

Otorohanga District

Water Services Bylaw 2007



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**OTOROHANGA DISTRICT
WATER SERVICES BYLAW 2007**

In pursuance and exercise of the powers vested in it by Part 8 of the Local Government Act 2002, the Local Government Act 1974, the Bylaws Act 1910, and any other Act or Authority it thereto enabling the Otorohanga District Council **MAKES AND ORDAINS THIS BYLAW:**

A Bylaw to:

Impose controls on the definition, creation, operation, maintenance and modification of urban networks for supply of potable water and drainage of sewerage or storm water.

1. SHORT TITLE

This Bylaw shall be cited and referred to as “The Otorohanga District Water Services Bylaw 2007”.

2. INTERPRETATION

In this Bylaw, except where inconsistent with the context:

“**COUNCIL**” means the Otorohanga District Council;

“**ENGINEERING MANAGER**” means any person appointed from time to time by Otorohanga District Council to be its Engineering Manager;

“**OTOROHANGA DISTRICT**” means the area known as the Otorohanga District comprising the area delineated on SO Plan 58012 deposited with the Chief Surveyor of the South Auckland Land District and as may be amended from time to time by due legal process;

“**POLLUTANT**” includes any matter that, when added to or mixed with any natural water will contaminate the water so as to change the physical or chemical condition thereof in such a manner as to:

- (a) Make the water significantly unclean, noxious or impure; or
- (b) Be detrimental to the health, safety or welfare of persons using the water;
or
- (c) Render the water undrinkable to farm animals; or
- (d) Be poisonous or harmful to animals, birds or fish around or in the water; or

- (e) Have a significant adverse effect on the drainage works or receiving waters to which the storm water is discharged; or
- (e) Have potential to result in non-compliance with the conditions of resource consents held by Council for the discharge of storm water;

and includes any solid or liquid excrement matter, waste water, sewage tank effluent, fertiliser, petrol, sediment, oil, paint or detergent that may cause such effects.

“PUBLIC WATER SERVICES NETWORK” means any pipe, drain, drainage channel or other facility used for the supply, collection or treatment of potable water, sewerage or storm water within or to the urban communities of Otorohanga and Kawhia where such pipes, drains, drainage channels or other facilities satisfy one or more of the following criteria:

- a) Are vested in or under the control of Council, and which serve more than one freehold lot; or
- b) Are within legal road reserve or other public places, and have been so placed with the approval of Council (unless there is written evidence of previous agreement that such elements will continue to be privately owned and maintained); or
- c) Have been subject to the control of Council for not less than 20 years; or
- d) Are drains or drainage channels declared to be public drains under section 462 of the Local Government Act 1974;

“PRIVATE WATER SERVICES NETWORK” means any pipe, drain, drainage channel or other facility used for the supply, collection or treatment of potable water, sewerage or storm water in the urban communities of Otorohanga and Kawhia that does not satisfy the criteria for classification as part of the Public Water Services Network;

“PUBLIC SEWER SYSTEM” means the public water services network provided by Council for the purpose of collecting and treating wastewater;

“PUBLIC STORMWATER SYSTEM” means the public water services network provided by Council for the purpose of collecting, treating and discharging storm water;

“RETICULATION” includes any pipe, drain, manhole, valve, chamber or other feature that forms part of, or is connected to a public water services network;

“STANDARD OF PUBLIC SERVICES” means those technical standards in relation to water services contained within the current versions of the Hamilton City Council Development Manual and the associated Rural Supplement;

“STORMWATER” means any surface water, ground water, subsoil water, artesian water and rainwater and water emanating from a drain, stream, river, lake, estuary or sea and where so designated by the Council, condensing water or cooling water, but excludes wastewater;

“WASTEWATER” means contaminated water or other liquid, including waste matter in solution or suspension or other pollutants, discharged from a premises.

3. DISCHARGES TO THE PUBLIC STORMWATER SYSTEM

Unless authorised by Council no person shall:

- (a) Cause, permit or suffer any pollutant, noxious or offensive matter to be discharged to the public storm water system or to any drain connected to the public storm water system;
- (b) Cause or permit or suffer any steam, or any other matter (solid or liquid) at a temperature higher than 50°C to be discharged to the public storm water system or to any drain connected to the public storm water system.
- (c) Cause, permit or suffer any pollutant, noxious or offensive matter to be stored, transported, handled or used in a way that does not adequately protect against the potential entry of those materials into the public stormwater system.

