

OPEN

ATTACHMENTS

Ordinary meeting of the

Nelson City Council

**Thursday 2 September 2021
Commencing at 9.00a.m.
via Zoom**

ATTACHMENTS UNDER SEPARATE COVER

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Bylaw 228

Water Supply

X XXX 2021

A2385695

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PART A – General

1 Introduction

- (1) Nelson City Council makes this bylaw under the Local Government Act 2002 and the Health Act 1956.

2 Title

- (1) The title of this bylaw is the Nelson City Council Water Supply Bylaw (no. 228)

3 Commencement

- (1) This bylaw comes into force on the date the Bylaw is signed and sealed and will be reviewed no later than 5 years after the date that it was made (by December 2025).

4 Revocation

- (1) The Nelson City Council Water Supply Bylaw 2014 (No. 223) is revoked on the coming into force of this bylaw.
- (2) The revocation of the 2014 Bylaw does not affect liability for an offence or for a breach of the 2014 Bylaw committed before the revocation of the 2014 Bylaw. The 2014 Bylaw continues to have effect as if it had not been revoked for the purpose of:
 - a) commencing or completing proceedings for the offence or breach; and
 - b) imposing a penalty for the offence or breach.

5 Purpose and application

- (1) The purpose of this bylaw is to:
 - a) enable the Council to manage and provide public water supply services; and
 - b) protect the public water supply network from damage, misuse, and interference; and
 - c) protect the environment and the health and safety of the public and persons using the public water supply; and
 - d) provide for water restrictions when necessary.
- (2) This bylaw shall apply to Nelson City.

6 Interpretation

- (1) In this bylaw, unless the context otherwise requires:
Act means the Local Government Act 2002.

Air Gap Separation means the vertical gap (minimum 100 millimetres) between the outlet of the public water supply fitting which fills a storage tank (fitted with a ballcock), and the highest overflow water level of that storage tank.

Approval or Approved means approval, or approved, in writing by the Council or an authorised agent or officer.

Authorised Agent means any agent or officer appointed by the Council.

Authorised Officer means any officer appointed by the Council as an enforcement officer under section 177 of the Act.

Backflow means a flow of water or other liquid in a reverse direction to the normal supply flow.

Backflow Prevention Device means a device approved by the Council that is designed to prevent backflow, and includes an air gap separation.

Bylaw means this Nelson City Council Water Supply Bylaw (no.228)

Catchment Area means an area or areas of land under the control of the Council from where a public water supply is drawn. These areas are shown on the map in Appendix B.

Connection or Disconnection means the physical connection to or disconnection from the public water supply network of any premises.

Contaminant means includes any substance (including gases, odorous compounds, liquids, solids, and micro-organisms) or energy (excluding noise) or heat, that either by itself or in combination with the same, similar, or other substances, energy, or heat:

- a) when discharged into water, changes or is likely to change the physical, chemical, or biological condition of water, or
- b) when discharged on to or into land or into air, changes or is likely to change the physical, chemical, or biological condition of the land or air on to or into which it is discharged.

Council means the Nelson City Council (NCC) and any person authorised or delegated to act on its behalf.

Customer means the owner or occupier of premises supplied with water by the Council.

District means the district within the jurisdiction of the Nelson City Council.

Domestic Purposes means the use of the public water supply for drinking, sanitary needs and other domestic uses, including (but not limited to);

- a) Washing down a car, boat, or similar;
- b) Watering a garden by either a hand held device or portable sprinkler;
- c) Irrigation systems for gardens and lawns on premises less than 1 hectare; and
- d) Fire protection systems approved by the Council.
- e) Filling a domestic swimming pool

This excludes all commercial, business, community services and industrial activities, which are deemed to be an extraordinary use.

Drinking Water has the same meaning as in section 69G Health Act 1956.

Dwelling means a building or part of a building for a single self-contained housekeeping unit, whether of one or more persons (where 'self-contained housekeeping unit' means a single integrated set of sleeping, ablution, and cooking facilities).

Extraordinary Use means the use of the public water supply for other than domestic purposes.

Nelson City Council Water Restriction Protocols means restrictions on the use of water required by Council in times of drought or other reduced supply. These are advertised on the Nelson City Council website www.nelson.govt.nz.

On Demand Supply means a type of public water supply connection where water is available on demand directly from the point of supply, and is metered.

Ordinary Use means the use of the public water supply solely for domestic purposes.

Permit means permission granted by Nelson City Council to carry out an activity that is restricted by this Bylaw.

Permit Holder means the holder of a permit and includes any person acting with the express consent of the permit holder.

Person includes a corporation sole and also a body of persons whether corporate or unincorporated.

Point of Supply means the point on the service pipe leading from the water main to the premises which marks the boundary of responsibility between the customer and the Council irrespective of property boundaries. This point is generally the position of a valve, water meter or restrictor, whichever comes first. Examples of the point of supply are shown on the diagrams attached to this bylaw as Appendix A.

Premises means:

- a) a property or allotment which is held under a separate record of title or for which a separate record of title may be issued and in respect of which a building consent has been or may be issued; or
- b) a separate dwelling on a property or allotment held under one record of title; or
- c) a building that has been defined as an individual unit by a cross-lease, unit title or company lease and for which a record of title is available; or
- d) land held in public ownership (e.g. reserve) for a particular purpose; or
- e) an individual unit in a building, which is separately leased or separately occupied.

Public Water Supply means the water supplied by the Council through a public water supply network and includes community and rural water schemes supplied by the Council, and that the Council supplies to any person or place by truck or other vehicle.

