PART 4

- (a) The objectives of Part 4 of the Bylaw are to:
 - (i) Promote the effective and efficient management and regulation of the Wastewater Network;
 - (ii) Protect and manage the Wastewater Network and the land, structures and infrastructure associated with Wastewater drainage from damage, misuse, or loss,
- (b) This part of the Bylaw applies to the Discharge, or likely Discharge, of Domestic Wastewater to the Wastewater System operated by the Council or its agents.

4.2 CONTROL OF DISCHARGES

- (a) No person will Discharge or allow to be discharged any Domestic Wastewater into the Wastewater Network except in accordance with the provisions of this part of the Bylaw and any Approval granted by the Council.
- (b) In the event of failure to comply with 4.2(a), the Council may physically prevent the Discharge of Domestic Wastewater to the Wastewater Network.
- (c) It is the responsibility of the person discharging to ensure they meet the requirements of an Approval to Discharge Domestic Wastewater and this Bylaw.

4.3 ACCEPTANCE OF DISCHARGE

- (a) A premise may be entitled to have standard Wastewater accepted to be discharged to the Wastewater Network provided that:
 - (i) The premise is within an area which is served by the Council's Wastewater Network;
 - (ii) The Council approves an application to connect and Discharge;
 - (iii) Payment is made in full of the appropriate rates and charges levied in respect of that property for Wastewater services; and
 - (iv) There is compliance with the requirements of this Part of the Bylaw including any conditions of Council's Approval to connect and Discharge to the Wastewater Network.
- (b) The Council will accept Domestic Wastewater Discharges once Approval has been granted to connect and Discharge to the Wastewater Network, provided Discharges comply with this Bylaw and any conditions of Approval.

4.4 APPLICATION TO CONNECT TO THE NETWORK AND DISCHARGE WASTEWATER

- (a) An application to connect and Discharge to the Wastewater Network must be made to the Council on the form provided by the Council and include, where requested, a plan showing proposed or completed works, and be accompanied by the specified fee in the following circumstances:

- (i) A new or altered Connection to the Wastewater Network.
 - (ii) A new or altered Connection from an existing but unused Connection to the Wastewater Network.
 - (iii) A new or altered Connection to the Wastewater Network where an Applicant's property lies outside the recognised network on the same basis as those within the Wastewater Network area. Any decision to allow such a Connection is discretionary.
 - (iv) To vary the conditions of any Approval to Discharge that has previously been granted.
- (b) All applications for new Connections to the Wastewater Network must provide for an Inspection Chamber at the boundary of the property. The Inspection Chamber is part of the Consumer Equipment.
- (c) On receipt of the application the Council may require the applicant to submit any additional information which it considers necessary to reach an informed decision.

4.5 SWIMMING POOLS AND SPA POOLS

- (a) No water, other than backwash water, from a swimming pool or spa pool draining facility shall be discharged to the Wastewater Network unless the Discharge:
- (i) is less than 7.5m³ in volume and Discharges at a maximum rate of 2 litres per second;
 - (ii) occurs after 8pm and before 7am;
 - (iii) occurs 3 days after a rainfall event;
 - (iv) the Council has been informed of the Discharge at least 72 hours beforehand.
- unless the Discharge is otherwise approved by the Council.

4.6 POINT OF DISCHARGE

- (a) The Council is responsible for the ownership, maintenance and repair of the Wastewater Network up to the Point of Discharge of any Connection. The Point of Discharge will be specified in the Approval, or set out in this Bylaw or in a Council policy.
- (b) There will only be one Point of Discharge for each premise, unless otherwise approved by the Council in writing, and any private drain shall not extend by pipe or any other means to serve another premise unless it is a common private drain.
- (c) Unless otherwise specified in an Approval or in this Bylaw, the Point of Discharge for all new Connections will be the Inspection Chamber.
- (d) Unless otherwise specified in an Approval or in this Bylaw, the Point of Discharge for existing Connections is:
- (i) one metre downstream of the boundary of the property where the main collection sewer is outside of the property; or
 - (ii) if present, at the downstream end of an Inspection Chamber at the property boundary;
- or

- (iii) at the Connection of the Consumer service lateral to the main collection sewer where the main is within the property boundary or less than one metre outside of the property boundary at the point of Connection; or
- (iv) for low pressure grinder pumps, at the downstream end of the grinder pump chamber at the property boundary.

EXPLANATORY NOTE

Please refer to the Three Waters Services Policy for a diagram showing points of Discharge.

4.7 PREVENTION OF INFLOW AND INFILTRATION

- (a) Unless authorised by the Council, no person connected to a Wastewater Network can:
 - (i) cause or allow groundwater, Stormwater or any other water that is not Wastewater to enter the Wastewater Network or any private sewer that is connected to the Wastewater Network. This includes water from a water pipe, artesian well, ram or other hydraulic application or any surface water, subsoil drainage, roof water or condensing water;
 - (ii) cause or allow Trade Waste to enter the Wastewater Network or any private sewer that is connected to the Wastewater Network;
 - (iii) cause or allow any matter other than that normally discharged through a residential drain to be discharged to the Wastewater Network;
 - (iv) cause or allow any waste disposal unit connected to any drainage works to be used other than for the purpose of disposing of ordinary domestic household waste;
 - (v) cause or allow any steam, or any other matter (solid or liquid) at a temperature higher than 40°C to pass into the Wastewater Network;
 - (vi) add or permit the addition of any potable, condensing or Cooling water or Stormwater to any Domestic Wastewater which discharges into the Wastewater Network.
- (b) No person may Discharge or introduce Prohibited Trade Waste into the Wastewater Network.

