



Combined Waters BYLAW

2017

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Contents

PART 1: INTRODUCTION	5
1 SHORT TITLE AND COMMENCEMENT	5
2 REVOCATION	5
3 PURPOSE	5
4 INTERPRETATION	5
PART 2: WATER SUPPLY	10
5 OBJECTIVES	10
CONDITIONS OF SUPPLY	10
6 REQUIREMENTS FOR APPLICATION	10
7 APPROVAL OF APPLICATIONS FOR CONNECTION, DISCONNECTION AND SUPPLY	11
8 POINT OF SUPPLY	11
9 CUSTOMER REQUIREMENTS FOR PLUMBING SYSTEM.....	12
10 PROTECTION OF WATER SUPPLY SYSTEM	12
11 FIRE PROTECTION SYSTEMS	12
12 CUSTOMER RESPONSIBILITIES IN ACCEPTANCE OF SUPPLY	13
13 RESPONSIBILITY FOR MAINTENANCE.....	13
14 CONTINUITY OF SUPPLY	14
15 LIABILITY.....	14
16 NOTICE WHEN SUPPLY NOT REQUIRED	14
DEMAND MANAGEMENT	15
17 RESTRICTIONS ON WATER USE	15
18 PREVENTION OF WASTE AND WATER EFFICIENCY	15
19 FIRE HYDRANTS.....	16
20 BACKFLOW PREVENTION	16
WATER METERS	17
21 INSTALLATION	17
22 READING OF METERS AND ACCOUNTS.....	17
23 PROTECTION OF METERS.....	17
24 TESTING OF METERS	18
PART 3: WASTEWATER.....	19
25 OBJECTIVE	19

COMBINED WATERS BYLAW

26	PROTECTION OF DRAINAGE INFRASTRUCTURE	19
27	APPROVAL TO CONNECT AND DISCONNECT	19
28	WASTEWATER DRAINS.....	19
29	CONTROL OF DISCHARGES.....	20
30	PRIVATE DRAINS.....	20
31	HAZARDOUS MATERIALS	21
PART 4:	TRADE WASTE DISCHARGES AND CONSENTS	22
32	OBJECTIVE	22
33	CLASSIFICATION OF DISCHARGES	22
34	APPLICATION FOR A CONSENT OR VARIATION	22
35	PROCESSING AN APPLICATION.....	23
36	CONDITIONS OF A TRADE WASTE CONSENT	24
37	DURATION.....	26
38	COMPLIANCE WAIVER	28
39	ACCIDENTS AND SPILLS.....	28
40	PRE-TREATMENT REQUIREMENTS.....	29
41	FLOW METERING	29
42	ESTIMATING DISCHARGE	30
43	SAMPLING, TESTING AND MONITORING	31
44	TRANSFER OR TERMINATION.....	31
45	TANKERED WASTE.....	33
46	ACCESS	33
47	FEES AND CHARGES	34
48	RECOVERY OF COSTS.....	34
49	AUTHORISED OFFICERS.....	34
50	BREACHES.....	35
51	REMEDIAL WORKS AND COST RECOVERY	35
52	OFFENCES AND PENALTIES.....	36
53	GENERAL	36
PART 5:	STORMWATER.....	37
54	OBJECTIVES	37
55	MINIMUM QUALITY STANDARDS	37
56	TREATMENT OF WORKS TO BE UNDERTAKEN.....	38
57	MONITORING DISCHARGES	38

COMBINED WATERS BYLAW

58	POLLUTION PREVENTION PLANS	38
59	RESTRICTED ACTIVITIES.....	39
60	MAINTENANCE RESPONSIBILITIES	39
61	DISCONNECTION FROM A PUBLIC STORMWATER SYSTEM	40
62	PROTECTION OF THE STORMWATER SYSTEM	40
63	POINT OF DISCHARGE – BOUNDARY OF RESPONSIBILITY	40
PART 6:	OTHER MATTERS.....	41
64	OFFENCES AND BREACHES.....	41
65	FEES.....	41
66	NOTICES	41
67	PENALTIES	41
68	DISPENSING POWERS.....	42
SCHEDULE 1 –	POINT OF SUPPLY	43
SCHEDULE 2 -	PERMITTED WASTEWATER.....	45
SCHEDULE 3 -	PROHIBITED CHARACTERISTICS	53

PART 1: INTRODUCTION

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

1 SHORT TITLE AND COMMENCEMENT

This bylaw is the Whakatāne District Council Combined Waters Bylaw 2017.

This bylaw comes into force on **1 December 2017**.

2 REVOCATION

The following bylaws are hereby revoked from the day this new bylaw comes into force:

- Whakatāne District Council Consolidated Bylaw Part 2: Trade Waste;
- Whakatāne District Council Consolidated Bylaw Part 7: Wastewater Drainage; and
- Whakatāne District Council Consolidated Bylaw Part 8: Water Supply

3 PURPOSE

(1) The purpose of this bylaw is to:

- (a) Manage, regulate and protect from misuse or damage the Council's water supply, wastewater, trade waste and stormwater systems;
- (b) Protect the public from nuisance and ensure effective health and safety.

4 INTERPRETATION

In this bylaw, unless the context otherwise requires:

ACCEPTABLE DISCHARGE means a wastewater with physical and chemical characteristics which comply with the requirements of the Council standard as defined in Schedule 2 of these Bylaws.

ACCESS POINT is a place where access may be made to a public or private sewer/stormwater system for inspection (including sampling or measurement), cleaning or maintenance. The location of the access point shall be in accordance with the NZ Building Code.

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

BOUNDARY means any boundary which is shown on a survey plan approved by the Chief Surveyor and which is deposited with Land Information New Zealand, whether or not a new title has been issued.

CHIEF EXECUTIVE means the Chief Executive of the Whakatane District Council.

CLEANER PRODUCTION means a proactive environmental strategy that focuses on the prevention of waste generation. Opportunities are likely to exist for commercial and industrial businesses to

COMBINED WATERS BYLAW

implement cleaner production techniques to ensure efficiency of inputs such as water, energy and chemicals is maximised and generation of wastewater and solid waste is minimised.

COMMERCIAL SUPPLY means a metered water supply for all purposes for which water is supplied, other than for ordinary use, and which may be subject to specific conditions, limitations, fees and charges. Commercial supply provides for the connection of water bottling plants to the reticulated public water supply infrastructure developed by Council.

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

CONDENSING WATER OR COOLING WATER means any water used in any trade, industry, or commercial process or operation in such a manner that it does not materially change its chemical or physical state of water.

CONNECTION BOX or 'meter box' means the service valve, meter (where fitted), and associated fittings installed and maintained by the Council at a location convenient to the Council on the service pipe or at the supply pipe or at the point of supply.

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

COUNCIL means the Whakatāne District Council and/or its approved representative.

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

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

DRAIN means a wastewater drain or stormwater drain. Drainage has a corresponding meaning.

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

ENVIRONMENT has the same definition as under the Resource Management Act 1991.

EXTRAORDINARY USE means the supply of water for any purpose that is not ordinary.

FIRE PROTECTION SYSTEM means a fixed system of sprinklers, pipes, tanks, control valves, outlets and related fixed components used to control or extinguish fires but does not include fire hoses.

FITTING means any apparatus or appliance together with the necessary accessories and connection which may be attached to or associated with the plumbing or drainage system of any premises, or which is intended for the collection or retention of any waste materials or liquid wastes for ultimate discharge to a drain.

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

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

COMBINED WATERS BYLAW

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

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

ON DEMAND SUPPLY means a water supply which is available 'on demand' directly from the point of supply subject to the agreed level of service.

ORDINARY USE means the use of water solely for domestic purposes in a dwelling (residential and on demand). This use includes:

- (a) subject to prior Council approval, use in a fire sprinkler system installed to comply with NZS4517; and
- (b) the use of a hose for:
 - (i) washing down a house, car, boat, or other domestic vehicle;
 - (ii) garden watering by hand; and
 - (iii) garden watering by a fixed or portable garden sprinkler.

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

POINT OF DISCHARGE means an extension of a single or common private wastewater and stormwater drainage system to the point where it connects to the public system.

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

PREMISES means the following:

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

PRIVATE DRAIN means the pipe or system of pipes and fittings installed on the premises (including a private drain and a private common drain) to convey the wastewater of the premises to the public wastewater system and where a public system is not available includes any approved disposal systems within or outside the confines of the premises.

PRIVATE PROPERTY means any property or land including Maori Freehold and other classes of Maori land held in private ownership and includes any private road, right of way or easement relating to a property.

COMBINED WATERS BYLAW

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

PUBLIC STORMWATER SYSTEM means a set of facilities and devices (e.g. pipes, drains, canals, floodgates, pumps, monitoring devices, cesspits, detention ponds, curb and channelling and waterways) either man-made or natural, which are used to convey stormwater, reduce the risk of flooding and to improve water quality. It includes any stormwater system that serves more than one lot and is not part of a private stormwater system.

REGIONAL PLAN means any relevant operative or proposed regional plan prepared by the Bay of Plenty Regional Council under the Resource Management Act 1991.

RESIDENTIAL SUPPLY (standard supply) means a category of metered or non-metered water supply to a residential building which is available on demand directly from the Point of Supply subject to an agreed level of service and any fees and charges as set out in the Council's Long Term and/or Annual Plans.

RESTRICTED SUPPLY means a type of water supply connection where a small flow is supplied through a flow control device (restrictor) at a regulated flow rate as determined by the Council and charged on a per unit basis where one unit equals 1,000 litres per day.

RESTRICTOR means a device installed within the Connection to control the flow of water to a premises.

SECONDARY METER means a privately owned and maintained meter on the Customer's side of the connection box which measures the water consumption (for billing or monitoring purposes) of each occupier when premises have multiple occupiers.

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

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

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

STORMWATER in the context of Part 5 of this Bylaw, means any water which enters directly (e.g. through a pipe or stormwater drain) or overland into the public stormwater system.

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

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

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

COMBINED WATERS BYLAW

SUPPLY PIPE means the pipe between the property's legal boundary and the Customer's premises through which water is conveyed to the premises. Council's connection box may be located along this pipe.

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

TRADE PREMISES means any premises used or intended to be used for carrying on any trade or industry; and includes any land or premises wholly or mainly used (whether for profit or not) for agricultural or horticultural purposes.

TRADE WASTE is any liquid, with or without matter in suspension or solution, that is or may be discharged from a Trade Premises to the Council's Sewerage System 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 Condensing or Cooling waters, or Stormwater which cannot be practically separated, or Domestic Sewage.

WASTE DISPOSAL UNIT means a device designed to disintegrate organic waste material to a state suitable for disposal to a wastewater drain.

WASTEWATER (SEWAGE, FOUL WATER) means either that wastewater which is discharged from premises used solely for residential activities or wastes of the same character discharged from other premises, provided that the characteristics of the wastewater are an acceptable discharge.

WASTEWATER DRAIN means a drain primarily for the reception, conveyance and discharge of sewage and including any fittings owned by the Council whether on private or public land, such as the fittings associated with a pressure or vacuum wastewater system.

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

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

WATER SUPPLY AUTHORITY (WSA) means the Water Supply Authority as defined in the Local Government Act 2002.

PART 2: WATER SUPPLY

5 OBJECTIVES

The objectives of this part of the Bylaw are to:

- (a) Promote the efficient use of water, manage demand for water and protect against waste or misuse of water.
- (b) Protect the water supply from contamination.
- (c) Regulate the use of land, structures and infrastructure associated with the water supply system to protect these assets from damage, misuse, or loss.
- (d) Prevent unauthorised connection to the water supply system.
- (e) Define the obligations of the Council, installers, owners and the public in matters related to the water supply system.
- (f) Determine or measure the volumes of water consumed on any premises for rating purposes and/or demand management and/or billing and/or to locate any water leaks at the premises.