Public Water Supply Network means all the pipes, pumps, pumping stations, storage tanks, and other related equipment and structures owned by or under the control of the Council for the purpose of public water supply (including any service pipe and point of supply).

Raw Water has the same meaning as in section 69G Health Act 1956.

Restricted Flow Supply means a type of public water supply connection where a limited flow is supplied through a restrictor, and storage is provided by the customer to cater for the customer's demand fluctuations.

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

Service Pipe means the section of pipe between a water main and the point of supply.

Shut Off Valve means the service valve at the customer's end of the service pipe near the point of supply.

Source Protection Zone(s) means a delineated area(s) identified within this bylaw as including a source of raw water used by the Nelson City Council for the city Public Water Supply. Activities within the Source Protection Zones are subject to the controls within this bylaw. These areas are shown on the map in Appendix B.

Zone	Definition
Zone 1 is the Intake Protection Zone to control direct effects on the intake structures.	<ul style="list-style-type: none"> • Surface water intakes - 35m landward of the water's edge on both sides for the 1,000m upstream reach of the intake and 100m downstream, including all tributaries within that distance. • For lake intakes, a 500m radius from the intake and 35m landward of the water's edge.
Zone 2 is the Intermediate Zone for protection from microbial contamination and chemical discharges or spills.	<ul style="list-style-type: none"> • Surface water intakes – 8 hours water travel time upstream of intake (for an assumed river water velocity of 1m/s), 100m downstream and 100m landward of the water's edge for the reach of surface water this describes including all tributaries within that distance. • For lake intakes, the whole lake and 8 hours water travel time within tributaries with a 100m buffer strip as above.
Zone 3 is the Entire Catchment/Capture Zone.	<ul style="list-style-type: none"> • The entire surface water catchment upstream of a point 100m downstream of the intake.

Storage Tank means any tank having a free water surface under atmospheric pressure to which water is supplied across an air gap separation.

Supply Pipe means the section of pipe downstream of the point of supply.

Traffic Management Plan means a document describing the implementation and maintenance of temporary traffic management measures that has been approved by the Council.

Unit is an allocation of water on a restricted water supply scheme (rural supply or urban extension). Units are paid for as an annual rate and a single unit equals up to 1000L (1m³) per day.

Urban Water Supply Area means an area serviced by an 'on-demand' public water supply network with firefighting capability owned and maintained by the Nelson City Council.

Working Day has the same meaning as in section 29 Interpretation Act 1999.

(2) In this bylaw:

- a) The Interpretation Act 1999 applies to this bylaw;
- b) Explanatory notes are for information purposes only, do not form part of this bylaw, and may be amended by the Council at any time.
- c) A reference in this bylaw to any Act, Regulation or Rule, includes any amendment thereof, and any Act, Regulation or Rule in substitution therefor.

7 Damage and faults

(1) A customer shall inform the Council immediately:

- a) if the customer becomes aware that any part of the public water supply network located on or in the vicinity of premises owned or occupied by the customer is damaged or leaking, or the customer otherwise suspects that a fault in the public water supply network has occurred which is causing, or may cause, damage to property or injury to people; or
- b) if there is any interruption in the supply of water to premises owned or occupied by the customer.

8 Protection of Water Source

8.1 Source protection zones

- i) Three source protection zones are identified for each source of raw water for the Nelson City water supply. The zones are shown on the maps in Appendix B and are based on the Ministry of the Environment publication 'Technical Guidelines for Drinking Water Source Protection Zones. 27 June 2018'.

8.2 Access to catchments

The following activities are permitted within all Source Protection Zones in the catchments subject to any restrictions necessary for fire prevention or Health and Safety requirements:

- i) Walking/jogging on existing tracks
- ii) Mountain biking (non-engine assisted) on existing tracks.

8.3 Activities permitted in catchments pursuant to a permit

No person shall carry out any of the following activities within any Source Protection Zone within any catchment without first obtaining a permit and any building or resource consent (where required) from the Council authorising the same:

- i) Camping
- ii) Hunting, trapping, shooting or fishing or carrying any rifle or other hunting or fishing equipment

- iii) Depositing, damaging or removing any soil, rock, tree, shrub or other vegetation
- iv) Removing any mineral or any artefact or historic object
- v) Lighting or maintaining any fire other than in a Council barbeque
- vi) Using pesticides or other poisons or toxic substances other than personal insect repellents
- vii) Walking any dog or taking or allowing any livestock into any area
- viii) Walking/jogging off existing tracks.
- ix) Driving a motor vehicle (including a motor cycle or motorised bike) or any organised motor sport on the Maungatapu Track. (Note: This track is generally only suitable for four wheel drive vehicles and a \$100 bond is required for the permit).
- x) Construction or maintenance activities not associated with the Nelson City Water Supply (Source Protection Zones 2 and 3 only).
- xi) Any activity that may lead to a conflict with the Nelson City Council maintenance contractors Health and Safety requirements.

8.4 Notification of Entry

No person to whom any permit has been issued shall enter an area to which the permit relates without first notifying the Council or the water supply catchment Caretaker of his/her intended time of entry.

8.5 Prohibited activities

No person shall carry out any of the following activities within any of the Source Protection Zones in any catchment:

- i) Washing, bathing or boating in any natural water or dam reservoir unless required by Council for water supply purposes
- ii) Depositing any contaminant, refuse or waste material of any kind, including defecating, other than an authorised facility
- iii) Damaging or destroying any artefact or historic place or object

No person shall carry out any of the following activities within any Source Protection Zone 1 in any water supply catchment without a permit:

- i) Construction, maintenance or any other activity not associated with the Nelson City Water Supply.