4. DISCHARGES TO THE PUBLIC SEWER SYSTEM

Unless authorised by Council no person shall:-

- (a) Cause or permit any clean water from a water pipe, other hydraulic appliance or any surface water, subsoil drainage, roof water or condensing water to enter the public sewer system or a drain connected to the public sewer system, unless such water is from an activity which existed before 1 January 2007, and for which there is, in the opinion of

Council's Engineering Manager, no practical alternative means of disposal to the public stormwater system or soakage.

- (b) Cause or permit any discharge to the public sewer system or a drain connected to the public sewer system which displays any of the following characteristics, unless the discharge has been authorised by a permit issued under Council's Trade Waste Bylaw:
 - (i) A 24 hour total flow volume exceeding 1m³
 - (ii) A maximum instantaneous flow exceeding 2 litres per second
 - (iii) A temperature in excess of 50°C
 - (iv) pH outside the range 5.0-10.0
 - (v) A free or floating layer of oil, grease, solvent or other organic liquid
 - (vi) Any emulsions of paint, adhesive, rubber or plastic.
- (c) Cause or permit any hazardous or harmful materials or to be stored, transported, handled or used in a way that does not adequately protect against the potential entry of those materials into the public sewer system.

5. RESPONSIBILITY BOUNDARIES – PRIVATE AND PUBLIC WATER SERVICES

5.1 Boundaries for the responsibilities of Council ('Public') and property owners ('Private') in respect of water services reticulation shall be defined as follows, unless approval for alternative arrangements is provided by Council in writing, or is clearly recorded on Council's water services plans:

- a) Where a property connects to existing public water services reticulation which is on Council controlled land, the boundary of public / private responsibility shall be at the boundary between the property and the adjacent Council controlled land , or as close to this point as possible where existing fences, walls or other permanent structures make it difficult to locate at the required position, except that where the length of pipe or drain on the Council controlled land required to make connection to the existing public water services reticulation exceeds 15 metres, the position

of the boundary of public / private owner responsibility may be otherwise determined by Council's Engineering Manager, based upon consideration of previous agreements and assessment of the appropriateness and practicality of a length of reticulation on Council controlled land being in private ownership.

- b) Where the property connects to public water service reticulation inside that same private property or on other private property not controlled by Council, the boundary of public/private responsibility shall be the end of the pipe fitting which forms the junction with the public pipeline or manhole that is furthest away from the public pipeline, or in the case of an open drain, at the outside edge of the public open drain channel.

5.2 Where the water service in question is stormwater or wastewater, the position of the defined public/private responsibility boundary will be considered the Point of Discharge from that property in respect of stormwater or wastewater. Unless otherwise approved by Council there shall be only one point of discharge for each such service on any particular premise.

6. PRIVATE WATER SERVICES RETICULATION

Where any new private water service reticulation is constructed, or where the land containing existing private water services reticulation is subdivided, or where any other development of property containing existing private water services reticulation occurs, all such reticulation shall only pass through land under the same title as that reticulation is intended to serve, or Council controlled land (if so approved by Council in writing, and to which conditions may be attached) unless easements and maintenance agreements to the satisfaction of Council are established for the section(s) of reticulation on the other adjacent land which ensures that such reticulation can continue to be effectively used and maintained by the parties receiving the water services, notwithstanding that Council may require that new reticulation is installed to the standard of public services which will enable this reticulation to be vested in Council if:

- a) The function of those particular sections of private reticulation are to be shared between 4 or more individual titles; or

- b) Future division of responsibility for private reticulation currently within the same title appears likely (for example where multiple dwellings are constructed with potential for future cross-lease).