CONDITIONS OF SUPPLY

6 REQUIREMENTS FOR APPLICATION

- (1) The Council requires all applications relating to the supply of water to be made in writing on the form provided by the Council, and to include, where relevant, a plan showing proposed works and to be accompanied by payment of the prescribed charges (if any).
- (2) At its discretion, the Council may decide that a new Customer taking over an existing supply is not required to make an application for connection and supply.
- (3) The Council may require an existing Customer to make a new application for the supply of water where there is a change in the use of a premises e.g. from retail to industrial, or there is a change in the hazard rating for water protection.
- (4) Except where the Council exercises its discretion under clause 6(2) or 6(3) not to require a new application, a written water supply application is required for any of the following:
 - (a) A connection to the water supply system and supply of water;
 - (b) A change to the type of supply (e.g. from restricted to on demand);
 - (c) A change to classification (e.g. from residential to commercial supply) or to the terms and conditions of supply;
 - (d) A change to the location of the point of supply;
 - (e) An additional point of supply/ supply of water;
 - (f) A change in the level of service of supply e.g. quantity of water;
 - (g) A temporary water supply for an event; and
 - (h) A connection and supply for a fire protection system.

COMBINED WATERS BYLAW

- (5) If metering is used for calculating Trade Waste charges that could require a different application.

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

7 APPROVAL OF APPLICATIONS FOR CONNECTION, DISCONNECTION AND SUPPLY

- (1) On receipt of an application, the Council will either approve the application and inform the applicant of the type of supply, the level of service and any conditions applicable to the applicant's supply, or refuse the application and notify the applicant of the decision, giving reasons for the refusal.
- (2) There will be only one point of supply for each premises, except where specifically approved in exceptional circumstances.
- (3) No person may connect or allow the connection of any fittings to the water supply system, except with the prior approval of the Council.
- (4) The customer shall give twenty working days' notice in writing to the Council of the requirement for disconnection of the supply. Disconnection shall be at the customer's cost.
- (5) No person may run a privately owned supply pipe on Council owned property without the prior written approval of the Council.
- (6) If the Council considers backflow prevention measures are necessary or desirable, the Council will require any applicant under clause 7 to pay for, install and test a backflow prevention device approved by the Council before the Council allows the connection or continuation of a connection of any premises to the water supply system.
- (7) An application under clause 6 may be approved by the Council as either an on demand supply or a restricted supply and classified as either a residential supply, a commercial supply or a rural water supply, as the Council thinks fit.
- (8) Where the Council determines, either at the time of application or subsequently (e.g. as a result of monitoring of the actual use), that the use of water at a residential premises is significantly in excess of an ordinary use, the Council may, at any time, reclassify the supply of water to the premises as a commercial supply and charge the Customer at the commercial supply rate.
- (9) The Council retains the right to impose limits on consumption when and/or where it sees fit.

8 POINT OF SUPPLY

- (1) For each individual Customer, there shall be only one Point of Supply unless otherwise approved. For individual Customers, the point of supply shall be located on the Service Pipe which marks the boundary of responsibility between the Customer and the water Supply Authority (WSA), irrespective of property boundaries.
- (2) For single dwelling units, it shall be located as shown in Figure 1 in Schedule 1 or as close as possible where fences, walls or other permanent structures make it difficult to locate it at the required position. Other positions shall require specific approval.
- (3) The Point of Supply for the different forms of multiple ownership of premises and/or land is described in Schedule 1.

9 CUSTOMER REQUIREMENTS FOR PLUMBING SYSTEM

- (10) The Customer's plumbing system shall be designed, installed and maintained, both in its component parts and its entirety, to ensure that it complies with the Building Act 2004, the New Zealand Building Code and the Building Regulations 1992.
- (11) Quick-closing valves of any kind, or any other equipment which may cause pressure surges or fluctuations within the water supply system, or compromise the ability of the WSA to maintain its stated levels of service, shall not be used on any piping beyond the point of supply. In some specially approved circumstances, such equipment may be approved by the WSA.
- (12) In accordance with the Building Regulations 1992, the plumbing system shall be compatible with the water supply. Specific features of the WSA supply which need to be taken into account are contained in Table 1 below.

Table 1 - Compatibility Features

Feature	Value
Maximum Pressure All ground water sourced public supplies within the Whakatane district have a naturally occurring low pH level (slightly acidic), i.e. all supplies except Whakatane/Ohope.	90 metres head (900 kPa)

- (4) Subject to the provisions of the Local Government Act 2002, the Customer shall allow the WSA with or without equipment, access to any area of the premises for the purposes of determining compliance with these conditions.

10 PROTECTION OF WATER SUPPLY SYSTEM

- (1) No works shall be carried out on the water supply system without the approval of the Council.
- (2) Building over, loading, excavation or drilling cannot be undertaken closer than 5 metres to water supply services, and must be undertaken in line with the Engineering Code of Practice
- (3) Any damage which occurs to the water supply system shall be reported to the Council immediately.
- (4) Any tampering or interfering with WSA equipment, either directly or indirectly, shall constitute an offence. Without prejudice to its other rights and remedies, the WSA shall be entitled to estimate and charge for the additional water consumption not recorded or allowed to pass where a meter or restrictor has been tampered with, and recover any costs incurred.

11 FIRE PROTECTION SYSTEMS

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

COMBINED WATERS BYLAW

- (2) Where, in the opinion of the Council, an existing fire connection is so constructed or so located so water is, or is likely to be drawn from it or from any part of it by any person for purposes other than fire-fighting, the Council will require a meter to be installed on the fire connection.
- (3) The Council will not charge for water used for the purpose of extinguishing fires.
- (4) Fire hose reels must only draw water from the domestic supply and only be used for fire protection purposes.

12 CUSTOMER RESPONSIBILITIES IN ACCEPTANCE OF SUPPLY

- (1) The Customer must comply with the requirements of this bylaw, including any conditions of approval of an application under clause 6 and any other reasonable directions of the Council.
- (2) In the case of any supply where special conditions of supply are required, the Customer must enter into such agreement as the Council may require in relation to that supply and the Council may determine the method of supply.
- (3) The Customer must not transfer to any other party the rights and responsibilities set out in their conditions of supply or in this bylaw.
- (4) A supply pipe must serve only one premises and the Customer must not extend the supply pipe, by hose or any other pipe, to any other premises.
- (5) In particular and not in limitation of the above, any water which the Customer draws from the Council supply must not be provided to any other party or premises without the prior written permission of the Council.

13 RESPONSIBILITY FOR MAINTENANCE

- (1) The Council will own and maintain any pipe up to the point of supply (private property boundary) and the components of the Connection box, including the service valve, the meter (where fitted), any restrictor (where fitted) isolation valve and unions either side of the meter.
- (2) The Council does not guarantee the serviceability of the service valve. The Customer may use the service valve to isolate the supply to the Customer's premises. If the service valve is damaged by the Customer the Council may charge the Customer for the cost of the repair.
- (3) Where the connection box is located on private property, the Customer must maintain the area in and around the connection box by keeping it free of growth, or other matter or any obstruction which prevents, or is likely to prevent convenient access. Where the Customer fails to keep access to the connection box free of growth or other obstructions, the Council may carry out any work necessary to remove any obstruction and may charge the Customer for the cost of such work.
- (4) The Customer will own and maintain the water supply pipe located on private land and any fittings (e.g. backflow prevention device) on the Customer's side of the point of supply.
- (5) Where in the opinion of the Council any pipe or fitting on the Customer's side of the point of supply has been damaged or is of inferior quality or workmanship, or is causing or is likely to cause water to be wasted or is insufficient for the proper supply of water, the Council may give the Customer notice in writing requiring any work specified in the notice to be carried out within the timeframe specified in the notice.

COMBINED WATERS BYLAW

- (6) Where the Customer fails to carry out any required work within the time period specified in the notice under clause 13(5); in addition to any other remedies, the Council may charge the Customer for the work done to effect the repairs.

14 CONTINUITY OF SUPPLY

- (1) The Council will endeavour to provide water in accordance with the level of service contained in the Long Term Plan.
- (2) Due to unforeseen circumstances, the Council may be unable to maintain a constant flow at all times. Where possible, Council will take all practicable steps to ensure alternative options are made available.
- (3) If a Customer has a particular requirement for an uninterrupted flow, pressure or quality of water supply, it is the responsibility of that Customer to provide any necessary storage, back up facilities or equipment necessary to meet that level of service. No allowance or compensation will be made or allowed by the Council if the water supply is restricted or interrupted, or if there is any change of pressure in the supply.

The following note is explanatory and is not part of the bylaw: The Council as water supplier has certain obligations under Section 69S of the Health Act 1956 for the supply of drinking water. The Council must take all practicable steps to ensure an adequate (continuous) supply of water to Customers except for necessary interruptions e.g. due to an emergency or during planned work on the water supply system. If the Council has approval from the Medical Officer of Health and takes all practicable steps to inform affected Customers, interruptions to supply may exceed eight hours.

15 LIABILITY

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

16 NOTICE WHEN SUPPLY NOT REQUIRED

- (1) When any premises supplied with water by the Council becomes unoccupied or for any other reason a supply of water is no longer required, the Customer must immediately give notice in writing to the Council.
- (2) If the water supply connection has not been used for a period of 12 months or it is left in a condition that could be detrimental to the water supply system, the Council may disconnect the water supply connection. If a reconnection is required, application must be made in accordance with clause 6 of this bylaw.
- (3) The Customer shall give twenty working days' notice in writing to the WSA of the requirement for disconnection of the supply.

DEMAND MANAGEMENT

17 RESTRICTIONS ON WATER USE

- (1) If at any time the Chief Executive considers that because of drought or for any other reason an adequate supply of drinking water may be at risk and that measures are necessary in order to conserve the available water supply, the Chief Executive may, by notice, restrict or prohibit the use of water for any specified purpose or for any specified period. Any restriction or prohibition may apply to the whole of the District, a portion of the District or any individual within the District.
- (2) No person may use any water, or allow any water to be used in contravention of any restriction or prohibition made under this clause.
- (3) When such restrictions apply, the Council will take all practicable steps to ensure that an adequate supply for domestic purposes is provided to each point of supply.
- (4) Water taken from bores belonging to any Māori Land whose Trustees or owners have agreed to take water from their bore or aquifer for municipal supply, will not be restricted to their water use by the restrictions in clauses 17(1), 17(2) and 17(3) unless the Council is directed to place restrictions on the taking of water by the consenting authority.

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

18 PREVENTION OF WASTE AND WATER EFFICIENCY

- (1) The Council supplies potable water for consumptive use and unless specifically approved by the Council the Customer must not use water for:
 - (a) a single pass cooling system; or
 - (b) for the dilution of trade waste prior to disposal; or
 - (c) for driving lifts, generators, condensers, machinery, or other similar devices.
- (2) Any air conditioning or industrial plant using water from the water supply system for cooling purposes must have water conservation equipment so that the consumption is limited to that required to make up reasonable losses due to evaporation, wind, flushing, and similar effects.

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

19 FIRE HYDRANTS

No unauthorised connection or interference

- (1) No person other than a member of the Fire Service (and performing permitted Fire Service duties) may take water from standpipes or hydrants or any other part of the water supply system without prior written approval of the Council.
- (2) Fire Service personnel may gain access to, and draw water from fire hydrants for the purposes of fighting fires, emergency management, training, and testing.

Other Uses

- (3) The right to gain access to, and draw water from the water supply system for uses other than firefighting (e.g. flow testing or pipe flushing) is restricted to:
 - (a) The Council or its authorised agents;
 - (b) Permit holders, being those persons who have prior written approval of the Council to draw water from a fire hydrant.
- (4) The Council may seize and impound any equipment used by an offender gaining access to, or drawing water from a fire hydrant, in accordance with either section 164 or 165 of the Local Government Act 2002, whichever is applicable. The Council may assess and recover the value of any water drawn without authorisation and recover any other associated costs incurred by the Council.

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

20 BACKFLOW PREVENTION

Customer Responsibility

- (1) The Council may require the Customer to provide backflow prevention either by ensuring (and registering with Council) an adequate air gap or by installing a Council approved backflow prevention device to prevent any cross-connection between the Council water supply and:
 - (a) Any other water supply (potable or non-potable);
 - (b) Any other water source;
 - (c) Any storage tank;
 - (d) Any other pipe, fixture or equipment containing chemicals, liquids, gases, or other non-potable substances.