9 Fees and charges

- (1) The Council may under section 150 of the Act prescribe in its advertised Schedule of Fees and Charges the fees and charges payable to the Council for connection to the network, water used, approvals, inspections, meter readings, and other matters provided for in this bylaw.
- (2) Customers and permit holders shall be responsible to pay all fees and charges set by the Council under clause 9(1).

10 Continuation/cessation of supply

- (1) A customer or permit holder shall be deemed to be continuing to use the water supplied by the Council, and shall be liable for all charges associated with such supply, until notice of cessation is given to the Council on the prescribed form:
 - a) by the customer and the final water meter reading has been carried out, or
 - b) by the permit holder and the permit is cancelled by the Council.

11 Transitional provisions: existing fire hydrant supply permits

- (1) Every existing fire hydrant supply permit in force at the commencement of this bylaw shall continue in force as if it were a permit issued under this bylaw until it reaches its expiry date. The Council may however review and amend any conditions of an existing permit to ensure they align with this bylaw.

12 Final water meter reading

- (1) Where a water meter is used in association with the supply of water to premises, a customer must give the Council five working days' notice to arrange a final water meter reading.
- (2) The customer shall pay the Council a fee for the final water meter reading in accordance with the Council's Schedule of Fees and Charges.

13 Transfer of Rights and Responsibilities

- (1) A customer shall not transfer to any other customer or premises, the rights and responsibilities set out in this bylaw, without the written approval of the Council. In the event of domestic premises changing ownership the new owner shall automatically become the new customer for those premises unless specific arrangements to the contrary are agreed by Council.

14 Applications to the Council

- (1) Whenever a person (the applicant) applies to the Council for approval to carry out an activity that is regulated by this bylaw;
 - a) the Council may at its discretion grant or decline the application;
 - b) any approval may be given subject to such conditions as the Council thinks fit;
 - c) the applicant shall comply with the conditions of any approval given by the Council to the applicant; and
 - d) the applicant shall pay the Council all fees and charges payable to the Council in connection with the application, and any approval given by the Council, as prescribed in the Council's Schedule of Fees and Charges.

PART B – Protection of the public water supply and public water supply network

15 Water Quality

- (1) Any person who owns or occupies premises, or otherwise uses the public water supply, shall ensure that water is used in a manner that does not give rise to a risk to public health, and does not have an adverse effect on the public water supply or the public water supply network.
- (2) No person shall contaminate or pollute any raw water or drinking water, or do any act likely to contaminate or pollute any raw water or drinking water.
- (3) Any person who becomes aware of a spillage or event which may contaminate, pollute or otherwise have an adverse effect on the public water supply or the public water supply network, must inform the Council immediately.
- (4) Any tampering or interfering by any person with any equipment forming part of the public water supply headworks or public water supply network either directly or indirectly, shall constitute an offence against this Bylaw. Without prejudice to its other rights and remedies, where the interference or tampering relates to any meter the Council shall estimate the water consumption which it has reason to believe has not been recorded and recover the charges for this water and any costs incurred in reinstating the public water supply network to its approved means of supply from the customer.

16 Backflow Prevention

- (1) All connections to the public water supply network must have a Council approved backflow prevention device installed at or adjacent the point of supply to Council's requirements. This device must be matched to the type of activity carried out on the property and Council may require a testable backflow prevention device for higher risk activities. The customer shall be responsible for paying the cost of installing a backflow protection device. This is in addition to any backflow prevention device required by the Building Act 2004 and subsequent amendments.
- (2) No person shall interfere with a backflow prevention device owned by the Council without the prior written approval of the Council.
- (3) Where the Council has required a testable backflow prevention device to be installed at or adjacent the point of supply, the device shall be tested annually by an approved backflow technician and a copy of the testing certificate is to be provided to the Council. Where the backflow prevention device is an air gap separation, confirmation of the minimum 100 millimetre 'gap' will be required.
- (4) For backflow prevention devices that have been retrofitted by the Council on behalf of a customer, the Council may have the required testing carried out as per clause 16(3). In this case, the Council may recover all installation and testing costs from the customer.

17 Access to and work on the public water supply network

- (1) No person shall, without the prior written approval of the Council, make any connection to or disconnection from, repair, tamper with or otherwise interfere with, any part of the public water supply network, except to:
 - a) operate the shut off valve at the point of supply to isolate the supply. The Council gives no guarantee of the serviceability of the shut off valve and reserves the right to charge the customer for any replacement or repair if damage occurs; or
 - b) clear an inline filter that is installed upstream of a restrictor.
 - c) take emergency action to prevent or reduce damage to water supply network infrastructure, provided verbal approval is given by the Council or Council's authorised agent.

18 Working near the public water supply network

- (1) Any person proposing to carry out work to excavate or otherwise interfere with land shall, prior to undertaking such work, establish whether any part of the public water supply network is located in the vicinity of the proposed work. Locating the position and depth of any public water supply network is the responsibility of the person proposing to carry out the work and must be undertaken by Council approved contractors at the applicants cost.
- (2) The Council maintains an online web map of the public water supply network and this information can be requested at the Council's Nelson Office during normal business hours. A charge may apply for copies of this information.
- (3) No person shall, without giving the Council at least 5 working days' notice and obtaining the prior written approval of the Council, excavate or otherwise interfere with land:
 - a) within 5 metres of any part of the public water supply network, or
 - b) in the vicinity of the public water supply network if the excavation or interference is likely to compromise the structural or functional integrity of the public water supply network (e.g. trenching, drilling, piling or using plant with strong ground vibrations).
- (4) The Council may give approval under clause 18(3) subject to such conditions as the Council thinks fit, including a condition requiring independent supervision of the work.
- (5) The Council may with 5 working days' notice, and at its discretion, mark out on the ground the location of the public water supply network. The Council may charge for this service.
- (6) Any as-built location plans supplied by the Council, or location markings placed on the ground by the Council, shall not be deemed to be an exact representation of the location of the public water supply network and must be treated as a guide only.
- (7) Every person who fails to reinstate land in accordance with the conditions of Council's approval under clause 18(3) shall be liable for the costs incurred by the Council for completing such work.
- (8) Any damage that occurs to any part of the public water supply network shall be reported to the Council immediately. Any repairs will be undertaken by an authorised agent of the Council and the Council may seek to recover the costs from the person that caused the damage.