4.8 BLOCKAGES

- (a) A Consumer whose gully trap is overflowing and has reason(s) to suspect a drain blockage which is on the Council's side of the Point of Discharge shall contact the Council immediately. The Council will take appropriate steps to check the public sewer, and to clear and remove any blockage and clean up all affected areas. The Consumer is responsible for addressing any blockages on the Consumer's side of the Point of Discharge.
- (b) If a blockage is found to be within the public sewer, provided that:
 - (i) The blockage has not been forced downstream into the public sewer in an act of clearing it from the private drain;

- (ii) The Consumer has not been negligent in discharging a non-acceptable Wastewater; and
- (iii) An authorised officer can confirm that the blockage at the time was caused by a problem in the public sewer network,

then Council shall cover the costs incurred in the unblocking work. If otherwise, the Council shall recover the costs of the unblocking work from the Consumer.

4.9 CONTINUITY OF SUPPLY

- (a) The Council will endeavour to receive Wastewater in accordance with an Approval to Discharge Wastewater without interruption, but it does not guarantee a constant level of service.
- (b) The Council will not be liable for any loss, damage or inconvenience which any person may sustain as a result of deficiencies in or interruptions to any Connection or Discharge to the Wastewater Network.

4.10 PROVISIONS FOR EXISTING CONSUMERS

- (a) In appropriate instances, the Council reserves the right to require an existing Consumer to:
 - (i) Install a suitable interceptor trap prior to Discharge into the Wastewater Network where it is expected the Discharge may impact on pipe integrity and/or lead to congestion. This may include an Inspection Chamber or inspection point to enable the Council to sample the waste stream;
 - (ii) Install, retrofit or upgrade an existing Inspection Chamber if it is unsatisfactory.
- (b) If the Council requires an existing Consumer to install new or upgrade existing equipment in accordance with clause 4.10 (a) above, it will notify the Consumer in writing specifying the work to be carried out within a specified timeframe. If the specified works are not carried out in the specified timeframe then the Council may undertake the works at the Consumer's cost.

5. PART 5 – TRADE WASTE

5.1 OBJECTIVE OF PART 5

- (a) The objective of Part 5 is the effective and efficient management and regulation of Trade Waste so that it does not adversely affect the Wastewater Network and to protect public health and the environment.

5.2 APPLICATION OF PART 5 OF THE BYLAW

- (a) Part 5 of the Bylaw will apply to all premises within the Council district where Trade Waste is discharged or sought or likely to be discharged to the Wastewater Network operated by the Council or its agents.

5.3 CONTROL OF TRADE WASTE DISCHARGES

- (a) No person will:
 - (i) Discharge or allow to be discharged any Trade Waste into the Wastewater Network except in accordance with the provisions of this part of the Bylaw and any Approval granted by the Council;
 - (ii) Discharge or allow to be discharged, a prohibited Trade Waste into the Wastewater Network; or
 - (iii) add or permit the addition of any potable, condensing or Cooling water or Stormwater to any Trade Waste which Discharges into the Wastewater Network unless allowed by a conditional Approval; or
 - (iv) dispose of solid Trade Waste from refuse or garbage grinders, and macerators to the Wastewater Network unless allowed by a conditional Approval.
- (b) In the event of failure to comply with 5.3(a), the Council may physically prevent the Discharge of Trade Waste to the Wastewater Network.
- (c) The Council may accept or decline to accept any Discharge of Trade Waste.
- (d) Pursuant to section 196 of the Local Government Act 2002, the Council may refuse to accept the Discharge of Trade Waste which is not in accordance with this Bylaw.
- (e) It is the responsibility of the person discharging to ensure they meet the requirements of an Approval to Discharge Trade Waste and this Bylaw.

5.4 CLASSIFICATION OF TRADE WASTE DISCHARGES

- (a) Trade Waste Discharges are classified as one of the following types:
 - (i) Controlled (Approval required, must meet the specifications of Schedule 1 and any additional requirements specified in the Bylaw);
 - (ii) Conditional (Approval required, subject to the Council's discretion, Approval may be granted subject to conditions. This includes proposals which do not meet the specifications of Schedule 1); or

- (iii) Prohibited (Approval will not be issued).

EXPLANATORY NOTES:

The Characteristics for Controlled and Prohibited Discharges are set out in Schedules 1 and 2.

If the parameters of Schedule 1 are not able to be met, then the Trade Waste Consent, if approved, will be Conditional rather than Controlled.

5.5 APPLICATION FOR TRADE WASTE DISCHARGE CONSENT

- (a) Any application to Discharge Trade Waste must be made to the Council on the form provided by the Council and accompanied by a plan showing proposed Discharges and the specified fee where the person will, proposes to, or is likely to:
 - (i) Discharge Trade Waste into the Wastewater Network (either continuously, intermittently or temporarily);
 - (ii) vary the Characteristics of a Trade Waste Discharge where an Approval has previously been granted;
 - (iii) vary the conditions of an Approval to Discharge Trade Waste that has previously been granted including any change to the method or means of Pre-Treatment of a Discharge; or
 - (iv) significantly change the method or means of the Pre-Treatment of Trade Waste for which an Approval has previously been granted,unless that person has entered into a written Trade Waste Agreement with the Council that authorises the Discharge in accordance with clause 5.12 (a).
- (b) The Council reserves the right to deal with the owner, as well as the Occupier of any premise discharging Trade Waste. Reference to Consumer in this Bylaw includes the owner and Occupier of a premise discharging Trade Waste.
- (c) No application for Trade Waste will be approved where the Trade Waste will contain, or is likely to contain, Characteristics which constitute Prohibited Trade Waste, except in circumstances where the prohibited Characteristic can be treated so as to enable a Conditional Trade Waste Approval being granted.
- (d) Where Trade Waste is, or is likely to be, produced from more than one process, any application for Approval must include a separate description for each process.
- (e) Where Trade Waste is discharged from more than one area, the application must include a separate description of Trade Waste to be discharged from each area, whether or not the areas are part of separate trade processes.