The following note is explanatory and is not part of the Bylaw: It is the Customer's responsibility under the Health Act 1956, and the Building Act 2004 to take all necessary measures on the Customer's side of the point of supply to prevent water which has been drawn from the Council's water supply from returning to that supply.

COMBINED WATERS BYLAW

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

Unmanaged Risk

- (2) Notwithstanding clause 20(1), the Council may fit a backflow prevention device on the Customer side of the point of supply where the Customer cannot demonstrate that the risk of backflow is adequately managed. The Council may recover the cost of installing and testing the device from the Customer.

WATER METERS

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

21 INSTALLATION

- (3) For any premises there shall be only one metered supply, unless otherwise approved by the Council.
- (4) All meters (others than secondary meters referred to in clause 21 (3)) are supplied, installed and maintained by the Council, and remain the property of the Council.
- (5) Where one or more secondary meters are fitted, whether as a result of a requirement of the Council or at the request of the Customer(s), all such meters are the property of the Customer(s) who must pay for all costs relating to these secondary meters including for the installation, maintenance, monitoring and reading of the meters.

22 READING OF METERS AND ACCOUNTS

- (1) Meters will be read, and where applicable, accounts rendered, at such intervals as the Chief Executive may determine.
- (2) Meter readings made at the request of the Customer will be charged for as determined by the Council.
- (3) The Customer must pay all charges for the supply of water as determined by the Council.
- (4) Where a restrictor or meter is damaged, without prejudice to other remedies available, the Council may assess and recover the estimated value of the unauthorised water that was taken.

23 PROTECTION OF METERS

Where Meters are to be installed on the premises, the Customer must:

COMBINED WATERS BYLAW

- (a) Provide a Council approved site within the premises for the meter;
- (b) Take sufficient precaution to protect the meter from damage at all times;
- (c) Enclose the meter in a suitable box or other enclosure and in cases where natural support is absent, must provide suitable wall brackets or other support; and
- (d) Ensure that the meter is readily accessible for reading and servicing at all times.

24 TESTING OF METERS

If a Customer disputes the accuracy of a meter reading, the Customer may apply to the Council to have the meter tested at the current test fee rate. If the meter is found to be over-reading, the test fee will be refunded.

PART 3: WASTEWATER

25 OBJECTIVE

The objective of this part of the bylaw is to manage, regulate and protect land, natural water bodies and wastewater infrastructure from damage, loss and inappropriate use.

26 PROTECTION OF DRAINAGE INFRASTRUCTURE

Unless authorised by the Council no person may:

- (a) Cause or allow the entry into any drain or fitting any material or thing except such wastewater that is normally discharged through a residential drain.
- (b) Enter any drain, pumping station building or related accessory, or any wastewater treatment area.
- (c) Operate, remove, cover or interfere with any cover of any manhole, inlet or other equipment associated with any drain.
- (d) Erect any structure, other than a boundary fence, over, or within a distance of five metres from the side of any public drain.
- (e) Lay any public or private utility service or private drain:
 - i) Along the line of an existing public drain; or
 - ii) Within a parallel distance of one metre from the nearest part of any public drain
- (f) Carry out any work (including excavation or drilling) on or closer than five metres from the wastewater drainage system. All work must be undertaken in line with the Council's Engineering Code of Practice.

27 APPROVAL TO CONNECT AND DISCONNECT

No person other than Council officers or authorised agents of the Council shall without Council approval:

- (a) Make any connection to or otherwise interfere with any part of the Council's wastewater drainage system.
- (b) Disconnect from the wastewater network. Any person wishing to connect to or disconnect from the wastewater network must make a written application for approval to the Council and provide any information relating to the application required by Council.

28 WASTEWATER DRAINS

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

- (a) Cause or allow any water from a water pipe, artesian well, ram or other hydraulic appliance or any surface water, subsoil drainage, roof water or condensing water to enter a wastewater drain or a drain connected with a wastewater drain.

COMBINED WATERS BYLAW

- (b) Cause or allow any water which may contain fat, sediment or other extraneous matter to be discharged from a butcher's shop, fish shop, restaurant or other premises where food is prepared, processed or served, directly to a wastewater drain or a drain connected to a wastewater drain.
 - (c) Use any waste disposal unit connected to any drainage works other than for the purpose of disposing of ordinary domestic household food waste.
 - (d) Cause or allow any steam, or any other matter (solid or liquid) at a temperature higher than 40°C to pass into any wastewater drain.
- (2) Customers with a pressure wastewater system, or any other system that is connected to the drainage works, must use that system in accordance with any operating manual or guidelines for that system.

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

The guidelines for pressure systems owned and/or installed by, or required by the Council are available on the Council's website under The Engineering Code of Practice –Chapter 5 'Wastewater'. In the event of the roots of any tree on any private property causing or being likely to cause damage, interference to the flow, or blockage to any facet of a public wastewater system, Council will follow the procedure set out in section 468 of the Local Government Act 1974.

29 CONTROL OF DISCHARGES

- (1) No person shall discharge, or allow to be discharged, any Wastewater into the Wastewater System except in accordance with this bylaw and with the conditions of a Consent or Trade Waste Agreement.
- (2) No person may introduce or discharge or allow to be introduced or discharged Wastewater that has any of the prohibited Characteristics set out in Schedule 3 into the Wastewater System.
- (3) No person may cause or allow Stormwater to enter the Wastewater System unless specific Approval is given.
- (4) No person may introduce or discharge Condensing water, cooling water, disinfected or super-chlorinated water into the Wastewater (or Stormwater) Systems unless specific Approval is given.
- (5) When any person fails to comply with clauses 29 (1) to (4), and a reasonable alternative method cannot be agreed with the discharging party, the Council may physically prevent discharge into the Wastewater System.
- (6) Domestic Wastewater must comply with the physical and chemical Characteristics outlined in Schedule 2.
- (7) The maximum instantaneous flow rate discharged from any Premises used solely for residential purposes must not exceed 2.0 litres/second.

30 PRIVATE DRAINS

- (1) Council may require an owner to fix or upgrade Private Drains, at the owner's cost, to meet original design specifications.

COMBINED WATERS BYLAW

- (2) Owners of Premises must ensure that all Private Drains on the Premises are kept and maintained in a state that is free of cracks and other defects that may allow Infiltration.
- (3) Occupiers and Owners of Premises must ensure that Stormwater is excluded from the Wastewater System and any Private Drain by ensuring that:
 - (a) There is no direct connection of any Stormwater pipe or drain to the Wastewater System;
 - (b) Gully trap surrounds are set above Stormwater ponding levels (refer New Zealand Building Code G13), or secondary overland flow path flood levels; and
 - (c) Inspection covers are in place and are appropriately sealed.
- (4) An Occupier or owner whose Private Drain is overflowing or has other reasons to suspect a blockage, must immediately call a drainlayer to clear and remove any blockage in the Private Drain, at the Occupier or Owner's expense. If the drainlayer considers that the blockage originates within the Wastewater System, then the drainlayer must contact Council.
- (5) Council will reimburse the owner of the Private Drain for the reasonable cost of unblocking work for which the owner has paid, provided that Council is satisfied that:
 - (a) The blockage originated in the Wastewater System;
 - (b) The blockage was not forced downstream into the Wastewater System in the act of clearing the Private Drain; and
 - (c) The owner or occupier of the Premises has not caused or permitted a discharge which does not comply with this bylaw, a Consent or a Trade Waste Agreement.
- (6) Where the roots of a tree that is on private land enter or are likely to enter the Wastewater System, Council will follow the procedure set out in section 468 of the Local Government Act 1974.
- (7) A Person with a pressure Wastewater System, or any other system that is connected to the Wastewater System, must use that system in accordance with any operating manual or guidelines for that system.

31 HAZARDOUS MATERIALS

- (1) A Person must take all practicable steps to store, handle, transport and use Hazardous Materials in a way that prevents Wastewater with prohibited Characteristics as described in Schedule 3 entering the Wastewater System.
- (2) Any Person who knows of the entry or imminent entry of Wastewater with prohibited Characteristics as set out in Schedule 3 to the Wastewater System must inform an Authorised Officer or Council as soon as reasonably practicable.
- (3) Any Person who causes or allows the discharge of Wastewater with prohibited Characteristics as set out in Schedule 3 to the Wastewater System must:
 - (a) Immediately take all practicable steps to stop the imminent entry or further entry of any Wastewater with prohibited Characteristics to the Wastewater System; and
 - (b) Inform an Authorised Officer or Council as soon as reasonably practicable.

PART 4: TRADE WASTE DISCHARGES AND CONSENTS

32 OBJECTIVE

The objective of this part of the bylaw is to manage, regulate and protect drainage infrastructure, wastewater and stormwater systems from damage or misuse.

33 CLASSIFICATION OF DISCHARGES

(1) Trade Waste discharges are classified as one of the following types:

- (a) ***Permitted Trade Waste***, (in which case an Approval Notice must be obtained);
- (b) ***Conditional Trade Waste***, (in which case a Consent must be obtained or a Trade Waste Agreement be entered into); or
- (c) ***Prohibited Trade Waste***, (in which case no Consent will be granted and no Trade Waste Agreement will be entered into).

(2) No Person may discharge or cause to be discharged Trade Waste into the Wastewater System except in accordance with a Consent or a Trade Waste Agreement.

(3) Council is not obliged to accept any Trade Waste.

(4) Council may, at any time and at its complete discretion, enter into a Trade Waste Agreement for the discharge and reception of Trade Wastes with an Occupier. Any such agreement may be made in addition to or in place of a Consent and the Trade Waste Agreement and its terms will have the same force as if the agreement were a Consent issued under this bylaw.

(5) Circumstances where a Trade Waste Agreement may be appropriate include, but are not limited to, where, in the reasonable opinion of Council, the discharge is considered to have:

- (a) Unique discharge Characteristics;
- (b) A volume or loading of any Characteristic that may affect the operation of the Wastewater System or Treatment Plant;
- (c) Potential discharge of hazardous or prohibited substances;
- (d) Pre-Treatment systems;
- (e) The requirement for capacity to be reserved at the Wastewater Treatment Plant;
- (f) and/or
- (g) A history of non-compliance with a Consent or Trade Waste Agreement.

34 APPLICATION FOR A CONSENT OR VARIATION

(1) Every Person who does, proposes to, or is likely to:

COMBINED WATERS BYLAW

- (a) Discharge into the Wastewater System any Trade Waste either continuously, intermittently or temporarily;
- (b) Vary the Characteristics of a Permitted Trade Waste discharge in a manner which may cause it to fail to meet the standards for a Permitted Trade Waste;
- (c) Vary the conditions of a Consent that has previously been granted; or
- (d) Significantly change the method or means of Pre-Treatment for a discharge;

must apply to Council, using the prescribed form, for a Consent for the discharge of that Trade Waste, or for consent to the proposed variations.

- (2) Council reserves the right to deal with the owner as well as the Occupier of any Premises.
- (3) Where the Premises produces Trade Waste from more than one area of the Premises, a separate description of the Trade Waste Characteristics must be included in any application for Trade Waste discharge for each area. This applies whether or not the separate areas are part of a single or separate trade process.
- (4) The application and every document conveying all required information, must contain all the required information, be properly executed and accompanied by the application fee.
- (5) The applicant is responsible for the correctness of the content of the application and any annex thereto, adherence to the prescribed application process and compliance with all the requirements to obtain the Consent, Trade Waste Agreement or variation.
- (6) Every act or omission done for, or on behalf of, the eventual Consent Holder (whether for reward or not) in making any such application is deemed to be an act of the Consent Holder.
- (7) Council may require an application to be supported by a report or statement from an Independently Qualified Person, to verify information supplied by the applicant. All costs incurred must be paid by the applicant.