Note: All excavation and trenching work carried out within the road corridor is also subject to the permit process of the appropriate road controlling authority.

19 Building or placing materials over or near a public water supply network

- (1) No person shall construct or erect any building or structure within 3 metres measured horizontally from the outside of any public water supply network, without first obtaining the Council's written approval to:

- a) construct or erect the building or structure within 3 metres; or
- b) divert the public water supply network to achieve the 3 metre distance.

The Council may recover the costs of removing any materials, machinery, equipment, building or structure from any person who commits a breach of this clause.

- (2) No person shall, without the prior written approval of the Council, place or allow to be placed any materials, machinery, equipment or temporary structure over or near any part of the public water supply network, which in the opinion of the Council may compromise the structural or functional integrity of the public water supply network or may interfere with access to the public water supply network. The Council may recover the costs of removing any covering materials, machinery, equipment or temporary structure from any person who commits a breach of this clause.
- (3) The Council's approval under clauses 19(1) or 19(2) may be given subject to such conditions as the Council thinks fit, including a condition that the person to whom approval is given pays the fees charged by the Council for the supervision of the works, and the costs incurred by the Council in connection with the design and construction of the works, and the preparation of as-built drawings.
- (4) In the event of a pipe diversion, the pipe diversion work must be undertaken by the Council's authorised agent(s).

20 Interference by trees and shrubs

- (1) Trees and shrubs must not be planted in a location where the roots or branches of the trees or shrubs are likely to interfere with the public water supply network.
- (2) The owner of premises shall comply with any notice by the Council requiring the owner to remove or trim any trees or shrubs on the premises that have interfered with, or in the opinion of the Council are likely to interfere with, the public water supply network or access to the public water supply network. The cost of complying with the Council's notice shall be met by the owner of the premises unless otherwise agreed in writing by the Council.

PART C – Conditions of public water supply

21 Continuity of supply and pressure

- (1) Due to practical and physical limitations, and unforeseen circumstances, the Council cannot guarantee an uninterrupted supply of water, a supply of water of a particular quality, or a supply of water at a particular pressure either in the short or longer term.
- (2) Where the Council shuts down a public water supply for maintenance, repair or other works, the Council will whenever practicable, make every reasonable effort to notify the customer. Where immediate action is required and notification is not practicable, the Council may shut down a public water supply network without notice.
- (3) If a customer has a requirement for an uninterrupted public water supply (e.g. manufacturing process, fire sprinklers, cooling/heating, health, day to day business operations) it is the responsibility of the customer to provide measures such as storage, pumps, solar hot water back-up facilities, or the equipment necessary to maintain the required supply. For customers connected to an on demand supply the Council suggests a minimum of 12 hours of storage should be allowed for.
- (4) Customers on a restricted flow supply shall have storage tanks with the capacity to store a minimum of 7 days' supply of water in accordance with clause 26.2(2).
- (5) The Council shall not be liable for any loss, damage, or inconvenience which the customer may incur as a result of deficiencies in, or interruptions to, the public water supply.

22 Connection

- (1) No person shall, without the Council's prior written approval:
 - a) connect to the public water supply network;
 - b) alter a connection to the public water supply network; or
 - c) use the public water supply for fire protection.
 - d) change a connection from an ordinary to an extraordinary supply.
- (2) All new connections, including all pipes, fittings and any other equipment from Council mains up to the point of supply, shall only be installed by Council's authorised agent(s) and shall be at the cost of the person to whom approval has been granted under clause 22(1).
- (3) Applications must be made in the form prescribed on the Nelson City Council website www.nelson.govt.nz. The Council may seek further information in order to process, or set conditions on, an application for approval under clause 22(1). Examples include (but are not limited to) a modelling assessment (at the applicants cost) of the hydraulic capacity of the public water supply. Advertised fees and charges must be paid in accordance with the application terms and conditions.
- (4) The Council may decline an application for approval under clause 22(1). Reasons for declining an application may include (but are not limited to):
 - a) insufficient capacity to accommodate the requested allocation; or
 - b) incompatible design.

- (5) Where more than one connection per premises to the public water supply network is requested, or a requested connection is outside of an urban water supply area, approval shall be at the Council's discretion.
- (6) If an approved connection to the public water supply network is physically not made within 6 months of approval, then the approval is deemed to have lapsed and a new application will need to be made, including any additional costs that may be incurred. Water allocated for any approved connection may not be available for reallocation after this 6-month period.