5.6 REGISTRATION OF CONSUMERS

- (a) All Consumers that are discharging Trade Waste must be registered with the Council using the form provided by the Council.

5.7 INFORMATION AND ANALYSIS

- (a) On the receipt of any application for an Approval to Discharge Trade Waste or to alter an existing Discharge, the Council may:
 - (i) require the applicant to submit any additional information which it considers necessary to reach an informed decision;
 - (ii) require an application to be supported by an independent report/statement completed by a suitably experienced and external auditor to verify any or all information supplied by the applicant;
 - (iii) require the applicant to submit a Management Plan; or
 - (iv) require the Applicant to undertake sampling and monitoring as provide for in section 5.15.
- (b) The Council will notify the applicant of any requirement under clause 5.7 (a) within 10 Working Days of receipt of the application (or extended as necessary by the Council). When the requested information has been received the Council will continue to process the application.
- (c) If the information provided to the Council under clause 5.7 (a) is insufficient to reach an informed decision, the Council may, at any time during the processing of an application, request further information from the Applicant.

5.8 CONSIDERATION CRITERIA

- (a) In deciding whether to grant or decline an application, the Council will consider the quality, volume, and rate of Discharge of the Trade Waste (either on its own or in combination with other Discharges of Trade Waste to the Wastewater Network) and any other matter that it considers, on reasonable grounds, to be relevant, which may include the following:
 - (i) the health and safety of any person;
 - (ii) the limits and/or maximum values for Characteristics of Trade Waste as specified in Schedules 1 and 2 of this bylaw;
 - (iii) the extent to which the Trade Waste may react with other waste in the Wastewater Network to produce undesirable effects, including the settlement of solids, production of odours, accelerated corrosion and deterioration of the Wastewater Network;
 - (iv) the flows and velocities in the Wastewater Network and the material or construction of the Wastewater Network;
 - (v) the capacity of the Wastewater Network and the capacity of any Wastewater Treatment works and other facilities;
 - (vi) the nature of any Wastewater Treatment process and the extent to which the Trade Waste is able to be treated in a Wastewater Treatment system;
 - (vii) the timing and balancing of flows into the Wastewater Network;

- (viii) any statutory requirements (including compliance with any resource consent or relevant receiving water quality guidelines) relating to the Discharge of raw or treated Wastewater to receiving environments, including water, land or air environments, the disposal of Wastewater sludges, and beneficial use of biosolids;
- (ix) the effect or potential effect of the Trade Waste Discharge on the ultimate receiving environment;
- (x) the conditions on resource consents for the Wastewater Network;
- (xi) requirements for, and limitations on, Wastewater sludge disposal and re-use;
- (xii) effects or potential effects on existing or future Trade Waste Discharges;
- (xiii) amenability of the Trade Waste to Pre-Treatment;
- (xiv) any existing Pre-Treatment works on the Premises and the potential for their future use;
- (xv) Cleaner production techniques and waste minimisation practices;
- (xvi) the control of Stormwater;
- (xvii) any Management Plan; and
- (xviii) the possibility of unscheduled, unexpected or accidental events and the degree of risk these could cause to people and animals, the environment, and the Wastewater Network.

5.9 TRADE WASTE APPROVALS – CONDITIONS

- (a) Any Trade Waste Approval may be granted subject to such conditions as the Council may impose, including but not limited to:
 - (i) the approved sites for the Discharge of Trade Waste or the particular Wastewater infrastructure to which the Discharge can be made;
 - (ii) the average and/or maximum daily volume of the Discharge and the maximum rate of Discharge, and the duration of maximum Discharge;
 - (iii) the average, maximum limit and/or permissible range of any specified Characteristics of the Trade Waste Discharge, including Maximum Concentrations and/or Mass Limits. Mass Limits are determined in accordance with clause 5.10 (d) to (f).
 - (iv) the period or periods of the day during which the Discharge, or particular concentration, or volume Discharge may be made;
 - (v) the degree of acidity or alkalinity of the Discharge;
 - (vi) the temperature of the Trade Waste at the time of Discharge;
 - (vii) the provision, operation and maintenance by or for the Consumer, at the Consumer's expense, of screens, grease traps, silt traps or other Pre-Treatment process,

- equipment or storage facilities to control Trade Waste Discharge Characteristics to the approved levels;
- (viii) the provision and maintenance at the Consumer's expense of Inspection Chambers, manholes or other apparatus or devices to provide safe and reasonable access to drains for sampling and inspection;
 - (ix) the provision and maintenance of a sampling and analysis programme, and flow measurement requirements, at the Consumer's expense;
 - (x) the method or methods to be used for measuring flow rates and/or volume and taking samples of the Discharge for use in determining compliance with the Approval and the charges applicable to that Discharge;
 - (xi) the duration of any Approval;
 - (xii) the provision and maintenance by, and at the expense of, the Consumer of such Meters or devices as may be required to measure the volume or flow rate of any Trade Waste being Discharged from the Premises, and for the calibration of such Meters;
 - (xiii) the provision and maintenance, at the consent holder's expense of such services (whether electricity, water or compressed air or otherwise) which may be required in order to operate Meters and similar devices including safe sampling points for access as may be required;
 - (xiv) the provision for the design, location, and specification of, and any material alteration to, the flow measurement system which require the Approval of the Council prior to installation or operation;
 - (xv) a sampling and testing programme and flow measurement requirements and the requirement to measure the flow of Trade Waste Discharges in cases set out within section 5.15 of this bylaw;
 - (xvi) the provision (in a Council approved format) of all flow and/or volume records and results of analyses (including Pre-Treatment of by-products) to the Council in a format approved by the Council and at the times specified;
 - (xvii) risk assessment of damage to the environment due to an accidental Discharge of a chemical;
 - (xviii) the provision, implementation and maintenance of a Management Plan, including spill control plans, Cleaner production and waste minimisation strategies, or Emergency Response Procedures;
 - (xix) waste minimisation and management;
 - (xx) Cleaner production techniques;
 - (xxi) remote monitoring and/or control of Discharges;