7. CONNECTION TO PUBLIC WATER SERVICES

- 7.1 No person may make a connection to, or otherwise interfere with the public water service network without prior approval of the Council and:
 - (a) The Council will only consider whether to approve a connection to a public water service network following receipt of a properly completed standard Council application form;
 - (b) The Council may refuse connection to, or other work on, the public water service network;
 - (c) If approval for the connection to or other work on the public water service network is given, this will be subject to any terms and conditions, including payment of any fees or charges, attached to that approval;
 - (d) Failure to comply with any of the terms and conditions associated with an approval given under section 7.1(c) of this Bylaw will constitute interference with the public water service network without prior approval and is a breach of this Bylaw; and
 - (e) Any such connection or interference shall be carried out under the supervision of the Council by a qualified tradesman whose capability to undertake such work is to the satisfaction of Council's Engineering Manager.
- 7.2 Council may require a connection to the existing public water services network to be made at a higher standard suitable for it to become part of the public network that could also be used to facilitate delivery of services to other properties. In such cases Council would make a contribution towards the cost of installing the higher standard connection.
- 7.3 An as-built plan showing the new connection shall be provided to the Council within seven (7) days of installation and acceptance by the Council of the connection.

8. EXTRAORDINARY WATER SUPPLY

The following circumstances will be considered to constitute cases of 'extraordinary' potable water supply for which water metering and associated charging for water taken from the public water supply network will be applicable:

- a) All premises outside the Otorohanga and Kawhia Communities which are connected to and draw water from the public water supply networks serving those communities, excluding those premises within the defined area of the Waipa Rural Water Supply Scheme; and
- b) All premises within the Otorohanga or Kawhia communities used for commercial, industrial or agricultural purposes, and schools, clubs and other non-residential premises where levels of water consumption would be expected to be significantly higher than that of a typical residential property.

9. PROTECTION OF PUBLIC WATER SERVICES

- 9.1 No person shall carry out any excavation or other work in the vicinity of the public water services network so as to damage or de-stabilise or be likely to damage or de-stabilise the infrastructure or adversely affect its operation.
- 9.2 Buildings (including decks) shall not be constructed over any element of the public water services network without the written approval of Council. Applications for permission to build over public pipes or drains will be assessed based upon Council's policy for building over services reticulation, a copy of which is attached to this Bylaw as Appendix 1.
- 9.3 Any damage or blockage of the public water services network affecting or likely to affect the efficient operation of that network shall be reported to the Council immediately.
- 9.4 No person shall, without prior written approval from the Council:
 - (a) Remove any existing cover material or place any additional material over or near any element of the public water services network; or

- (b) Cause, permit or suffer the entry into any public stormwater or sewer pipe or drainage channel of any earth, stones, sand, silt, refuse or material except such matter as is normally discharged through a house drain;
- (c) Enter any pipe, reservoir, pumping station, water treatment area or sewage treatment area that forms part of the public water services network;
- (d) Operate, remove or interfere with any cover of any manhole, chamber, valve, inlet, outlet or other element of the public water services network;
- (e) Damage, interfere with or cause to be inoperative any pipe, valve, machinery, instrumentation or plant that forms part of the public water services network;
- (f) Obstruct, impede, or cause to be impeded the flow or interfere with the free discharge of any public storm water drain or sewer;
- (g) Cover, or allow to remain covered, any Council or privately owned valve chamber, manhole, silt trap, grease trap, or similar structure to which access is required for the efficient operation of that particular water service. If the level of the ground adjacent to such a structure is raised above the top of the structure and in the opinion of the Council access to or use of the structure is impeded thereby, then the property owner shall either raise the top of the structure to the new ground level or make other approved provision to provide the necessary access to the structure;
- (h) Lay any public or private utility service or private drain:-
 - (i) Along the line of an existing public water service; or
 - (ii) Within a parallel distance of two metres from the nearest part of any public water service or such greater distance as may be specifically required by Council;

- (iii) Excavate, or carry out piling or similar work closer than 2 metres from the nearest part of any public water services network.

10. PRIVATE WATER SERVICES - MAINTENANCE RESPONSIBILITIES

10.1 The construction, maintenance and renewal of any element of a Private Water Services Network shall be the responsibility of the owner(s) or occupier(s) of the premises served by those services.

The following provisions (10.2 to 10.4) shall apply only to Private Water Services Networks which receive water from or discharge water to a Public Water Services Network:

10.2 Where any private drain becomes blocked, or there is significant leakage from any private water supply pipe the owner(s) or occupier(s) of the premises served by these services shall remedy the blockage or leakage immediately.

If immediate arrangements are not made to remedy the blockage or leakage Council may serve notice on all owners or occupiers of the premises to have the blockage or leakage remedied within twenty four (24) hours of the issue of that notice.