23 Disconnection

- (1) No person shall, without the Council's prior written approval, disconnect from the public water supply network.
- (2) Any person seeking approval under clause 23(1) shall give the Council at least 7 working days' notice on the prescribed form and pay the prescribed fees and charges prior to works commencing.
- (3) If the Council approves disconnection, the disconnection shall generally be at the water main, must be undertaken by an authorised agent of the Council, and may include removal of the service pipe or sealing at the point of supply. The cost of such work shall be payable by the person to whom approval has been given under clause 23(1).
- (4) If the disconnection involves the demolition or removal of a building and a replacement building is proposed and reconnection to the previous point of supply will take place within a six-month period, the Council may approve a temporary disconnection at the Council's discretion.
- (5) A disconnection shall be deemed complete once all fees and charges as are fixed by the Council have been paid, an inspection has taken place, and the work has been signed off by the Council as satisfactory.

24 Permission to take water from a fire hydrant

- (1) No person shall, without the prior written approval of the Council, take any water from a fire hydrant connected to the public water supply network unless that person is:
 - a) a member of Fire and Emergency New Zealand for the purpose of fighting fires, training, and testing;
 - b) a permit holder acting in accordance with the terms and conditions of a current permit issued by the Council; or
 - c) the Council and its authorised agents.
- (2) The holder of a permit to take water from a fire hydrant shall, upon payment of the fee fixed by the Council, be entitled to use the specified number of Council approved fire hydrant upstand pipe(s) incorporating a water meter and backflow prevention device for the term of the permit. In addition to the obligations imposed on the permit holder by the permit and this bylaw, a permit holder shall not take any water from a fire hydrant unless they are using a fire hydrant upstand pipe approved by the Council, which incorporates a water meter and backflow prevention device. The cost of the fire hydrant upstand pipe is the responsibility of the applicant.

- (3) The holder of a permit to take water from a fire hydrant shall ensure the upstand pipe is serviced to Council's satisfaction annually and supply test certificates from a Council approved service agent confirming the correct functioning of the back flow prevention device and accuracy of the water meter. The holder of the permit shall also supply Council with monthly meter readings confirming the volume of water taken from the network and pay the Council for water taken from the fire hydrant at a rate per cubic metre that is fixed by the Council and advertised in the Council's Schedule of Fees and Charges.
- (4) The holder of a permit to take water from a fire hydrant shall only take water from any fire hydrant listed on a schedule approved by the Council.

25 Point of supply

- (1) The Council is responsible for maintenance of the public water supply network up to and including the point of supply.
- (2) The customer (or property owner if they are different) owns the supply pipe beyond the point of supply and is responsible for maintenance of the supply pipe beyond the point of supply.
- (3) A supply pipe shall serve only one customer and shall not extend by any other pipe or hose beyond the premises owned or occupied by the customer and supply any other person without the prior written approval of the Council.
- (4) Typical points of supply are illustrated by the diagrams contained in Appendix A.
- (5) Where, prior to this bylaw coming into force, the Council has approved a point of supply that is in a different location to that described in this bylaw, the point of supply shall be deemed to be the existing arrangement.
- (6) The Council reserves the right to change the point of supply should a change to the existing point of supply for any connection become necessary due to any physical or legal reason or where there is a significant change in water demand or risk to the public water supply.

26 Types of public water supply

- (1) All connections to the public water supply network shall be classified as either 'on demand supply' or 'restricted flow supply' and the use of water shall be either 'ordinary' or 'extraordinary'.

26.1 On Demand Supply

- (1) Except with the prior written approval of the Council, all customers whose premises are connected to an on demand supply shall only use the on demand supply for ordinary use.
- (2) No person shall, without the prior written approval of the Council, use an on demand supply for an extraordinary use.
- (3) No customer whose premises are connected to an on demand supply shall, without the prior written approval of the Council:
 - a) change from an ordinary use of water to an extraordinary use of water; or
 - b) significantly increase the quantity of water supplied to the premises; or

- c) change an activity that will, in Council's opinion present an increased risk to the water supply and/or network in respect of backflow. In such cases, the Council approval may include additional backflow prevention.
- (4) An on demand supply shall be subject to the prohibition or restriction of supply provisions set out in clauses 27 and 28 of this bylaw.

26.2 Restricted Flow Supply

- (1) All customers whose premises are connected to a restricted flow supply may use the supply for ordinary use and extraordinary use.
- (2) All customers whose premises are connected to a restricted flow supply must have minimum water storage capacity of 25m³. This provides a buffer against water supply interruptions.

Note: Customers connected to a restricted flow supply are reminded:

- a) *Council strongly recommends that customers have at least seven days storage, and that customers increase their water storage capacity above the minimum water storage capacity listed in 26.2(2) to provide this if needed;*
- b) *that the Council is not responsible or liable to fill storage tanks following supply disruptions;*
- c) *of the relevant firefighting provisions contained within the Nelson Resource Management Plan;*
- d) *all customers whose premises are connected to a restricted flow supply must obtain the Council's written approval to increase or decrease their allocated units of water.*
- (3) A restricted flow supply shall be subject to the prohibition or restriction on use of public water supply provisions set out in clause 28 of this bylaw.

27 Meters and restrictors

- (1) Meters for on demand supplies, and restrictors for restricted flow supplies, shall be supplied, installed and maintained by the Council and shall remain the property of the Council. All costs associated with the supply and installation of a new meter shall be payable by the customer unless otherwise agreed in writing by the Council.
- (2) Meters and restrictors shall be located in a position where they are readily accessible for reading and/or maintenance and in a position as set out in the Nelson-Tasman Land Development Manual or its successor.
- (3) Should any meter cease to register, be damaged, show evidence of tampering or be removed, the Council shall be entitled to charge for water used in accordance with any advertised charges under section 9(1) or to estimate the water use for the period since the previous reading. This estimate will be based on the average of the previous 4 billing periods for that meter. The Council may consider seasonal or other fluctuations when determining an estimate if the average of the previous 4 billing periods would be unreasonable. The following details apply to this clause:
 - i) Where the seal or dial of a meter is broken, or where there is evidence of tampering, the Council may declare the reading void and charge for water used as provided for in (3) above.