35 PROCESSING AN APPLICATION

- (1) On receipt of an application, Council may:
 - (a) Require the applicant to submit additional information which Council considers necessary to reach an informed decision;
 - (b) Require the applicant to submit a satisfactory Management Plan to Council's satisfaction; and/or
 - (c) Wherever appropriate, have the discharge investigated and analysed as provided for at clauses 41 and 43 of this bylaw at the applicant's cost.
- (2) Council will then:
 - (a) Issue an Approval Notice and inform the Consent Holder of the conditions imposed; or
 - (b) Grant a Consent and inform the Consent Holder of the conditions imposed; or

COMBINED WATERS BYLAW

- (c) Advise the applicant that Council is willing to enter into a Trade Waste Agreement on terms acceptable to Council; or
 - (d) Decline the application and notify the applicant of the decision, giving a statement of the reasons for refusal.
- (3) In considering any application for a Consent, Trade Waste Agreement or variation, Council must consider the Characteristics, volume, and rate of discharge of the Trade Waste from such Premises or tanker and any other matter that it considers, on reasonable grounds, to be relevant, which may include:
- (a) The health and safety of Council staff, Council's agents and the public;
 - (b) The limits and/or maximum values for Characteristics of Trade Waste as specified in Schedules 2 and 3 of this Bylaw;
 - (c) The extent to which the Trade Waste may react with other Trade Waste or Wastewater to produce an undesirable effect, e.g. settlement of solids, production of odours, accelerated corrosion and deterioration of the Wastewater System, etc;
 - (d) The flows and velocities in the Wastewater System and the material or construction of the Wastewater System;
 - (e) The capacity of the Wastewater System including the capacity of any Wastewater Treatment Plant, and other facilities;
 - (f) The nature of any wastewater treatment process and the degree to which the Trade Waste is capable of being treated in the Wastewater Treatment Plant;
 - (g) The timing and balancing of flows into the Wastewater System;
 - (h) Any statutory requirements relating to the discharge of raw or treated Wastewater to receiving waters, the disposal of Wastewater sludges, beneficial use of Biosolids, and any discharge to air (including the necessity for compliance with any resource consent, discharge permit or water classification);
 - (i) The possibility of unscheduled, unexpected or accidental events and the degree of risk these could pose to humans, the Wastewater System or the environment;
 - (j) Consideration of other existing or future discharges;
 - (k) Existing Pre-Treatment works on the Premises;
 - (l) The use of Cleaner Production techniques and waste minimisation practices;
 - (m) Control of Stormwater;
 - (n) Any Management Plan;
 - (o) Tankered Waste being discharged at an Approved location/s; and
 - (p) Whether it would be more appropriate for the discharge to be controlled pursuant to a Trade Waste Agreement.

36 CONDITIONS OF A TRADE WASTE CONSENT

- (1) Any Consent may be granted subject to such conditions that Council may impose, including, but not limited to:

COMBINED WATERS BYLAW

- (a) The particular location or locations to which the discharge will be made;
- (b) The maximum daily volume of the discharge and the maximum rate of discharge, and the duration of maximum discharge;
- (c) The maximum limit or permissible range of any specified Characteristics of the discharge, including concentrations and/or Mass Limits determined in accordance with clause 36 (2) of this bylaw;
- (d) The period or periods of the day during which the discharge, or a particular concentration, or volume of discharge may be made;
- (e) The degree of acidity, alkalinity of the discharge at the time of discharge;
- (f) The temperature of the trade waste at the time of discharge;
- (g) The provision by, or for the Consent Holder, at the Consent Holder's expense, of screens, Grease Traps, silt traps or other Pre-Treatment works to control Trade Waste discharge Characteristics to the consented levels;
- (h) The provision and maintenance, at the Consent Holder's expense, of inspection chambers, manholes or other apparatus or devices to provide reasonable access to drains for sampling and inspection;
- (i) The provision and maintenance of a sampling, analysis and testing programme and flow measurement, at the Consent Holder's expense;
- (j) The method or methods to be used for measuring flow rates and/or volume and/or Characteristics and taking samples of the discharge for use in determining compliance with the consent and for determining the amount of any Trade Waste charges applicable to that discharge;
- (k) The provision and maintenance by, and at the expense of, the Consent Holder of such meters or devices as may be required to measure the volume or flow rate or Characteristics of any Trade Waste being discharged from the Premises, and for the calibration and/or validation of such meters and devices;
- (l) 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;
- (m) At times specified, the provision in an Approved format of all flow and/or volume records, on-line monitoring readings, results of analyses (including Pre-Treatment by-products, e.g. Wastewater sludge disposal) and calibration/validation records;
- (n) The provision and implementation of a Management Plan;
- (o) Risk assessment of damage to the environment due to an accidental discharge of a chemical;
- (p) The investigation of waste minimisation and Cleaner Production techniques;
- (q) Remote monitoring or control of discharges and associated control, telemetry or SCADA systems;
- (r) Third party treatment, carriage, discharge or disposal of by-products of Pre-Treatment of Trade Waste (including Wastewater sludge disposal);
- (s) The provision of a bond or insurance in favour of Council where failure to comply with the consent could result in damage to the Wastewater System, the Wastewater Treatment

COMBINED WATERS BYLAW

- Plants, or could result in Council being in breach of any statutory obligation or resource consent;
- (t) Specific discharge related capital costs Council would incur for altering the Wastewater System and or Wastewater Treatment Plant in order to accommodate the discharge;
 - (u) Specific discharge related operational costs Council would incur for operating the Wastewater System and or Wastewater Treatment Plant in order to accommodate the discharge; and
 - (v) Reception of contaminated stormwater.
- (2) A Consent may impose controls on a Trade Waste discharge by specifying Mass Limits for any Characteristic. Any Characteristic permitted by Mass Limit must also have its maximum concentration limited to the value scheduled unless approved otherwise. When setting Mass Limit allocations for a particular Characteristic, Council may consider:
- (a) The operational requirements of and risk to the Wastewater System, and risks to occupational health and safety, public health, and the ultimate receiving environment;
 - (b) Whether or not the levels proposed pose a threat to the planned or actual beneficial reuse of Biosolids or Wastewater sludge;
 - (c) Conditions in the Wastewater System near the Trade Waste discharge point and elsewhere in the Wastewater System;
 - (d) The effect of the planned reception of contaminated stormwater on pre-treatment requirements;
 - (e) The extent to which the available industrial capacity was used in the last financial period and is expected to be used in the forthcoming period;
 - (f) Whether or not the applicant uses waste minimisation and Cleaner Production techniques within a period satisfactory to Council;
 - (g) Whether or not there is any net benefit to be gained by the increase of one Characteristic concurrently with the decrease of another;
 - (h) Any requirements of Council to reduce the discharge of any Characteristic to the Wastewater System;
 - (i) How great a proportion the mass flow of a Characteristic of the discharge will be of the total mass flow of that Characteristic in the Wastewater System;
 - (j) The total mass of the Characteristic allowable in the Wastewater System, and the proportion (if any) to be reserved for future allocations; and
 - (k) Whether or not there is an interaction with other Characteristics that increases or decreases the effect of either Characteristic on the Wastewater System, treatment process, or receiving water (or land).

37 DURATION

Permitted Discharges

- (1) A permitted trade waste consent shall remain, in force until:

COMBINED WATERS BYLAW

- (a) it is cancelled under clause 44; or
 - (b) the quantity and nature of the discharge changes significantly; or
 - (c) if in the opinion of the Council the discharge changes or is likely to change to such an extent that it becomes a Conditional Trade Waste discharge or Prohibited Trade Waste discharge in accordance with clause 33 of this Bylaw; or
 - (d) the Council changes the Trade Waste management procedures by amendment of the conditions provided for in clause 36 or any amendment to, or replacement of this Bylaw; or
 - (e) the conditions on resource consents held by the Council issued under the Resource Management Act 1991 for the Sewerage System and the residuals from it change.
- (2) After consultation with the Council regarding its requirements, the Consent Holder shall apply within 10 Working Days of the aforesaid change occurring for a Conditional Trade Waste Consent, in accordance with clause 34 of this Bylaw. No discharge of Trade Waste shall take place until the application for a Conditional Trade Waste Consent is approved.

Conditional Discharges

- (3) Subject to the provisions of clause 35 and 36, a Consent for a contestable discharge of Trade Waste shall be issued for a period determined by the Council subject to the following conditions:
- (a) A Trade Waste Consent may be issued for a period not exceeding five years to a Consent Holder who at the time of application satisfies the Council that the:
 - (i) (A) nature of the trade activity; or
 - (B) process design; and/or
 - (C) management of the Premisesare such that the Consent Holder has a demonstrated ability to meet the conditions of the Consent during its term; and/or
 - (ii) (A) Cleaner Production techniques are currently being successfully being utilised on the Premises, or
 - (B) that a significant and substantial investment in Cleaner Production equipment or techniques is being made; and/or
 - (iii) significant and substantial investment in Pre-treatment facilities has been made to the extent that a longer period of certainty for the amortising of this investment is considered reasonable.
- (4) Unless issued in accordance with clause 37(3)(a), a Conditional Trade Waste Discharge Consent shall not be issued for longer than two years.
- (5) When the holder of the Consent, the owner of the Premises, or the use of the Consent changes, a new application for a Conditional Trade Waste discharge Consent shall be made by the Consent Holder.
- (6) When the conditions on resource consents for the Sewerage System and the residuals from it change, the Council may review the Conditional Trade Waste discharge Consent.
- (7) The Council may review the conditions of a Trade Waste Consent from time to time for one or more of the following reasons:

COMBINED WATERS BYLAW

- (a) changes in the level of compliance with the conditions of the Consent, including any accidents including spills or process mishaps;
- (b) considerations relating to the Council's resource Consents for the Sewerage System;
- (c) considerations relating to the Council's environmental policies and the intended objectives and outcomes;
- (d) new control and treatment technologies and processes that are implemented by the Council;
- (e) any of the considerations outlined in clause 37; or
- (f) considerations relating to the Council's legal obligations that affect the conditions of a Trade Waste Discharge Consent.

38 COMPLIANCE WAIVER

- (1) An application may be made to the Council to waive the requirement that a business obtain a Trade Waste discharge consent under this bylaw on the basis that due to the nature, volume or other circumstance / characteristic, it would needlessly affect the operation of any business or cause inconvenience to any person, without corresponding reduction of impact on the operation of the wastewater system.
- (2) On receipt of an application under clause 38(1), Council may:
 - (a) Waive the need to observe the requirement for a trade waste discharge consent under this Bylaw, and/or
 - (b) Impose such other conditions as the Council may think fit.

39 ACCIDENTS AND SPILLS

- (1) A Person who discharges Trade Waste must inform the Council immediately upon becoming aware of:
 - (a) An accident;
 - (b) Spillage;
 - (c) A defect in the process discharging Trade Waste; or
 - (d) A risk to the health and safety of the public or the environment;that may cause a breach of this bylaw.
- (2) A Person who reports an accident, spillage or defect as provided for in clause 39(1) or the Consent Holder for a Premises must disclose any information that may contribute to:
 - (a) The restoration of the integrity of the Wastewater System;
 - (b) The cleaning of any spillage; or
 - (c) The determination of the risks associated with the Trade Waste.
- (3) In the event of any accident, spillage or defect referred to in clause 39(1) from Premises where a Consent Holder has a Consent, Council may:
 - (a) Review the Consent under clause 37; or

COMBINED WATERS BYLAW

- (b) Require the Consent Holder to review the contingency management procedures and resubmit the Management Plan to the Council for its Approval.
- (4) In the event of any accident, spillage or defect referred to in clause 39(1) from Premises where a Consent Holder has an Approval Notice, Council may require the Consent Holder to apply for a Consent.