- (xxii) the Consumer's agreement to allow the Council access to the premise for the purposes of inspection and sampling at any reasonable time;
- (xxiii) third party Treatment, carriage, Discharge or disposal of by-products of Pre-Treatment of Trade Waste (including Wastewater sludge disposal);
- (xxiv) requirement to provide a bond or insurance in favour of the Council where failure to comply with the Approval could result in:
 - (1) damage to the Council's Wastewater Network or its Treatment plants; or
 - (2) the Council being in breach of any statutory obligation;
- (xxv) the indemnification of the Council by the Consumer against claims for damage or loss arising from the Occupier's Discharge or interruptions to the Discharge;
- (xxvi) the amount, if any, of Cooling water, condensing water or Stormwater which cannot practically be separated from Trade Wastes, that may be included with the Discharge;
- (xxvii) any other conditions that the Council considers appropriate and which are necessary to meet the requirements of this bylaw.

5.10 REQUIREMENTS TO MEET CERTAIN CONDITIONS OF APPROVAL – CONTROLLED AND CONDITIONAL APPROVALS

Any premise discharging fats, oils, or grease

- (a) Any premise that Discharges fats, oils or grease must have an Approval, which must include an approved grease trap or oil interceptor where relevant.

Pre-Treatment

- (b) A conditional Trade Waste application may be approved subject to the provision of appropriate Pre-Treatment systems to enable the Consumer to comply with this Bylaw. Such Pre-Treatment systems must be provided, operated and maintained by the Consumer at their expense.
- (c) Consumers with Pre-Treatment devices installed shall maintain at all times a current service and maintenance contract and record for all Pre-Treatment devices. Copies of the service and maintenance contracts and records shall be held at the Premises discharging the Trade Waste and be readily available for inspection by the Council.

Mass Limits

- (d) Any Conditional Trade Waste Approval may impose controls for a Trade Waste Discharge by specifying Mass Limits for any Characteristic.
- (e) Mass Limits may be imposed for any Characteristic. Any Characteristic of a Discharge with a Mass Limit imposed may also have its Maximum Concentration limited.
- (f) When setting Mass Limit allocations for a particular Characteristic the Council will consider:
 - (i) The operational requirements of and risks to the Wastewater system, and risks to occupational health and safety, public health, and the ultimate receiving environment;

- (ii) Whether or not the levels proposed pose a threat to the planned or actual beneficial reuse of biosolids of Wastewater sludge;
- (iii) Conditions in the Wastewater Network near the Trade Waste Point of Discharge and elsewhere in the Wastewater Network;
- (iv) The extent to which the available industry capacity was used in the last financial period and is expected to be used in the forthcoming period;
- (v) Whether or not the Applicant uses Cleaner production techniques within a period satisfactory to the Council;
- (vi) Whether or not there is any net benefit to be gained from the increase in one Characteristic concurrently with the decrease of another to justify any increased application for industrial capacity;
- (vii) Any requirements of the Council to reduce any Contaminant Discharge of the Wastewater System;
- (viii) How great the proportion of the mass flow of a Characteristic of the Discharge will be of the total mass flow of that Characteristic in the Wastewater System;
- (ix) The total mass of the Characteristic allowable in the Wastewater System, and the proportion (if any) to be reserved for future allocations;
- (x) Whether or not there is an interaction with other Characteristics which increase or decreases the effect of either Characteristic on Wastewater reticulation, Treatment process, or receiving water or land.

Disinfected / Super Chlorinated Water

- (g) Any water used during the repair and construction of water mains must be de-chlorinated prior to Discharge to the Wastewater Network and must not be disposed of to the Stormwater Network or adjacent water courses.

Swimming and spa pools

- (h) No water, other than backwash water, from any Commercial Swimming Pool or spa pool shall be Discharged into the Wastewater Network without Approval from the Council. At a minimum, before any Discharge will be approved by the Council, the pool outlet or pump must be fitted with a flow limiting device or measure that prevents the flow from exceeding the conditions as set out in Schedule 1 of this Bylaw.

EXPLANATORY NOTE

Commercial Swimming Pool includes a school swimming pool.

5.11 DURATION OF APPROVALS AND REVIEW CONDITIONS

- (a) Approvals shall remain in force until either:
 - (i) A maximum of ten years from the date of Approval;

- (ii) A fixed termination date or duration, if specified in the Approval;
 - (iii) The Approval is cancelled under sections 5.13 or 5.14;
 - (iv) The quantity and nature of the Discharge changes significantly;
 - (v) If in the opinion of the Council the nature of the Trade Waste being Discharged changes or is likely to change to such an extent that it becomes a Prohibited Trade Waste;
 - (vi) The Council cancels or replaces this Bylaw;
 - (vii) The conditions of the Approval change, including following a review of the Approval in accordance with clause 5.11 (b); or
 - (viii) The permit holder ceases to operate from the trade premise from which the Discharge arises.
- (b) The Council may at any time during the term of an Approval undertake a review of the Approval. The reasons for review may include, but are not limited, to:
- (i) non-compliance with an Approval or this Bylaw;
 - (ii) accidents, spills or process mishaps;
 - (iii) changes to the Council's resource consents authorising the Wastewater Network;
 - (iv) changes to the Council's environmental policies or the outcomes of those policies;
 - (v) changes in the available technology and processes for control and Treatment of Trade Wastes;
 - (vi) the Council has good reason to believe the quantity and nature of the Discharge has changed, or is likely to change, to such an extent that it becomes non-compliant, and/or it becomes either a Conditional or Prohibited Trade Waste;
 - (vii) new information becomes available;
 - (viii) the existence of any legal or environment requirement imposed on the Council.
- (c) The Council may, by written notice:
- (i) vary any condition of an Approval to such extent as the Council considers necessary following a review under clause 5.11 (b);
 - (ii) require the Consumer to apply for a new Discharge Approval.
- (d) A Consumer may at any time during the term of an Approval seek to vary any condition of Approval by written application to the Council.