- ii) The accuracy of meters shall be tested as and when required by the Council to ensure performance to within +/- 4% of its reading
- iii) A customer who disputes the accuracy of a meter may apply to the Council for it to be tested provided that it is not within 3 months of the most recent test.
- iv) Tests will be undertaken at an approved, recognised testing facility and a replacement meter will be installed. If the test shows non-compliance with the accuracy requirement above then the customer will not be charged for the test or for the installation of a replacement meter. If the test shows compliance then the customer shall pay for the removal, testing, and re-installation costs.
 - a) Meters shall be tested by running a measured quantity of not less than 400 litres through the meter in accordance with BS 5728: Part 3. A copy of an independent certification of the test result will be made available to the customer.
 - b) Should any meter, after being tested, be found to register a greater or lesser consumption than the quantity of water actually passed through such meter the Council shall correct any errors and issue amended assessments and invoices as required in accordance with the Local Government (Rating) Act 2002. Any adjustment shall be backdated for a period at the discretion of the Council but not exceeding 12 months, and the customer shall pay according to such adjustment.
- (4) Should any restrictor be found to be tampered with or interfered with, the Council shall be entitled to replace the restrictor assembly and recover any associated costs (Refer also clause 15(4) and 27(3)).
- (5) Restrictors may be tested by measuring the time required for 10 litres of water to pass through the restrictor. A copy of the certification of the test result shall be made available to the customer on request.
- (6) Any remission or credit for water lost from the customers private reticulation will be at the discretion of Council and in accordance with any remissions policy advertised on the Nelson City Council website www.nelson.govt.nz.

28 Prohibition or restriction on use of public water supply

- (1) The Council may restrict or prohibit the use of the public water supply because of drought, emergency or any other reason. Such restrictions or prohibitions may apply to all or any part of the District, to the use of water for any specified purpose, and for any specified period.
- (2) Such restrictions or prohibitions under clause 28(1) may include, but are not limited to:
 - a) a notice to conserve water wherever possible; or
 - b) a notice that the restrictions and prohibitions applicable to a stage described in the NCC Water Restriction Protocols are in force, and must be complied with, until such notice is amended or revoked.
- (3) The Council may amend or revoke a restriction or prohibition made by the Council under clause 28(1) of this bylaw.

- (4) The Council may at any time, by resolution, prescribe or amend baselines for the purposes of determining reductions in water usage under the NCC water restriction protocols.
- (5) No person shall use the public water supply contrary to a restriction or prohibition on the use of the public water supply that is issued by the Council.
- (6) Restrictions and prohibitions on use of the public water supply shall be advised by public notice.
- (7) Notwithstanding clause 28(1) above, any restriction or prohibition shall not compromise the Council's obligations (if any) to provide water for essential health needs. The Council may also have specific arrangements with individual users to maintain a public water supply during times of water restrictions.
- (8) The Council has the power to issue a notice restricting or prohibiting the use of the public water supply in accordance with clauses 28(1) and 28(2) of this bylaw for all stages, and to amend or revoke such notice.

29 Fire protection connection

- (1) Any connection for fire protection shall be subject to an application and approval in writing by the Council. If a connection is approved, it shall be subject to the terms and conditions specified by the Council. All firefighting supplies approved after the date of adoption of this bylaw must be metered using a Council approved water meter.
- (2) It is the responsibility of the customer to identify the required flow and pressure information to operate their intended fire protection system and satisfy themselves that they have put in place at their cost measures necessary to ensure these have been provided and maintained on their property should the public water supply pressures and flows vary with time or be interrupted for long periods of time. Should the Council need to complete a modelling assessment of the hydraulic capacity of the public water supply network to process the application, this shall be at the customer's expense.
- (3) Any unmetered fire protection connection that pre-dates this bylaw shall not be used for any purpose other than firefighting and testing of the fire protection system. Council may estimate the volume of water used in testing the installation and charge the property owner the advertised water fees and charges.
- (4) Where the supply of water to any premises is metered, fire hose reels shall be connected only to the metered supply, not to the fire protection system.
- (5) Where the fire protection connection is metered and water has been used for firefighting purposes, the Council may estimate the quantity of water used, and make a corresponding credit to the customer's account.
- (6) All fire protection systems must have a Council approved backflow prevention device fitted.
- (7) Water supplied from fire hydrants on the public water supply network conform to the level of service set out in the Council's Long Term Plan.

30 Customer responsibility

- (1) It is the customer's responsibility to prevent backflow.
- (2) It is the customer's responsibility to advise the Council of any change of use as described in 26.1(3).
- (3) Customers must not allow water to run to waste including the unattended operation of hoses, allow the condition of plumbing within the premises to deteriorate to the point where leakage or waste occurs, or allow leaks to continue unchecked or leaking pipes and fittings unrepaired.
- (4) Where a customer ignores advice from the Council to repair an on-going leak, the Council may repair the leak and charge the customer all associated costs. Any reinstatement of the property required subsequent to repairs carried out by Council is the responsibility of the property owner.
- (5) A customer shall not use water or water pressure directly from the public water supply for driving lifts, machinery, eductors, generators, or any other similar device, unless specifically approved by the Council.
- (6) Pumps, hydraulically driven equipment, quick closing valves of any kind or any other equipment which may cause pressure surges to be transmitted or compromise the ability for the Council to maintain the public water supply, shall not be connected directly to the supply pipe.
- (7) The customer shall take all appropriate steps to protect from damage all Council equipment including pipe work, valves, and meters.
- (8) Where the point of supply, or any Council meter, is on private property or on public property where the customer has placed driveways, landscaping or fencing materials the customer shall maintain the area in and around the meter or point of supply keeping it free of soil, growth, or other matter or obstruction which prevents, or is likely to prevent convenient access.
- (9) Where a meter or restrictor is located on private property, the customer shall grant reasonable access to the Council's authorised agent. Where access has not been possible or arranged, (for example locked gates and/or unrestrained dogs), the Council may after written notice and a period of 14 days move the point of supply to a position outside the premises.
- (10) Where clause 30(9) applies, the customer will then become responsible for maintenance of the existing pipework downstream of the new point of supply.