40 PRE-TREATMENT REQUIREMENTS

- (1) Council may approve a Trade Waste discharge subject to the provision of appropriate Pre-Treatment systems to enable the Consent Holder to comply with this bylaw. Such Pre-Treatment systems must be provided, operated and maintained by the Person discharging, at their expense. Typical Pre-Treatment requirements will be defined during the Consent Process.
- (2) Refuse or garbage grinders and macerators must not be used to dispose of solid waste from Trade Waste Premises to the Wastewater System unless Approved by Council.
- (3) Grease Traps must:
 - (a) Have a functional capacity of no less than 1,000 litres;
 - (b) Be cleaned out at least once every 3 months or as specified in Consent conditions. The frequency with which Grease Traps are required to be cleaned out may be determined through a visual inspection and/or sample testing from the device outlet by Council.
- (4) Shared Grease Traps, such as those operated by a body corporate or food court, must be sized appropriate to the total inputs. This must be no less than a functional capacity of 1,000 litres for each connected Premises.
- (5) A Consent Holder whose Premises has existing Grease Traps with a functional capacity of less than 1,000 litres must apply for a Consent unless they can demonstrate compliance with the physical and chemical characteristics set out in Schedule 2 to Council's satisfaction.
- (6) If Alternative Grease Removal Systems are approved, they must be:
 - (a) Operated in accordance with the manufacturer's instructions;
 - (b) Serviced and/or cleaned out by a contractor Approved by Council as specified in Consent conditions;
 - (c) Sized according to manufacturer's recommendation; and
 - (d) May only be used with Council's Approval.
- (7) The frequency with which Alternative Grease Removal Systems are required to be serviced and/or cleaned out in accordance with clause 40(6) may vary. This will be determined by Council after a visual inspection and/or sample testing from the device outlet.
- (8) Alternative Grease Removal Systems that do not meet the requirements contained in this bylaw must be replaced with an approved device at the Consent Holder's expense.

41 FLOW METERING

- (1) Flow metering may be required by the Council:

COMBINED WATERS BYLAW

- (a) On discharges when there is not a reasonable relationship between a metered water supply to the premises, and the discharge of trade waste;
 - (b) when the Council will not approve a method of flow estimation; or
 - (c) when the discharge represents a significant proportion of the total flow/load received by the Council.
- (2) The Consent Holder shall be responsible for the supply, installation and maintenance of any meter required by the Council for the measurement of the rate or quantity of discharge of trade waste. These devices shall be subject to the approval of the Council, but shall remain the property of the Consent Holder.
- (3) Records of flow and/or volume shall be available for viewing at any reasonable time by the Council, and shall be submitted to the Council at prescribed intervals.
- (4) Meters shall be:
- (a) located in a position approved by the Council;
 - (b) provide the required degree of accuracy; and
 - (c) readily accessible for reading and maintenance.
- (5) The meters shall be located in the correct position according to the manufacturer's installation instructions.
- (6) The Consent Holder shall arrange for confirmation of the flow metering equipment and instrumentation by a Person approved by the Council upon installation and at least once a year thereafter to ensure accurate performance within $\pm 10\%$ of its reading. A copy of independent certification of each calibration result shall be submitted to the Council.
- (7) Should any meter, after being calibrated, be found to register a greater or lesser discharge than the quantity of wastewater actually passed, the Council, after consultation with the Consent Holder, may make an adjustment in accordance with the results shown by such tests backdated for a period at the discretion of the Council, but not exceeding twelve months, and the Consent Holder shall pay a greater or lesser amount according to such adjustment.

42 ESTIMATING DISCHARGE

- (1) Where no meter or similar apparatus is warranted, the Council may require that a percentage of the water supplied to the premises, or other such basis determined by the Council, be used for estimating the rate or quantity of flow for the purposes of charging.
- (2) Should any meter be out of repair or cease to register, or be removed, the Council shall estimate the discharge for the period since the previous reading of such meter, (based on the average of the four previous billing periods charged to the Consent Holder) and the Consent Holder shall pay according to such estimate. Provided that when by reason of a large variation of discharge due to seasonal or other causes, the average of the previous 4 billing periods would be an unreasonable estimate of the discharge, the Council shall take into consideration other relevant evidence for the purpose of arriving at a reasonable estimate, and the Consent Holder shall pay according to such estimate.
- (3) Where a meter has been tampered with, the Council (without prejudice to the other remedies available) may declare the reading void and estimate discharge as provided above.

43 SAMPLING, TESTING AND MONITORING

- (1) Council may undertake sampling, testing, monitoring and audit inspections to determine if:
 - (a) A discharge complies with the provisions of this bylaw;
 - (b) A discharge is to be classified as Permitted, Conditional, or Prohibited (refer to clause 33 of this bylaw);
 - (c) A discharge complies with any condition of a Consent or Trade Waste Agreement including a Management Plan; and
 - (d) Trade Waste Consent charges are applicable to that discharge.
- (2) Where monitoring of any Trade Waste discharge is required as a condition of a Consent to ensure compliance with other conditions of the Consent:
 - (a) The Consent Holder must monitor the discharge of Trade Waste; and
 - (b) Council may independently monitor the discharge of Trade Waste.
- (3) The Consent Holder is responsible for all costs of monitoring, sampling and testing.
- (4) The taking, preservation, transportation and analysis of the samples must be undertaken by an Authorised Officer or agent of Council, or the Consent Holder in accordance with accepted industry standard methods or another methodology Approved by Council.
- (5) Any sample analysis must use methods or procedures in accordance with, or validated against, the latest version of the AWWA Standard methods for the examination of Water and Wastewater or by such alternative method or procedure Approved by Council. Analysis must be undertaken by a laboratory accredited by IANZ, or a laboratory Approved by Council.
- (6) The Consent Holder must provide to Council or an Authorised Officer the results of any sampling, analysis, flow measurements or other monitoring requirements such as Pre-Treatment system maintenance, within one Working Day of any request by Council.
- (7) In the case of non-compliance with the conditions of a Consent or a Trade Waste Agreement or where an anomalous result is obtained, the Consent Holder must report the results of the analysis to Council as soon as practicable, and in all cases within one Working Day.
- (8) Authorisation for entry to Premises is given under the Local Government Act 2002 and entry shall be in compliance with the health and safety policies of that particular site.

44 TRANSFER OR TERMINATION

- (1) A Trade Waste Consent must be issued in the name of the given Consent Holder. The Consent Holder must not, without Council Approval:
 - (a) Transfer to any other party the rights and responsibilities provided for under this bylaw, and under the Consent;
 - (b) Allow a Point of Discharge to serve another Premises, or the Private Drain to that point to extend by pipe, or any other means, to serve another Premises; or
 - (c) In particular and not in limitation of the above, allow Wastewater from any other party to be discharged at their Point of Discharge.

COMBINED WATERS BYLAW

- (2) Council may suspend or cancel any Consent at any time following not less than 20 Working Days (during which consultation has occurred) notice to the Consent Holder or Person discharging any Trade Waste:
 - (a) For the failure to comply with any condition of the Consent or to maintain effective control over the discharge;
 - (b) For the failure to comply with the requirements of this bylaw or a Consent in respect of the volume, nature or composition of Trade Waste being discharged;
 - (c) In the event of any negligence which, in the opinion of Council, threatens the safety of, or threatens to cause damage to any part of the Wastewater System or the Wastewater Treatment Plant, or threatens the health or safety of any Person or poses a serious threat to the environment;
 - (d) In the event of any breach of a Resource Consent held by Council issued under the Resource Management Act caused in whole or in part by the Trade Waste or contaminated stormwater discharge;
 - (e) Failure to provide and when appropriate update a Management Plan as required for a Conditional Consent;
 - (f) Failure to follow the Management Plan provisions;
 - (g) Failure to pay any Trade Waste charges;
 - (h) If new information becomes available on the nature or Characteristics of the Trade Waste discharge; or
 - (i) If any other circumstances arise which, in the opinion of Council, render it necessary in the public interest to cancel the right to discharge.
- (3) Further to clause 44(2) of this bylaw, any Consent may at any time be summarily suspended or cancelled by Council, on giving to the Consent Holder written notice, if:
 - (a) They discharge any Wastewater with prohibited Characteristics as set out in Schedule 3;
 - (b) Council is lawfully directed to withdraw or otherwise to terminate the Consent summarily;
 - (c) The discharge of Trade Waste is unlawful;
 - (d) If the continuance of the discharge is, in the opinion of Council, a threat to the environment or public health;
 - (e) In the opinion of Council, the continuance of the discharge puts at risk the ability of Council to comply with the conditions of a Resource Consent and/or requires identified additional treatment measures or costs to avoid a breach of any such Resource Consent.
- (4) Council may require a Consent Holder, at the Consent Holder's expense, to disconnect the Premises from the Wastewater System where:
 - (a) The Consent has expired;
 - (b) Council suspends or cancels a Consent; or
 - (c) The Consent Holder breaches clauses 29(1) to (4).
- (5) If the Consent Holder fails to comply with any such requirement, Council may at its discretion, and at the Consent Holder's expense, access the Premises in accordance with section 171 of the Local Government Act 2002 and clause 46(1) of this bylaw in order to disconnect it from the Wastewater System and carry out such works as it considers necessary to prevent the further discharge of Trade Waste into the Wastewater System.

45 TANKERED WASTE

- (1) Council may require tankered waste dischargers to comply with the Ministry for the Environment's Liquid and Hazardous Code of Practice.
- (2) Any Person wishing to discharge Tankered Waste into the Wastewater System must hold a Consent under this bylaw.
- (3) Council may accept Tankered Waste for discharge at an Approved location.
- (4) Consent Holders must supply the following information to Council before discharging Tankered Waste to the Wastewater System:
 - (a) A description of the type of waste;
 - (b) The source of waste and location;
 - (c) The date and time of collection;
 - (d) The volume of waste collected;
 - (e) The tracking Identification number and vehicle registration number; and
 - (f) A representative sample of the tanker load.
- (5) Tankered Waste will only be accepted during working hours on Working Days, or as advised by Council.
- (6) Tankered Waste is not to be collected and transported to the disposal site until appropriate arrangements, documentation and method for disposal have been Approved by Council.
- (7) To prevent cross-contamination between tanker loads, the tanker must be washed prior to collecting a load for disposal into the Wastewater System.
- (8) A Consent Holder must give Council 24 hours' notice of a proposed discharge of Tankered Waste.
- (9) Council may require analysis of Tankered Waste to confirm its Characteristics.
- (10) Council may require the Consent Holder to obtain specialist advice on Pre-Treatment or acceptance.
- (11) The cost of all sampling, analysis and advice must be met by the Consent Holder.
- (12) The Consent Holder must ensure that Tankered Waste is treated in accordance with the conditions of the Consent before disposal.

46 ACCESS

- (1) In accordance with section 171 of the Local Government Act 2002, an Authorised Officer may enter and inspect any land or building (other than a dwelling house or a whareniui or a whare puni) for routine inspection or monitoring or for post-breach monitoring. The Authorised Officer must give at least 24 hours' notice of the intended entry.
- (2) In accordance with section 172 of the Local Government Act 2002, an Authorised Officer may enter and inspect any land for the purpose of detecting a breach of this bylaw if the Authorised Officer has reasonable grounds for suspecting that a breach has occurred or is occurring on the land. The Authorised Officer must give reasonable notice unless the giving of notice would defeat the purpose of entry. To use this power to enter a dwelling house, the Authorised Officer must comply with section 172(3) of the Local Government Act 2002.

COMBINED WATERS BYLAW

- (3) In accordance with section 173 of the Local Government Act 2002, in the event of a sudden emergency causing or likely to cause damage to property or the environment, or where there is danger to any works or adjoining property, an Authorised Officer may enter occupied land or buildings. Notice is not required.

47 FEES AND CHARGES

- (1) The Council may recover fees and charges in accordance with the Local Government Act 2002 and in accordance with the Council's Schedule of Fees and Charges.
- (2) The Consent Holder shall be liable to pay for the discharge of trade wastes and any related material in accordance the Council's Schedule of Fees and Charges.
- (3) All charges determined in accordance with clause 47 shall be invoiced to the owner of the Premises in accordance with section 61 of the Local Government Ratepayers Act 2002. The invoice shall provide the information and calculations used to determine the extent of any charges and fees due, in regard to a discharge.
- (4) The person discharging shall be deemed to be continuing the discharge of Trade Waste and shall be liable for all charges, until notice of Disconnection is given.
- (5) All fees and charges payable under this Part of the Bylaw shall be recoverable as a debt.
- (6) If the person discharging fails to pay any fees and charges under this Bylaw, the Council may cancel the right to discharge in accordance with clause 44 (3) of this Bylaw.