10.3 Where there is failure to comply with such a notice issued in accordance with section 10.2 of this Bylaw, Council may cause a blocked private drain to be cleared or water leak to be repaired, and may recover the cost of such work from the owner(s) and/or occupier(s) of the premises served with the notice.

10.4 The owner of any premises within which there are disused private water service pipes, drains or other facilities shall arrange for such services to be disconnected and sealed in an approved manner at the time that those items become disused.

11. OFFENCES AND PENALTIES

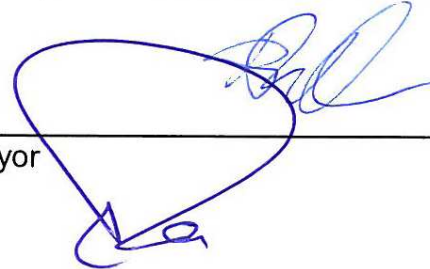
Every person who fails to comply with the requirements of this Bylaw commits an offence and is liable, on summary conviction, to a fine not exceeding \$20,000 or as set out in Section 242 of the Local Government Act 2002.

12. OTHER REQUIREMENTS

The provisions of this Bylaw do not remove the need for any consent required under the Resource Management Act 1991 or the Building Act 2004 and do not provide relief from responsibility for compliance with all other relevant statutes, regulations and bylaws.

THE RESOLUTION BY WAY OF SPECIAL CONSULTATIVE PROCEDURE TO MAKE THIS BYLAW was passed by **THE OTOROHANGA DISTRICT COUNCIL** at a meeting of the Otorohanga District Council held on the 20th day of February 2007 and confirmed at a subsequent meeting of the Council held on the 5th day of June 2007, by a resolution passed by the Council on the 5th day of June 2007 the said Bylaw was ordered to come into effect on the 11th day of June 2007.

This Bylaw confirmed by Council on 5 June 2007



 Mayor

 Chief Executive

 Date 5/6/07

 Date 5/6/07



Appendix 1

Policy for Building Over Services Reticulation

Note: This is provided for information only and does not form part of the Bylaw

1.0 *General Principle*

Construction of permanent, privately owned structures over existing public water, sewer or stormwater services reticulation (pipes or drains) in the Otorohanga and Kawhia Communities is considered by Council to be disadvantageous in two respects:

1. The cost associated with future maintenance or renewal of reticulation beneath such structures is likely to be substantially higher than would otherwise be the case.
2. There is potential for future conflict with or between property owners or occupiers if it is necessary to remove or otherwise substantially interfere with overlying structures to carry out essential reticulation maintenance or renewal work.

Because of this Otorohanga District Council actively discourages building over such reticulation, and in general construction of any new privately owned structure of a type that requires a building permit will not be permitted within 1.5 metres of any public water, sewer or stormwater reticulation.

It is however acknowledged that under certain circumstances it may be possible to make exceptions to this general principle. The nature of such circumstances are set out in the remainder of this policy.

It is however stressed that Council can only give approval in respect of building over Council owned water, sewer or storm water reticulation. Issues relating to building over 'private' reticulation (ie other services or pipes and drains which serve a single property or otherwise fail to meet the criteria required for 'public' classification) must be resolved between the owners of the relevant properties and reticulation.

2.0 *Exceptions to General Principle - Essential Criteria*

Exceptions to the general principle described above will only be considered when all of the relevant conditions below are satisfied, unless special approval is given by the relevant Community Board.

2.1 *For Domestic Residential Properties:*

- a) The proposed structure will serve a purpose which, in the opinion of Council, is an essential requirement for the current use of the property. For residential property only construction of a first single or double garage will typically fall into this category.

- b) The proposed structure cannot practically be located at some other location within the property where building over public reticulation will not be not required.
- c) The proposed structure is of a form and design such that the loads imposed by the structure on the in-situ reticulation are considered by Council's building inspector and/or Engineers to be sufficiently low as to pose no threat to the structural stability of the reticulation. Factors to be considered by Council staff in making such an assessment will include ground conditions, the diameter, materials, and burial depth of the reticulation and the size and design of the structure and the form of load-bearing foundations.
- d) In general placement of concrete above reticulation will only be permitted when this is for the purpose of forming a floor slab with a thickness not exceeding 150mm. Deep foundations shall in no case be established within close proximity of the reticulation.