5.12 TRADE WASTE AGREEMENTS

- (a) The Council may, at any time and at its discretion, enter into a written Trade Waste Agreement with any Consumer for the Discharge of Trade Waste into the Wastewater

Network. Any such agreement may be made in addition to, or in place of, an Approval under this Bylaw.

5.13 SUSPENSION OR CANCELLATION OF APPROVAL TO DISCHARGE

- (a) The Council may suspend or cancel any Approval or right to Discharge Trade Waste at any time following 20 Working Days' written notice to the Consumer or any person discharging Trade Waste when:
 - (i) there is a failure to comply with any condition of an Approval or this part of the Bylaw;
 - (ii) there is a failure to maintain effective control over the Discharge;
 - (iii) there is a failure to limit the volume, nature, or composition of a Discharge in accordance with this Bylaw or an Approval;
 - (iv) the Consumer negligently does or omits to do anything which, in the opinion of the Council, threatens the safety of, or threatens to cause damage to, any part of the Wastewater Network or the Treatment plant or threatens the health or safety of any person;
 - (v) the continuing Discharge poses a threat to the environment;
 - (vi) the Discharge, alone or in combination with any other Discharge, breached or may breach any resource consent held by the Council;
 - (vii) the Consumer fails to provide and maintain a Management Plan required under a conditional Approval;
 - (viii) there is any occurrence that, in the opinion of the Council, poses a serious threat to the environment;
 - (ix) the Consumer fails to adhere to a Management Plan during any unexpected, unscheduled or accidental occurrence;
 - (x) the Consumer fails to pay any fees and charges due;
 - (xi) the Consumer denies the Council access to the Premises for the purpose of sampling or monitoring the Discharge; and
 - (xii) any other circumstances which arise that, in the opinion of the Council, render it necessary in the public interest to suspend or cancel the right to Discharge.
- (b) If any process changes that requires more than 20 Working Days, reasonable time may be given to comply with the Approval conditions.
- (c) The Council reserves the right to physically prevent Discharge to the Wastewater Network as part of or following suspension or cancellation under 5.13(a).
- (d) The Council must give written notice withdrawing a suspension before a Consumer can resume discharging.

- (e) Any suspension that has not been withdrawn 3 months after the suspension was imposed results in a cancellation of the Approval.

5.14 SUMMARY CANCELLATION OF APPROVAL TO DISCHARGE

- (a) Notwithstanding clause 5.13 (a), any Approval to Discharge Trade Waste may at any time be summarily cancelled by the Council on written notice to the Consumer if:
 - (i) the Consumer causes or allows the Discharge of a prohibited substance;
 - (ii) the Council is lawfully directed to withdraw or otherwise cancels the Approval summarily;
 - (iii) Trade Waste is unlawfully discharged;
 - (iv) continuing the Discharge may, in the opinion of the Council, pose an immediate threat to the environment or public health;
 - (v) continuing the Discharge may, in the opinion of the Council, result in a breach of the's resource consent(s); or
 - (vi) in the opinion of the Council, the continuance of the Discharge puts at risk the ability of the Council to comply with the conditions of a resource consent and/or requires identified additional Treatment measures or costs to seek to avoid a breach of any such resource consent.
- (b) The Council reserves the right, at Council's discretion and at the Consumer's expense, to access the premise to physically prevent Discharge to the Wastewater Network as part of the cancellation under sections 5.13 or 5.14 and carry out such other works as it considers necessary to prevent the further Discharge of Trade Waste into the Wastewater Network.
- (c) Where a Discharge Approval is suspended or cancelled under sections 5.13 or 5.14 the Consumer may, at the Council's discretion, be liable for Trade Waste Discharges to the end of the current charging period.
- (d) The Council can in its discretion agree to restore Connection which has been suspended or cancelled under sections 5.13 or 5.14. The Council may impose conditions on its agreement to restore including, but not limited to:
 - (i) payment of all or any of the following:
 - (1) any outstanding or additional fees and charges;
 - (2) such sum which reimburses the Council for the reasonable legal and administrative costs or expenses incurred by the Council in issuing the notice to suspend or cancel the Discharge;
 - (3) the costs incurred in Disconnecting the Connection and carrying out any repairs or adjustments;
 - (ii) a requirement to apply for a new Approval or to vary an existing Approval.

5.15 SAMPLING, ANALYSIS AND MONITORING

- (a) The Council may require a Consumer to undertake or allow to be undertaken by the Council the sampling, analysis and monitoring of any Discharge to determine:
 - (i) compliance with this Bylaw or an Approval;
 - (ii) the classification of a Discharge as a Permitted, Conditional, or Prohibited Discharge; or
 - (iii) fees or charges payable.
- (b) The Consumer is liable for all reasonable costs associated with the Discharge including the taking, preservation, transportation and analysis of samples and monitoring the Discharge (whether they are undertaken by the Consumer or by, or on behalf of, the Council).
- (c) The Consumer shall ensure there is, at all times, an access point complying with the requirements of the New Zealand Building Code permitting the Council to undertake the sampling, testing and monitoring contemplated by clause 5.15 (a).

Frequency of Sampling

- (d) The frequency of samples shall be as determined by the Council. At a minimum, sampling will occur once every 12 months from the date of Approval.
- (e) Sampling shall be carried out at the time of the year that the Trade Waste Discharge produces the greatest effect (whether flow or strength). Successive samples shall be taken on different days of the week where possible.