48 RECOVERY OF COSTS

Pursuant to the Local Government Act 2002, the Council may recover costs for willful damage or negligent behaviour (section 175 of the Local Government Act 2002) and remedying damage arising from breach of this Part of the Bylaw (section 176 of the Local Government Act 2002).

49 AUTHORISED OFFICERS

- (1) All officers appointed by the Council under or for the purpose of the revoked Whakatane District Council Trade Waste Bylaw 1996, and holding office at the time of the coming into operation of this Part of the Bylaw, shall be deemed to have been appointed under this Bylaw.
- (2) All Authorised Officers of the Council, or other Persons authorised under section 174 or section 177 or paragraph 32 of schedule 7 of the Local Government Act 2002, shall possess and produce on request warrants of authority and evidence of identity.
- (3) Any Authorised Officers may at any reasonable time enter any Premises believed to be discharging Trade Wastes to determine any Characteristic of any discharge by:
 - (a) Taking readings and measurements; or
 - (b) Taking samples or any solids, liquids or gaseous material or any combination or mixtures of such materials being discharged; or
 - (c) Observing accidental occurrences and clean-up.
- (4) The extent and level of delegation to Authorised Officers will be in accordance with the Council's Register of Statutory Delegations and Warrants.

COMBINED WATERS BYLAW

- (5) Authorisation for entry to Premises is given under the Local Government Act 2002 and entry shall be in compliance with the health and safety policies of that particular site.

50 BREACHES

- (1) It is a breach of this bylaw to:
- (a) Fail to comply with any requirement of this bylaw;
 - (b) Fail to comply with any Defect Notice issued by an Authorised Officer pursuant to this bylaw;
 - (c) Obstruct an Authorised Officer in the performance of their function under this bylaw.
- (1) Any Consent Holder who incorrectly informs Council of the Characteristics or volume of Tankered Waste, or who discharges Tankered Waste other than in the prescribed location and in accordance with the Consent will be in breach of this bylaw.
- (2) Council may physically prevent discharge to the Wastewater System in the case of a non-compliance with this bylaw, a Consent or a Trade Waste Agreement.
- (3) An Authorised Officer may report breaches or imminent breaches to Bay of Plenty Regional Council and the Environment Protection Authority for further enforcement.
- (4) A Person is not in breach of this bylaw if that Person proves that the act or omission complained of was necessary to:
- (a) Save or protect life or health or prevent injury; or
 - (b) Comply with Council's obligations under the Health Act 1956 and any subsequent amendments; or
 - (c) Prevent serious damage to property; or
 - (d) Avoid actual or likely damage to the environment
- provided the conduct of the Person was reasonable in the circumstances and the effects of the act or omission were adequately remedied or mitigated by the Person after the breach occurred.

51 REMEDIAL WORKS AND COST RECOVERY

- (1) In accordance with section 186 of the Local Government Act 2002, if an Authorised Officer serves a notice on the owner or Occupier requiring works to be carried out or materials to be provided in connection with the Premises in order to comply with the requirements of this bylaw, a Consent, or Trade Waste Agreement, Council or an Authorised Officer may carry out the work or provide the materials where the owner or Occupier fails to comply with the notice, either:
- (a) Within the time specified in the notice; or
 - (b) Within 24 hours if the notice certifies that the work is urgent; or
 - (c) If the owner or Occupier fails to proceed with the work with all reasonable speed.
- (2) In accordance with section 187 of the Local Government Act 2002, if an Authorised Officer serves a notice on any Person under this bylaw, and the Person fails to take the steps within the time specified, then Council or any Authorised Officer is authorised to take the steps set out in the

COMBINED WATERS BYLAW

notice. Council may recover the cost of doing the work, together with reasonable administrative and supervision charges

- (3) In accordance with section 176 of the Local Government Act 2002, a Person who has been convicted of any offence against this bylaw is liable to pay to Council the costs of remedying any damage caused in the course of committing the offence. The costs must be assessed by a District Court Judge and are recoverable summarily as if they were a fine.
- (4) Costs recoverable under clause 51(3) are in addition to any other penalty for which the Person who committed the offence is liable.

52 OFFENCES AND PENALTIES

A Person who breaches Part 4 of this bylaw and is convicted of an offence is liable to a penalty not exceeding \$200,000 pursuant to section 242(5) of the Local Government Act 2002.

53 GENERAL

- (1) Any notice, order or other document which is required by this bylaw to be served or given or sent to any person shall be deemed to have been duly served given or sent if delivered to such person or left at his or her residence or workplace or posted to such person at his or her last known address.
- (2) Any resolution of the Council may be amended, rescinded or reinstated by a further resolution of the Council.

PART 5: STORMWATER

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

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

This Bylaw is in addition to controls on stormwater imposed by the Bay of Plenty Regional Council and Whakatāne District Council under the Resource Management Act 1991, the Building Act 2004, or any other Act, Regulation or Bylaw.

54 OBJECTIVES

The objectives of Part 5 of the Bylaw are to:

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

The following note is explanatory and is not part of the Bylaw: Objectives policies and standards relevant to this part of the bylaw can be found in the Whakatāne District Council's Engineering Code of Practice and in the consents that the Council holds for the discharge of stormwater from its system.

55 MINIMUM QUALITY STANDARDS

- (1) No person shall allow the discharge of contaminants, either directly or indirectly, into any part of the stormwater network unless:
 - (a) The discharge is permitted by a rule in a regional plan;
 - (b) Is authorised by a resource consent; or
 - (c) Is authorised by a Council stormwater discharge consent; or
 - (d) Is authorised by a Bay of Plenty Regional Council's stormwater network discharge consent.
- (2) Without the written authorisation of the Council, no person may do anything or allow stock or vehicles to do anything that damages or is likely to damage or cause damage to any part of any stormwater system.

56 TREATMENT OF WORKS TO BE UNDERTAKEN

- (1) Council may require the owner or occupier of any land to implement management options, treatment or works in order to prevent the discharge of contaminants into the public stormwater network or otherwise protect the network from damage or alteration.
- (2) Any management options, treatment or works shall be implemented in a timeframe stipulated by Council and shall be undertaken and / or maintained at the owner or occupier's expense.
- (3) Council will recognise where appropriate, compliance with relevant codes of practice as a means of compliance with the bylaw.

57 MONITORING DISCHARGES

Council may inspect private and public stormwater networks in order to ensure compliance with clauses 55 and 56 of this Bylaw

58 POLLUTION PREVENTION PLANS

- (1) Where a site is deemed to be a high risk under Schedule 4 of the Bay of Plenty Regional Council Regional Water and Land Plan and discharges to the public stormwater network, the owner or occupier of the site may be required to prepare a Pollution Prevention Plan and submit the plan to Council for approval. The Plan must include:
 - (a) A suitably scaled drawing showing the site layout, boundaries, all private stormwater and wastewater drainage including the point of connection to the public networks, relevant buildings and outdoor spaces (including their use); and
 - (b) A site assessment identifying all actual and potential sources of stormwater pollution; and
 - (c) Methods in place to control contamination of the public stormwater network; and
 - (d) Methods and timeframes proposed to control and minimise contamination of the public stormwater network; and
 - (e) A description of the maintenance procedures in place and proposed; and
 - (f) Any proposed diversion to trade waste; and
 - (g) Spill prevention and spill response procedures.
- (2) If another plan has been prepared which addresses these issues, it may be used in place of a Pollution Prevention Plan.
- (3) Within three months of being requested to do so, the owner / occupier must provide a Pollution Prevention Plan to Council for review and approval.
- (4) Once the Pollution Prevention Plan has been approved by Council, the owner / occupier must comply with all provisions, including timeframes specified, of the Pollution Prevention Plan.
- (5) The owner / occupier must review their Pollution Prevention Plan every three years and provide it to Council for review and approval
- (6) Notwithstanding clause 58(5), Council may require that any Pollution Prevention Plan be revised where there have been significant changes in the facility concerned or its operational procedures.

59 RESTRICTED ACTIVITIES

Unless authorised by the Council, no person may:

- (a) Allow the discharge of stormwater into the wastewater system.
- (b) Erect or construct any bridge, culvert, dam, weir, crossing or other similar structure in, on or over any waterway within a public stormwater system.
- (c) Erect any structure or undertake earthworks, grow any vegetation, deposit any rubbish or other debris or carry out any activity in a place or manner which is likely to cause nuisance or damage to a public stormwater system.
- (d) Obstruct or fill within any overland flow paths or floodplains with any material or structures (e.g. buildings, fences, retaining walls).
- (e) Remove any existing covering material or place any additional material over or within one metre of any part of a public stormwater system.
- (f) Enter any public drain, waterway, pumping station building or related accessory.
- (g) Cover, remove, alter or block (partially or fully) any service opening such as manholes, catchpits or any other stormwater infrastructure.
- (h) Erect a structure, place any material or plant any vegetation (e.g.; tree or hedge) where it could impede access by machinery or apparatus used to clean, maintain or improve any part of a proposed or existing public stormwater system.
- (i) Erect a structure or lay any utility service over or within a distance of one metre from the side of any public stormwater system.
- (j) Widen, deepen, dam, divert, make narrower or alter the course of any waterway within a public stormwater system.
- (k) Modify the bank structure of any open waterway within a public stormwater system or plant any vegetation on the banks in such a way as to alter the flow of stormwater, cause destabilisation or create other nuisance.
- (l) Do anything or allow stock or vehicles to do anything that damages or is likely to cause damage to any part of any stormwater system.
- (m) 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 the Bay of Plenty Regional Council.
- (n) Discharge stormwater which exceeds the minimum stormwater standards as provided by clause 55 of this bylaw unless the discharge is specifically authorised by a resource consent from the Bay of Plenty Regional Council.

60 MAINTENANCE RESPONSIBILITIES

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

COMBINED WATERS BYLAW

- (3) Council may require the removal of any trees, plants, weeds or growths that obstruct or are likely to obstruct the free flow of water in any waterway.
- (4) Council may require the removal of cross connections between the stormwater and wastewater systems on private property.

61 DISCONNECTION FROM A PUBLIC STORMWATER SYSTEM

A land owner/occupier shall give a minimum of seven working days' notice in writing to Council, using the prescribed form, of his or her intention to disconnect from a public stormwater system. Such a disconnection would include re-laying of any private stormwater reticulation or the demolition or removal of a building connected to a public stormwater system. The demolition or removal of any building(s) shall not commence until Council has inspected the stormwater disconnection, and/or Council has given written permission for such works to proceed.

62 PROTECTION OF THE STORMWATER SYSTEM

- (1) No works shall be carried out on the stormwater system without the approval of the Council.
- (2) No building over, loading, excavation or drilling can be undertaken closer than 5 metres to stormwater services, and must be undertaken in line with the Engineering Code of Practice.
- (3) Any damage which occurs to the stormwater system shall be reported to the Council immediately.

63 POINT OF DISCHARGE – BOUNDARY OF RESPONSIBILITY

- (1) The point of discharge from premises shall be the point on the public stormwater system, which marks the boundary of responsibility between the land owner/occupier and Council.
- (2) Unless otherwise approved there shall be one point of discharge only for each premises, and any private stormwater system shall not extend pipe or any other means to serve another premises unless it is a common stormwater system as approved by Council.

PART 6: OTHER MATTERS

64 OFFENCES AND BREACHES

Every person breaches this Bylaw and commits an offence who:

- (a) Does, or allows anything to be done, which is contrary to this Bylaw or any part of it; or
- (b) Fails to do, or allows anything to remain undone, which ought to be done by that person within the time and in the manner required by this Bylaw or any part of it; or
- (c) Does anything which this Bylaw prohibits; or
- (d) Fails to comply with any notice given to that person under this Bylaw or any part of it or any condition of a licence granted by the Council; or
- (e) Obstructs or hinders any Council officer or other Council appointed person in performing any duty or in exercising any power under this Bylaw.

65 FEES

Council may in accordance with section 150 of the Local Government Act 2002 prescribe fees or charges payable for any certificate, licence, approval, permit or consent form or inspection made by Council under this Bylaw.