2.2 For Industrial and Commercial Properties:

- a) The proposed structure is of a form and design such that the loads imposed by the structure on the in-situ reticulation are considered by Council's Building Inspector and/or Engineers to be sufficiently low as to pose no threat to the structural stability of the reticulation. Factors to be considered by Council staff in making such an assessment will include ground conditions, the diameter, materials, and burial depth of the reticulation and the size and design of the structure and the form of load-bearing foundations. Council may request that an engineering report on these issues is provided by the applicant.
- b) The construction of the proposed structure over the existing reticulation is approved by the relevant Community Board.

3.0 Required Modifications to Reticulation

Where the proposed structure satisfies all relevant conditions above, permission to build over the service(s) in question will be granted provided that all of the following requirements are satisfied:

- a) The proposed structure otherwise satisfies Council's Building Inspector in respect of issuing a Building Permit
- b) The following modifications to reticulation that will reduce potential future reticulation associated costs or conflicts are undertaken prior to construction of the overlying structure, to standards acceptable to Council's Engineering Manager:
 - If the services in question include sewer or stormwater pipes the applicant shall install, at his or her own cost, manhole(s) or (if acceptable to Council) rodding eye(s) within 20 metres of the proposed structure on the downstream side, unless suitable access

point(s) to the reticulation in question already exist within this proximity.

- If the reticulation in question is assessed by Council Engineers to have a likely remaining serviceable life of less than 50% of the expected life of new reticulation of that type, or less than 30 years, then the entire section of reticulation that exists within 1.5 metres of the proposed structure shall be renewed, to appropriate standards defined by Council.

The standards required by Council in respect of such renewal of reticulation will in general reflect normal practice, but Council may in some cases require special materials or methods of construction that minimise the likelihood of future blockages and/or structural damage.

Where such renewal of reticulation is required Council will make a contribution towards the total cost of this renewal equal to 50% of estimated cost of renewing the section of reticulation to a standard similar to that which was originally in place, or would otherwise be required if the proposed structure was not erected.

- c) For industrial or commercial properties Council's Engineering Manager may, at his discretion and regardless of the age or condition of the existing reticulation, require that the applicant upgrades all or part of the reticulation in question within 1.5 metres of the proposed structure to a specified standard of heavy duty reinforced pipework. The additional cost of such upgrading (above that associated with a simple renewal as described in section b above) shall be met in full by the applicant.
- d) Should the proposed structure be within 1.5 metres of any junction, valve, manhole or other reticulation feature that serves properties other than that of the applicant, these features are to be disconnected and re-established in a fully functional manner at other locations approved by Council that are at least 1.5 metres from any proposed or existing structure. The cost of such relocation of reticulation features shall in general be met in full by the applicant, though Council may agree to subsidise these works if there are considered to be associated public benefits.

4.0 Council Acceptance of Responsibility – Future Works

Approval by Council for over-building of sections of publicly owned reticulation under this policy shall be given in writing, and will be taken to be an acceptance by Council of the financial responsibility for future maintenance or renewal works relating to those sections of reticulation, including any appropriate works relating to the overlying structure that may be required for the work on the reticulation in question to be executed.

Written approvals for over-building shall be included in the information kept by Council in relation to the relevant properties.

If over-building works are conducted without such approval from Council then Council will in future accept no financial or other liability in relation to disturbance or damage to the built structure that may result from Council carrying out its normal duties in respect of the relevant reticulation under the Local Government Act.

5.0 Construction of New Public Reticulation on Private Property

In cases where it is necessary for Council to construct new public water, sewer or storm water reticulation through private property it may, if appropriate, enter into agreements with property owners to provide partial exemption from the requirements of this policy.

Such agreements shall however only be entered into with the approval of the relevant Community Board, and shall be limited to the greatest practical extent.

Such agreements shall be recorded in writing and included in the information kept by Council in relation to the relevant properties.

6.0 Over-Building of Private Reticulation

Council also discourages construction of permanent, privately owned structures over existing water, sewer or storm water reticulation of a private nature because this also has potential to result in conflicts or increased costs in the future.

Council does however believe that the responsibility for the control of such construction over privately owned reticulation lies entirely with the owners of the private property and reticulation concerned, and Council will accept no liability whatsoever in respect of any issues that may arise as a result of structures being built over 'private' reticulation.

Further Information

Should you require further information, or wish to discuss this policy, please contact Council's Services Staff at (07) 873 8199.