Flow Metering

- (f) Flow Metering may be required by the Council at its discretion. Flow Metering is likely to be required where:
 - (i) there is no reasonable relationship between a Metered water supply to the Premises and the Trade Waste Discharge;
 - (ii) the Council declines to approve an alternative method of flow estimation; or
 - (iii) the Discharge represents, in the Council's opinion, a significant proportion of the total Discharge received by the Wastewater Network.
- (g) The type of Meter or flow device used is subject to the Approval of the Council.
- (h) The Consumer is responsible (at their own expense) for the supply, installation, calibration, reading and maintenance of any Meter and/or flow device required by the Council.
- (i) Meters and/or flow devices remain the property of the Consumer.
- (j) Meters must be located in a position approved by the Council, readily accessible for reading and maintenance, and installed according to the manufacturer's instructions.
- (k) The Consumer must ensure in situ calibration of flow Metering equipment and instrumentation is carried out, by a person and method approved by the Council, upon

installation and at any other time specified by the Council. Meters must be accurate to within 10% ±, and must not deviate from the previous Meter calibration by more than 5%±. Independent certification of each calibration result must be submitted to the Council as specified in an Approval.

- (l) If any Meter or device installed for the purpose of measuring a Trade Waste Discharge is found to be inaccurate by more than 10%±, the Council may adjust any charges based on the Meter reading to account for that inaccuracy, and may back-date any adjusted charges for a period at the discretion of the Council not exceeding 12 months. The Consumer will be required to pay or will be credited a greater or lesser amount according to such adjustment.
- (m) Records of flow and/or volume for up to five years must be made available for viewing by the Council at any reasonable time, and must be submitted to the Council at intervals and in the format specified in an Approval.

Estimating Discharge

- (n) Where no Meter is used to measure a Discharge, the Council may estimate the Discharge by reference to the quantity of water supplied to the Premises, and may determine the charges payable according to that estimation.
- (o) If an estimate cannot be achieved, then the Council has the right to require installation of a Council approved flow measure at the Consumer's expense.
- (p) If a Meter is out of repair or ceases to register or is removed, the Council may estimate the Discharge on the basis of Discharges during the previous 12 months or any other factor it considers relevant, and may determine the charges payable according to that estimate.

Compliance monitoring

- (q) The Council may at its discretion monitor and audit any Trade Waste Discharge for compliance. Monitoring may include any of the following:
 - (i) taking and analysing samples in an approved laboratory by agreed or approved methods;
 - (ii) audit sampling and analysis carried out by or on behalf of a Consumer; or
 - (iii) auditing compliance, with the conditions of Approval, including any Management Plans.
- (r) Taking, preserving, transporting and analysing samples and monitoring Discharges may be undertaken by any person and method approved by the Council.
- (s) At the discretion of the Council, all costs of monitoring will be met by the Consumer either through direct payment to the laboratory or to the Council in accordance with the Council's charging policy.

5.16 ACCIDENTS AND INCIDENTS

- (a) The Consumer will inform the Council immediately on discovery of any unauthorised Discharge, accident (including any spills or process mishaps), or any event which may have

an adverse effect on the Wastewater Network or cause a breach of this Bylaw. This requirement is in addition to any other notification required to be given.

- (b) In the event of any accident occurring on premise for which there is an Approval then the Council may review the Approval under clause 5.11 (b) or may require the Consumer, within 20 Working Days of the date such requirement is notified to the Consumer in writing, to review the Emergency Response Procedures and re-submit, for Approval, the Management Plan with the Council.

5.17 NOTICE OF DISCONNECTION

- (a) A Consumer must give 48 hours' notice in writing to the Council of their requirement to Disconnect a Point of Discharge and/or terminate a Trade Waste Approval, except where demolition or relaying of the Discharge drain is required, in which case the notice shall be within seven Working Days.
- (b) The person discharging must notify the Council of any change of address to which invoices or a final invoice can be sent.
- (c) On permanent Disconnection or termination of a Discharge, the Consumer discharging may, at the Council's discretion, be liable for Trade Waste charges to the end of the current charging period.
- (d) The Consumer is deemed to be continuing a Discharge and is liable for all charges until notice of Disconnection is given.

5.18 CEASE TO OPERATE OR OCCUPY PREMISES

- (a) When a Consumer ceases to operate or occupy Premises from which Trade Wastes are discharged any Approval terminates unless it is transferred to a new operator / Occupier in accordance with section 1.7. The Consumer remains liable for any obligations existing at the date of termination.
- (b) For the purposes of sections 1.7 and 5.18, appropriate circumstances for the transfer of a Trade Waste Approval on change of ownership or occupation of a premise include where the Characteristics of the Discharge remain the same.

5.19 PROVISIONS FOR EXISTING DISCHARGES

- (a) For existing Premises and businesses discharging Trade Waste:
 - (i) the Discharge of any Trade Waste must cease from the date the Bylaw comes into force; and
 - (ii) otherwise compliance with Part 5 of this Bylaw needs to be achieved within a period not exceeding 24 months from the date the Bylaw comes into force.
- (b) Notwithstanding clause 5.19 (a) (ii), if the Council considers there is an urgent need to manage the Discharge of Trade Waste from an existing premise or business it:

- (i) may, in consultation with the Consumer, require an application for Approval to be lodged sooner.
- (ii) reserves the right to install equipment to achieve compliance with Part 5 of this Bylaw, at the Consumer's cost.

5.20 CONTINUITY OF SUPPLY

- (a) The Council will endeavour to receive Trade Waste in accordance with an Approval to Discharge to the Wastewater Network without interruption, but it does not guarantee a constant level of service.
- (b) The Council will not be liable for any loss, damage or inconvenience which any person may sustain as a result of deficiencies in or interruptions to any Connection or Discharge to the Wastewater Network.