66 NOTICES

Council may give notice to any person in breach of this Bylaw to carry out any remedial action in order to comply with the Bylaw and every such notice shall state the time within which the remedial action is to be carried out, and may be extended from time to time.

67 PENALTIES

- (1) Subject to anything to the contrary, every person who commits an offence against this Bylaw shall be subject to the penalties set out in section 242(4) of the Local Government Act 2002.
- (2) Under section 163 of the Local Government Act 2002 Council or an authorised agent appointed by it, may remove or alter any work or thing that is or has been constructed in breach of this Bylaw.
- (3) Council may recover the costs of removing or altering the work or thing that is in breach of this Bylaw from the person who committed the breach. This does not relieve that person of liability for the breach.
- (4) Under section 162 of the Local Government Act 2002 Council may apply to the District Court for the grant of an injunction restraining a person from committing a breach of this Bylaw.
- (5) Council may seize and impound property materially involved in the commission of an offence, under and in accordance with sections 164 and 165 of the Local Government Act 2002.
- (6) Council will return and may dispose of property seized and impounded in accordance with sections 167 and 168 of the Local Government Act 2002.

68 DISPENSING POWERS

Council may waive full compliance with any provision of this Bylaw in a case where Council is of the opinion that full compliance would needlessly cause harm, loss or inconvenience to any person or business without any corresponding benefit to the community. Council may in its discretion impose conditions of any such waiver.

SCHEDULE 1 – POINT OF SUPPLY

Single Ownership

- (1) For individual Customers the point of supply shall be located on the Service Pipe which marks the legal boundary between the Customer and the WSA, irrespective of property boundaries.
- (2) For single dwelling units, the point of supply shall be located as shown in Figure 1 or as close as possible where fences, walls or other permanent structures make it difficult to locate it at the required position. Other positions shall require specific approval.
- (3) For each individual Customer, there shall only be one Point of Supply, unless otherwise approved.

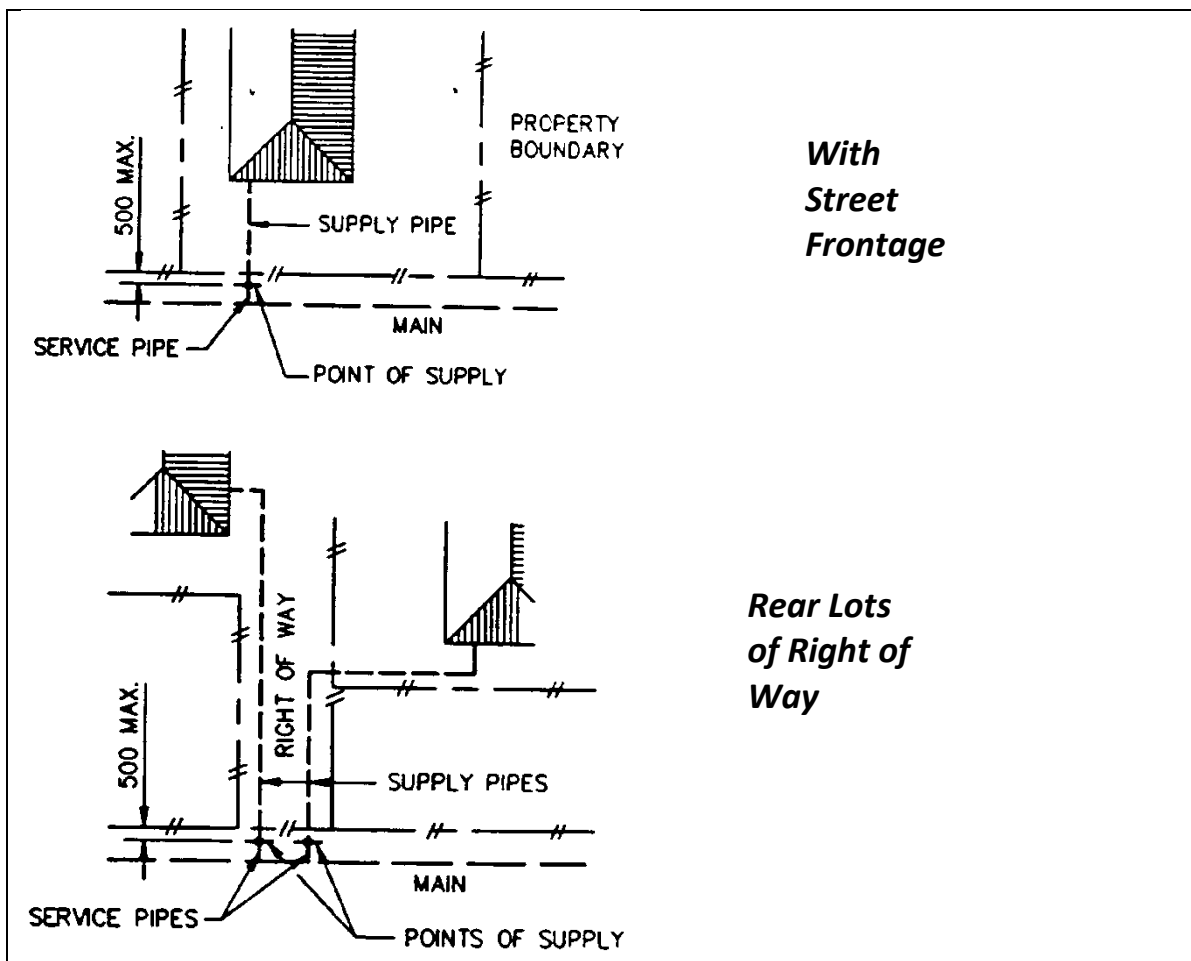


Figure 1 - Point of Supply Location - Single Dwelling Units

The WSA gives no guarantee as to the serviceability of the valve located on the Service Pipe. Where there is no Customer stopcock, or where maintenance is required between the service valve and the Customer stopcock, the Customer may use the service valve to isolate the supply.

Multiple Ownership

The Point of Supply for the different forms of multiple ownership of premises and/or land shall be as follows:

COMBINED WATERS BYLAW

- (a) For Company Share/Block Scheme (Body Corporate) - as for single ownership.
- (b) For Leasehold/Tenancy in Common Scheme (Cross Lease), Strata Title, and Unit Title (Body Corporate) and any other form of multiple ownership, each Customer shall have an individual supply with the point of supply determined by agreement with the WSA. In specific cases, other arrangements may be acceptable subject to individual approval.

For a multiple ownership supply which was in existence prior to the coming into effect of these terms and conditions and this Part of the Bylaw, the Point of Supply shall be the arrangement existing at that time, or as determined by agreement with the WSA for an individual case.

Upgrades to the water will be located as per a new connection application.

Types of Supply

Supplies shall be classified as either 'on demand' or 'restricted flow' and the use of water from the supply shall be either 'ordinary' or 'extraordinary'.

There are two categories of On-Demand Supply (ordinary and extraordinary), which are defined by this Part of the Bylaw and which may be amended from time to time.

Access to and about the Point of Supply

Where the point of supply is on private property the Customer shall allow the WSA access to and about the Point of Supply between 7:30 am and 6:00 pm on any day for:

- (a) meter reading without notice;
- (b) checking, testing and maintenance work with notice being given whenever possible.

Outside these hours (e.g. for leak detection), the WSA shall give notice to the Customer.

Under emergency conditions, the Customer shall allow the WSA free access to and about the Point of Supply at any hour.

Where access is not made available for any of the above and a return visit is required by the WSA, a rate in accordance with the "Meter Reading by Appointment" item may be charged.

Inspection

Subject to the provisions of the Local Government Act 2002, the Customer shall allow the WSA with or without equipment, access to any area of the premises for the purposes of determining compliance with these conditions.

Maintenance of Access

The Customer shall maintain the area in and around the Point of Supply free of soil, growth, or other matter of obstruction which prevents, or is likely to prevent convenient access.

Prevention of Waste

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

SCHEDULE 2 - PERMITTED WASTEWATER

Introduction

- (1) The nature and levels of the characteristics of any wastewater discharged to the Council system shall comply at all times with the following requirements, except where the nature and levels of such characteristics are varied by the Council as part of an approval to discharge a wastewater.
- (2) The Council shall 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 other legal requirements imposed on the Council – refer to clause 36 of the Bylaw.
- (4) Mass limits for characteristics in Tables 2(a), 2(b) and 2(c) may be applied by the Council as required, refer clause 36 of the Bylaw.

Physical characteristics

Table 2(a) – Physical Characteristics of discharge

PARAMETER	REQUIREMENT	COMMENTARY
Flow	The 24 hour discharge volume shall be less than 3m ³ ; The maximum instantaneous flow rate shall be less than 2.0 L/s	
Temperature	The temperature shall not exceed 35 °C.	Higher temperatures: –cause increased damage to sewer structures. –increase the potential for anaerobic conditions to form in the wastewater. –promote the release of gases such as H ₂ S and NH ₃ . –can adversely affect the safety of operations and maintenance personnel. A lower maximum temperature may be required for large volume discharges.
Solids	Non-faecal gross solids shall have a maximum dimension which shall not exceed 15 mm and gross solids shall have acquiescent settling velocity which shall not exceed 50 mm/minute. The suspended solids content of any wastewater shall have a maximum concentration which shall not exceed 1000 g/m ³ .	Gross solids can cause sewer blockages. High suspended solids contents can cause sewer blockages and overload the treatment processes. Where potential for such problems exists, a

COMBINED WATERS BYLAW

	<p>The settleable solids content of any wastewater shall not exceed 50 mL/L.</p> <p>The total dissolved solids concentration in any wastewater shall be subject to the approval of the Council having regard to the volume of the waste to be discharged, and the suitability of the drainage system and the treatment plant to accept such waste.</p> <p>Fibrous, woven, or sheet film or any other materials which may adversely interfere with the flow of wastewater in the drainage system or treatment plant shall not be present.</p>	<p>limit of 1000 g/m³ may be more appropriate.</p> <p>High total dissolved solids reduces effluent disposal options and may contribute to soil salinity. Where potential for such problems exists, a limit of 10,000 g/m³ may be used as a guideline.</p>
<p>Oil and grease</p>	<p>There shall be no free or floating layer.</p> <p>A trade waste with mineral oil, fat or grease unavoidably emulsified, which in the opinion of the Council is not biodegradable shall 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 sewage, throughout the range pH 6.0 to pH 10.0.</p> <p>A trade waste with oil, fat or grease unavoidably emulsified, which in the opinion of the Council is biodegradable shall 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 sewage throughout the range pH 4.5 to pH 10.0.</p> <p>Emulsified oil, fat or grease shall not exceed 100 g/m³ as petroleum ether extractable matter when the</p>	<p>Oils and greases can cause sewer blockages, may adversely affect the treatment process, and may impair the aesthetics of the receiving water. Where the treatment plant discharges to a sensitive receiving water, lower values should be considered.</p> <p>In terms of oil and greases, biodegradable refers to the bio-availability of the oil and greases and the bio-chemicals thereby produced, and means the oil and grease content of the waste decreases by 90 % or more when the wastewater is subjected to a simulated wastewater treatment process which matches the Council treatment system.</p> <p>If quick break detergents are being used, it should be ensured that proper separation systems are being used by</p>

COMBINED WATERS BYLAW

	emulsion is unstable at a temperature of 15 °C and when the emulsion is in contact with and diluted by a factor of 10 by raw sewage throughout the range pH 4.5 to pH 10.0.	the occupier. If not, oil will reappear in drainage systems as a free layer.
Solvents and other organic liquids	There shall be no free layer (whether floating or settled) of solvents or organic liquids.	Some organic liquids are denser than water and will settle in sewers and traps.
Emulsions of paint, adhesive, rubber, plastic	<p>'Latex emulsion' means an emulsion containing paint, adhesive, rubber, plastic, or similar material.</p> <p>'Treatable' in relation to emulsion wastewater, means the Total Organic Carbon content of the waste decreases by 90 % or more when the wastewater is subjected to a simulated wastewater treatment process which matches the Council treatment system.</p> <p>Latex emulsions which are not treatable may be discharged into the sewer subject to the total suspended solids not exceeding 600 g/m³.</p> <p>The Council may require pre-treatment of latex emulsions if the emulsion wastewater unreasonably interferes with the operation of the Council treatment plant.</p> <p>Latex emulsions of both treatable and non-treatable types, shall be discharged to the sewer only at a concentration and pH range that prevents coagulation and blockage at the mixing zone in the public sewer.</p>	<p>Latex emulsions vary considerably in their properties and local treatment works may need additional restrictions depending on the experience of the specific treatment plant and the quantity of latex to be treated.</p> <p>Latex emulsions will coagulate when unstable and can sometimes cause sewer blockage. Latex emulsions are stable when dilute or in the correct pH range.</p>
Radioactivity	Radioactivity levels shall not exceed National Radiation Laboratory guidelines.	Refer National Radiation Laboratory <i>Code of safe practice for the use of unsealed radioactive materials</i> NRL. C1.
Colour	Where potential for such problems exists, a level of colour which is rendered not noticeable after 100 dilutions may be used as a	Colour may cause aesthetic impairment of receiving waters, and adverse effects on lagoon treatment processes and ultra-violet disinfection.