6. PART 6: ENFORCEMENT, OFFENCES AND PENALTIES

6.1 FEES

- (a) Where this Bylaw provides for the Council to issue a certificate, permit, consent or give its Approval for anything, or carry out an inspection or for a Connection or Disconnection, the Council may require the payment of a fee.
- (b) Fees and charges payable under this Bylaw are set out in the Council's Fees and Charges Schedule and are reviewed annually.
- (c) Fees and charges payable under this Bylaw are recoverable as a debt. If the Consumer fails to pay any charges and fees under this Bylaw the Council may cancel an Approval.

6.2 POWER OF ENTRY AND REMOVAL OF WORKS

- (a) The Council or contractors engaged to supply services to the Council may enter onto any land for the purpose of:
 - (i) inspecting the Network Equipment;
 - (ii) carrying out the works (including Meter reading, monitoring and sampling) specified in the Bylaw;
 - (iii) observing accidental occurrences and clean up; and
 - (iv) remedying any breach of the Bylaw.
- (b) If any inspection discloses a fitting or works that contravene the provisions of the Bylaw the Council officer or contractor can alter or remove the fitting or works in order to achieve compliance with the Bylaw and give notice of the alteration or removal to the Consumer as soon as reasonably practicable.

6.3 BREACH AND REMEDY

- (a) The Council may use its powers under the Local Government Act 2002, the Local Government Act 1974, the Land Drainage Act 1908, the Soil and Conservation and Rivers Control Act 1941 and the Health Act 1956 to enforce this Bylaw.
- (b) Every person who breaches this Bylaw, or breaches the conditions of any consent granted under this Bylaw commits an offence and is liable upon conviction to a fine as provided for under the Local Government Act 2002, and may be liable to penalties under other legislation.
- (c) The Council may require, by the giving of written notice, that the Consumer remedy any breach of this Bylaw.
- (d) If the Consumer fails to comply with any notice issued under this Bylaw, the Council will be entitled to take steps which include:
 - (i) remedying the breach and seek the cost of any such remedy from the Consumer.

- (ii) restricting the Consumer's water supply without further notice and/or impose additional conditions for the supply of water, including the supply of water at the commercial supply rate.

SCHEDULE 1 – CONTROLLED DISCHARGE CHARACTERISTICS

1. The nature and levels of the Characteristics of any Trade Waste discharged to the Council Wastewater Network must at all times comply with the following requirements, except where the nature and levels of such Characteristics are varied by the Council as part of a Conditional Approval to discharge Trade Waste.
2. The Council will take into consideration the combined effects of Trade Waste Discharges and may make any modifications to the following acceptable Characteristics for individual Discharges the Council believes are appropriate.
3. The nature and levels of any Characteristic may be varied to meet any new resource consents or any other legal requirements imposed on the Council, including as provided for in clause 5.11(b).
4. The following tables show various Characteristics that are applicable to all Permitted Trade Waste Discharges.

Physical Characteristics	
Flow	<ul style="list-style-type: none"> - The volume of the Discharge in any 24 hour period must be less than 5m³. - The maximum instantaneous flow rate must be less than 2.0 L/s.
Temperature	<ul style="list-style-type: none"> - The temperature must not exceed 40°C.
Solids	<ul style="list-style-type: none"> - Non-faecal gross solids must have a maximum dimension which not exceed 15 mm and gross solids will have a quiescent settling velocity which will not exceed 500 m/minute. - The suspended solids content of any Trade Waste will have a Maximum Concentration that will not exceed 2000 g/m³. For significant industry, this will be reduced to 600 g/m³. - The settleable solids content must not exceed 50mL/L. - The total dissolved solids concentration in any Trade Waste will be subject to the agreement Approval of the Council, having regard to the volume of the waste to be discharged, and the suitability of the Wastewater Network and the Wastewater Treatment Plant to accept such waste.
Fats, oil and grease	<ul style="list-style-type: none"> - There must be no free or floating layer of fat, oil or grease. - A Trade Waste with mineral oil, fat or grease unavoidably emulsified, which in the opinion of the Council is not biodegradable, will not exceed 200 g/m³ as petroleum ether extractable matter when the emulsion is stable at a temperature of 15 °C, and when the emulsion is in contact with and diluted by a factor of 10 by raw Wastewater, throughout the range of pH 6.0 to pH 10.0. - A Trade Waste with oil, fat or grease unavoidably emulsified, which in the opinion of the Council is biodegradable, will not exceed 500 g/m³ when the emulsion is stable at a temperature of 15 °C and when the emulsion is in contact with and diluted by a factor of 10 by raw Wastewater throughout the range of pH 4.5 to pH 10.0. - Emulsified oil, fat or grease will not exceed 100g/m³ as petroleum ether extractable matter when the emulsion is in contact with and diluted by a factor of 10 by raw Sewage throughout the range of pH 4.5 to pH 10.0.
Solvents and other organic liquids	<ul style="list-style-type: none"> - There will not be a free layer (whether floating or settled) of solvents or organic liquids.
Emulsions of paint, latex, adhesive, rubber, plastic	<ul style="list-style-type: none"> - Where such emulsions are not treatable these may be discharged into the Wastewater Network subject to the total suspended solids not exceeding 1000 g/m³ or other concentration approved by the Council. - The Council may determine that the need exists for Pre-Treatment of such emulsions if they consider that Trade Waste containing emulsions unreasonably interferes with the operation of the Council Treatment plant e.g. reduces % UVT (ultra violet transmission). - Such emulsions of both treatable and non-treatable types, will be discharged to the Wastewater Network only at a concentration and pH range that prevents coagulation and blockage at the mixing zone in the public Wastewater Network.
Radioactivity	<ul style="list-style-type: none"> - Radioactivity levels will not exceed Office of Radiation Safety Code of Practice CSP1 – Use of unsealed radioactive material, or its successor document.

Colour	- No waste will have colour or colouring substance that causes the Discharge to be coloured to the extent that it impairs Wastewater Treatment processes or compromises the treated Wastewater Discharge agreement.
Inhibitor Chemicals	- No waste being diluted at a ratio of 100 to 1 of Wastewater will inhibit the performance of the Wastewater Treatment process, such that the Council is significantly at risk, or prevented from achieving its environmental statutory requirements. - After dilution with de-chlorinated water, at a ratio of 15 to 1 of Wastewater, a Discharge which has an acute result when subjected to the Whole Effluent Toxicity Testing, will be deemed to have inhibitory chemicals. Whole Effluent Toxicity Testing will be undertaken using organisms selected by the Council. - The Council reserves the right to amend the corresponding Consent summarily.

Chemical Characteristics	
pH value	The pH must be between 6.0 and 10.0 at all times.
Organic Strength	The Biochemical Oxygen Demand (BOD ₅) must not exceed 600 g/m ³ .

General Chemical Characteristics	
Characteristics	Maximum Concentration (g/m ³)
MBAS (Methylene blue active substances)	500
Ammonia (measured as NH ₃)	
free ammonia	50
ammonia salts	200
Kjeldahl nitrogen	150
Total Nitrogen	150
Total Phosphorous (as P)	50
Sulphate (measured as SO ₄)	500 1500 (with good mixing)
Sulphite (measured as SO ₂)	15
Sulphide – as H ₂ S on acidification	5
Chlorine (measured as Cl ₂)	
free chlorine	3
hypochlorite	30
Dissolved aluminium	100
Dissolved iron	100
Boron (as B)	25
Bromine (as Br ₂)	5
Fluoride (as F)	30
Cyanide – weak acid dissociable (as CN)	1

Heavy Metals	
Metal	Maximum concentration (g/m ³)
Antimony	5
Arsenic	5
Barium	5
Beryllium	0.005
Cadmium	0.5
Chromium	5
Cobalt	5
Copper	5
Lead	5
Manganese	5
Mercury	0.005
Molybdenum	5
Nickel	5
Selenium	5
Silver	2
Thallium	5
Tin	5
Zinc	5

Organic Compounds and Pesticides	
Compound	Maximum Concentration (g/m³)
Formaldehyde (as HCHO)	50
Phenolic compounds (as phenols) excluding chlorinated phenols	50
Chlorinated phenols	0.02
Petroleum hydrocarbons	30
Halogenated aliphatic compounds	1
Monocyclic aromatic hydrocarbons	5
Polycyclic (or polynuclear) aromatic hydrocarbons (PAHs)	0.05
Halogenated aromatic hydrocarbons (HAHs)	0.002
Polychlorinated biphenyls (PCBs)	0.002
Polybrominated biphenyls (PBBs)	0.002 each
Pesticides (general) (includes insecticides, herbicides, fungicides and excludes organophosphate, organochlorine and any pesticides not registered in New Zealand).	0.002 each 0.2 in total
Organophosphate pesticides (excludes pesticides not registered for use in New Zealand).	0.1

Liquid Pharmaceutical Waste	
Volume limit per month *	Active concentration
10 litres	125mg / 5ml
5 litres	250mg / 5ml
3 litres	Above 250mg / 5ml

* If the waste discharge is above these limits then the Trade Waste Consent will be Conditional not Controlled.

SCHEDULE 2 PROHIBITED CHARACTERISTICS FOR TRADE WASTE

1. This schedule defines Prohibited Trade Wastes.
2. A Prohibited Trade Waste Discharge is one that has any one or more of the following prohibited Characteristics:

Prohibited Characteristics	
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:	<ul style="list-style-type: none"> - Interfere with the free flow of Sewage in the Wastewater Network; - Damage any part of the Wastewater Network; - In any way, directly or indirectly, cause the quality of the treated Sewage or residual biosolids and other solids from any Sewage Treatment plant to breach the conditions of a resource consent; - Pose a risk to the health or safety of any person; - After Treatment be toxic to fish, animals or plant life in the receiving waters; - Cause malodorous gases or substances to form which are of a nature or sufficient quantity to create a public Nuisance; or - Have a colour or colouring substance that causes the Discharge from any Sewage Treatment plant to receiving waters to be coloured.
Any amount of:	<ul style="list-style-type: none"> - Harmful solids, including dry solid wastes and materials that combine with water to form a cemented mass; - Liquid, solid or gas which could be flammable or explosive in the wastes, including oil, fuel, solvents (except those listed as permitted in Schedule 1A), calcium carbide, and any other material which is capable of giving rise to fire or explosion hazards either spontaneously or in combination with Sewage; - Asbestos; - The following organo-metal compounds: <ul style="list-style-type: none"> o Tin (as tributyl and other organotin compounds) o Mercury (as organic compounds) o Cadmium (as organic compounds) o Chromium (as organic compounds) o Halogenated organometallic compounds o Metallic alkyls. - Any organochlorine pesticides; - Genetic wastes, as follows: All wastes that contain or are likely to contain material from a genetically modified organism that is not in accordance with an Approval under the Hazardous Substances and New Organisms Act 1996 (HSNO). The material concerned may be from Premises where the genetic modification of any organism is conducted or where a genetically modified organism is processed. - Any health care waste prohibited for Discharge to a Wastewater Network by NZS 4304: 2002 or any pathological or histological wastes; - Any liquid pharmaceutical waste containing cytotoxic ingredients. - Radioactivity levels will not exceed Office of Radiation Safety Code of Practice CSP1 – Use of unsealed radioactive material, or its successor document. - Fibrous, woven, or sheet film or any other materials which may adversely interfere with the free flow of Wastewater in the Wastewater Network or Wastewater Treatment Plant will not be present.

3. Tankered Waste is also a prohibited Trade Waste.