COMBINED WATERS BYLAW

	guideline. Where UV disinfection is used special conditions may apply.	
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Chemical characteristics

Table 2(b) – Chemical Characteristics of discharge

PARAMETER	LIMIT (g/m³)	COMMENTARY
pH value	The pH shall be between 6.0 and 10.0 at all times	<p>Extremes of pH:</p> <ul style="list-style-type: none"> –can adversely affect biological treatment processes. –can adversely affect the safety of operations and/or maintenance personnel. –cause corrosion of sewer structures. –increase the potential for the release of toxic gases such as H₂S and HCN. <p>Relaxation of these limits to 5.5 and 11.0 may be acceptable for low volume premises which discharge into a large flow.</p>
Organic strength	<p>The Biochemical Oxygen Demand (BOD) of any waste may be restricted where the capacity for receiving and treating BOD is limited. A BOD restriction may be related to mass limits.</p> <p>Where there is no treatment system for organic removal the BOD shall not exceed 1000 g/m³.</p>	<p>The loading on a treatment plant is affected by Biochemical Oxygen Demand (BOD) rather than Chemical Oxygen Demand (COD). For any particular waste type there is a fixed ratio between COD and BOD. For domestic wastewater it is about 2.5:1 (COD : BOD), but can range from 1:1 to 100:1 for trade waste. Therefore BOD is important for the treatment process and charging, but because of the time taken for testing, it is often preferable to use COD for monitoring.</p> <p>However, the use of COD testing must be balanced by the possible environmental effects of undertaking such tests due to the production of chromium and mercury wastes. Where a consistent relationship between BOD and COD can be established the discharge may be monitored using the COD test.</p> <p>If the treatment plant BOD capacity is not limited, and sulphides are unlikely to cause problems, there may be no need to limit BOD. High COD may increase the potential for the generation of sulphides in the wastewater.</p>

COMBINED WATERS BYLAW

		A BOD limit which is too stringent may require the installation of pre-treatment systems by some occupiers, imposing unnecessary costs because the most cost effective treatment method is likely to be the Council treatment plant.
MBAS (Methylene blue active substances)	500 g/m ³	MBAS is a measure of anionic surfactants. High MBAS can: –adversely affect the efficiency of activated sludge plants. –impair the aesthetics of receiving waters.
Ammonia (as N) Ammonium salts	50 g/m ³ 200 g/m ³	High ammonia: –may adversely affect the safety of operations & maintenance personnel. –may significantly contribute to the nutrient load to the receiving environment.
Kjeldahl nitrogen	200 g/m ³	High Kjeldahl nitrogen may significantly contribute to the nutrient load of the receiving environment. A value of 150 g/m ³ should be used as a guideline for sensitive receiving waters.
Total phosphorus (as P)	150 g/m ³	High phosphorus may significantly contribute to the nutrient loading of the receiving environment. A value of 50 g/m ³ should be used as a guideline for sensitive receiving waters.
Sulphate (measured as SO ₄)	1500 g/m ³ (with good mixing)	Sulphate: –may adversely affect sewer structures. –may increase the potential for the generation of sulphides in the wastewater if the sewer is prone to become anaerobic.
Sulphite (measured as SO ₂)	15 g/m ³	Sulphite has potential to release SO ₂ gas and thus adversely affect the safety of operations & maintenance personnel. It is a strong reducing agent and removes dissolved oxygen thereby increasing the potential for anaerobic conditions to form in the wastewater.

COMBINED WATERS BYLAW

Sulphide – as H ₂ S	5 g/m ³ on acidification	Sulphides in wastewater may: –cause corrosion of sewer structures, particularly the top non-wetted part of a sewer. –generate odours in sewers which could cause public nuisance. –release the toxic H ₂ S gas which could adversely affect the safety of operations & maintenance personnel.
Chlorine (as Cl ₂) – free chlorine	3 g/m ³	Chlorine: –can adversely affect the safety of operations & maintenance personnel. –can cause corrosion of sewer structures
Hypochlorite	30 g/m ³	
Dissolved aluminium	200 g/m ³	Aluminium compounds, particularly in the presence of calcium salts, have the potential to precipitate as a scale which may cause a sewer blockage.
Dissolved iron	200 g/m ³	Iron salts may precipitate and cause a sewer blockage. High concentrations of ferric iron may also present colour problems depending on local conditions.
Boron (as B)	25 g/m ³	Boron is not removed by conventional treatment. High concentrations in effluent may restrict irrigation applications. Final effluent use and limits should be taken into account.
Bromine (as Br ₂)	5 g/m ³	High concentrations of bromine may adversely affect the safety of operations & maintenance personnel.
Fluoride (as F)	30 g/m ³	Fluoride is not removed by conventional wastewater treatment, however pre-treatment can easily and economically reduce concentrations to below 20 g/m ³ .
Cyanide – weak acid (as CN)	5 g/m ³	Cyanide may produce toxic atmospheres in the sewer and adversely affect the safety of operations & maintenance personnel.

Heavy Metals

The acceptable limits for heavy metals in discharges are outlined in Table 2(c) below.

COMBINED WATERS BYLAW

Table 2(c) – Heavy metals

PARAMETER	LIMIT (g/m ³)	COMMENTARY
Antimony	10	<p>Heavy metals have the potential to:</p> <ul style="list-style-type: none"> –impair the treatment process –impact on the receiving environment –limit the reuse of sludge and effluent. <p>Where any of these factors are critical it is important that local acceptance limits should be developed.</p> <p>The concentration for chromium includes all valent forms of the element. Chromium (VI) is considered to be more toxic than chromium (III), and for a discharge where chromium (III) makes up a large proportion of the characteristic, higher concentration limits may be acceptable. Specialist advice should be sought.</p>
Arsenic	5	
Barium	10	
Beryllium	0.005	
Cadmium	0.5	
Chromium	5	
Cobalt	10	
Copper	10	
Lead	10	
Manganese	20	
Mercury	0.005	
Molybdenum	10	
Silver	2	
Nickel	10	
Thallium	10	
Tin	20	
Zinc	10	

Organic Compounds

The acceptable limits for organic compounds in discharges are outlined in Table 2(d) below.

Table 2(d) – Organic compounds

PARAMETER	LIMIT (g/m ³)	COMMENTARY
Formaldehyde (as HCHO)	50 g/m ³	Formaldehyde in the sewer atmosphere can adversely affect the safety of operations & maintenance personnel.
Phenolic compounds (as phenols) excluding chlorinated phenols	50 g/m ³	Phenols may adversely affect biological treatment processes. They may not be completely removed by conventional treatment and subsequently impact on the environment.
Chlorinated phenols	0.02 g/m ³	Chlorinated phenols can adversely affect biological treatment process and may impair the quality of the receiving environment.
Petroleum hydrocarbons	30 g/m ³	Petroleum hydrocarbons may adversely affect the safety of operations & maintenance personnel.
Halogenated aliphatic compounds	1 g/m ³	<p>Because of their stability and chemical properties these compounds:</p> <ul style="list-style-type: none"> –may adversely affect the treatment processes. –may impair the quality of the receiving environment. –may adversely affect the safety of operations & maintenance personnel. <p>These compounds shall be accepted up to the given maximum concentration only when specifically approved</p>

COMBINED WATERS BYLAW

Monocyclic aromatic hydrocarbons	5 g/m ³	These compounds (also known as benzene series) are relatively insoluble in water, and are normally not a problem in trade waste. They may be carcinogenic and may adversely affect the safety of operations maintenance personnel.
Polycyclic (or polynuclear) aromatic hydrocarbons (PAHs)	0.05 g/m ³	Many of these substances have been demonstrated to have an adverse effect on the health of animals. Some are also persistent and are not degraded by conventional treatment processes.
Halogenated aromatic hydrocarbons (HAHs) Polychlorinated biphenyls (PCBs) Polybrominated biphenyls (PBBs)	0.002 g/m ³	Because of their stability, persistence and ability to bio-accumulate in animal tissue these compounds have been severely restricted by health and environmental regulators.
Pesticides (general) (includes insecticides, herbicides, fungicides and excludes organo-phosphate, organo-chlorine and any pesticides not registered for use in New Zealand)	0.2 g/m ³	The category covers all pesticides other than those that are specifically listed below. Pesticides: –may adversely affect the treatment processes. –may impair the quality of the receiving environment. –may adversely affect the safety of operations & maintenance personnel. These compounds shall be accepted up to the given maximum concentration only when specifically approved
Organophosphate pesticides	0.1 g/m ³	These compounds shall be accepted up to the given maximum concentration only when specifically

Inhibitory chemicals

No waste shall inhibit the performance of the wastewater treatment process such that the Council is significantly at risk or prevented from achieving its environmental statutory requirements. However, Council may at its discretion, approve some dilution of trade waste at a fixed ratio to wastewater, as nominated by the Council.

SCHEDULE 3 - PROHIBITED CHARACTERISTICS

Introduction

This schedule defines prohibited trade wastes.

Prohibited characteristics

- (1) Any discharge has prohibited characteristics if it has any solid liquid or gaseous matters or any combination or mixture of such matters which by themselves or in combination with any other matters will immediately or in the course of time:
 - (a) Interfere with the free flow of sewage in the wastewater system; or
 - (b) Damage any part of the wastewater system; or
 - (c) In any way, directly or indirectly, cause the quality of the effluent or residual bio-solids and other solids from any wastewater treatment plant in the catchment to which the waste was discharged to breach the conditions of a consent issued under the Resource Management Act 1991, or water right, permit or other governing legislation; or
 - (d) Prejudice the occupational health and safety risks faced by humans; or
 - (e) After treatment be toxic to fish, animals or plant life in the receiving waters; or
 - (f) Cause malodorous gases or substances to form which are of a nature or sufficient quantity to create a public nuisance; or
 - (g) Have a colour or colouring substance that causes the discharge of any wastewater treatment plant to receiving waters to be coloured.
- (2) A discharge has prohibited characteristics if it has any characteristic which exceeds the concentration or other limits specified in Schedule 2 unless specifically approved for that particular consent.
- (3) A discharge has a prohibited characteristic if it has any amount of:
 - (a) Harmful solids, including dry solid wastes and materials which combine with water to form a cemented mass;
 - (b) Except as allowed for in Schedule 2, liquid, solid or gas which could be flammable or explosive in the wastes, including oil, fuel, solvents, calcium carbide, and any other material which is capable of giving rise to fire or explosion hazards either spontaneously or in combination with sewage.
 - (c) Asbestos;
 - (d) The following organo-metal compounds:
 - i. Tin (as tributyl and other organo-tin compounds); or
 - ii. Chromium (as organic compounds)
 - (e) Any organochlorine pesticides;
 - (f) 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. The material concerned may be from Premises where the genetic modification of any organism is conducted or where a genetically modified organism is processed;
 - (g) Any health care waste covered by NZS 4304 or any pathological or histological wastes; or
 - (b) Radioactivity levels in excess of National Radiation Laboratory guidelines.

COMBINED WATERS BYLAW