PART D – Enforcement

31 Offences and Penalties

- (1) Every person who fails to comply with this bylaw commits an offence under section 239 of the Act and is liable to enforcement action by the Council and the penalties set out in the Act.
- (2) Breaches of this bylaw include but are not limited to:
 - a) taking water from a fire hydrant without the required authority;
 - b) misuse of or interference with the public water supply or the public water supply network;
 - c) any illegal connection to the public water supply network;
 - d) failure by the customer or permit holder to comply with the conditions of supply or customer responsibilities;
 - e) failure to prevent backflow;
 - f) failure to pay the appropriate fees and charges;
 - g) failure to comply with water use restrictions or prohibitions imposed by the Council;
 - h) failure to prevent leaks or wastage of water.
- (3) If a person fails to comply with this bylaw, the Council may (without prejudice to any other powers) restrict the water supply to that person's land or building in accordance with section 193 of the Act.

32 Removal of works and recovery of costs

- (1) The Council may:
 - a) remove or alter a work or thing that is, or has been, constructed in breach of this bylaw; and
 - b) recover on demand the costs of removal or alteration from the person who committed the breach.
- (2) If any person defaults in undertaking any action required under this bylaw the Council may at its discretion, upon giving notice to that person, undertake that action and recover on demand from them the full cost of undertaking that action from that person.

Council Resolution

This bylaw was made by Nelson City Council at a meeting of the Full Council on XX XXX 2021.

The common seal of the Nelson City Council is attached in the presence of:

Mayor

Chief Executive

Date:

Appendix A – Point of Supply Diagrams

Figure 1: Typical Point of Supply -On Demand Supply-Outside Premises

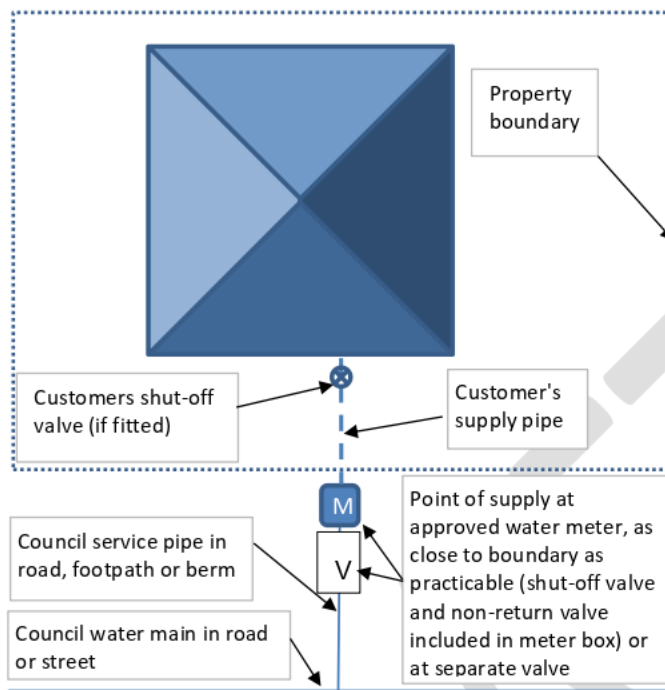


Figure 2: Typical Point of Supply-Restricted Flow-Outside Premises

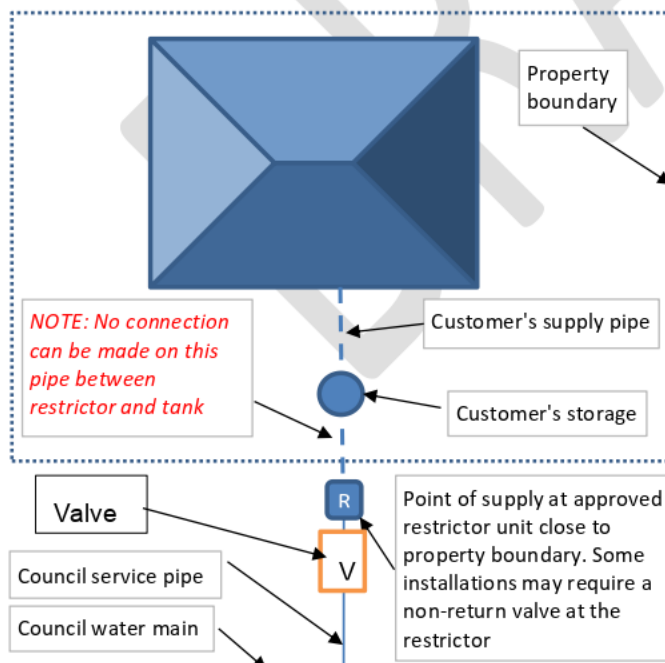


Figure 3: Typical Point of Supply-Restricted Flow-Inside Premises

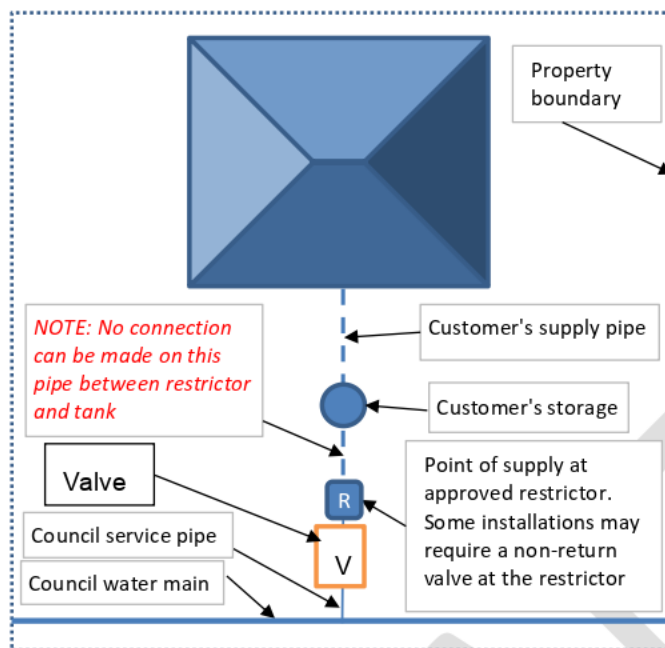


Figure 4: Typical Restricted Flow Supply Tank Connection

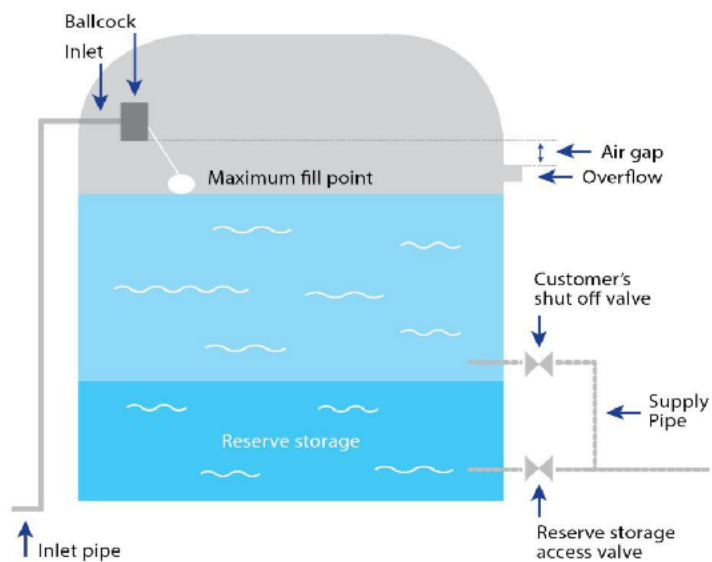


Figure 5: Typical Point of Supply-On Demand Supply-Multiple Premises (accessed by right of way, new connections)

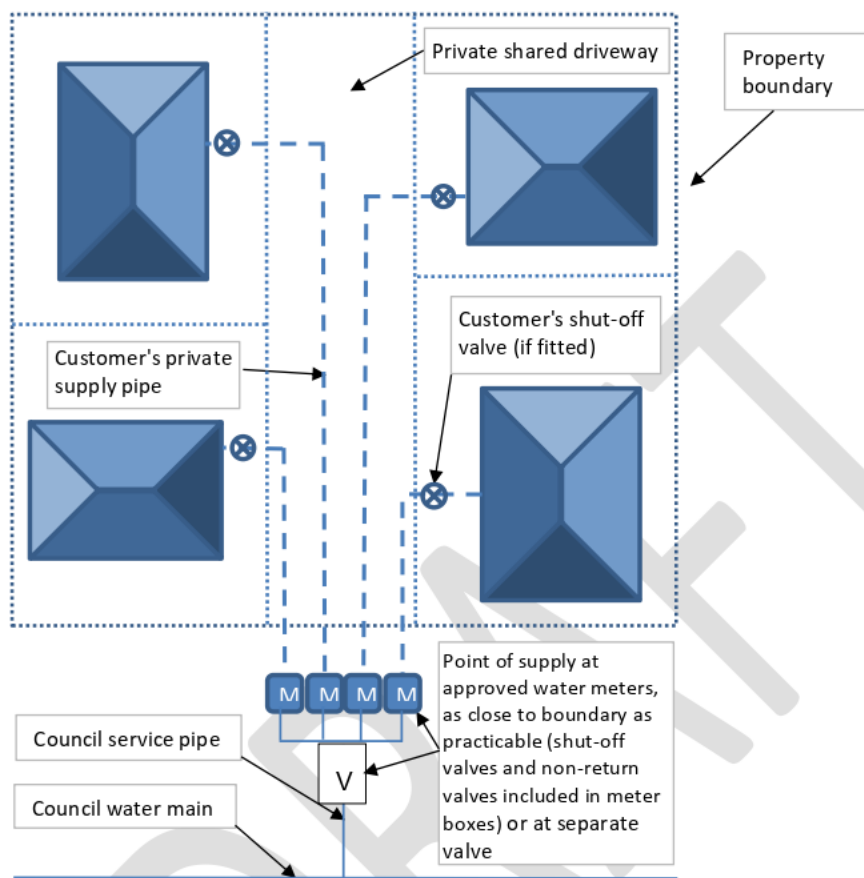


Figure 6: Typical Point of Supply-On Demand Supply-Multiple Premises (accessed by right of way, existing/historical connections)

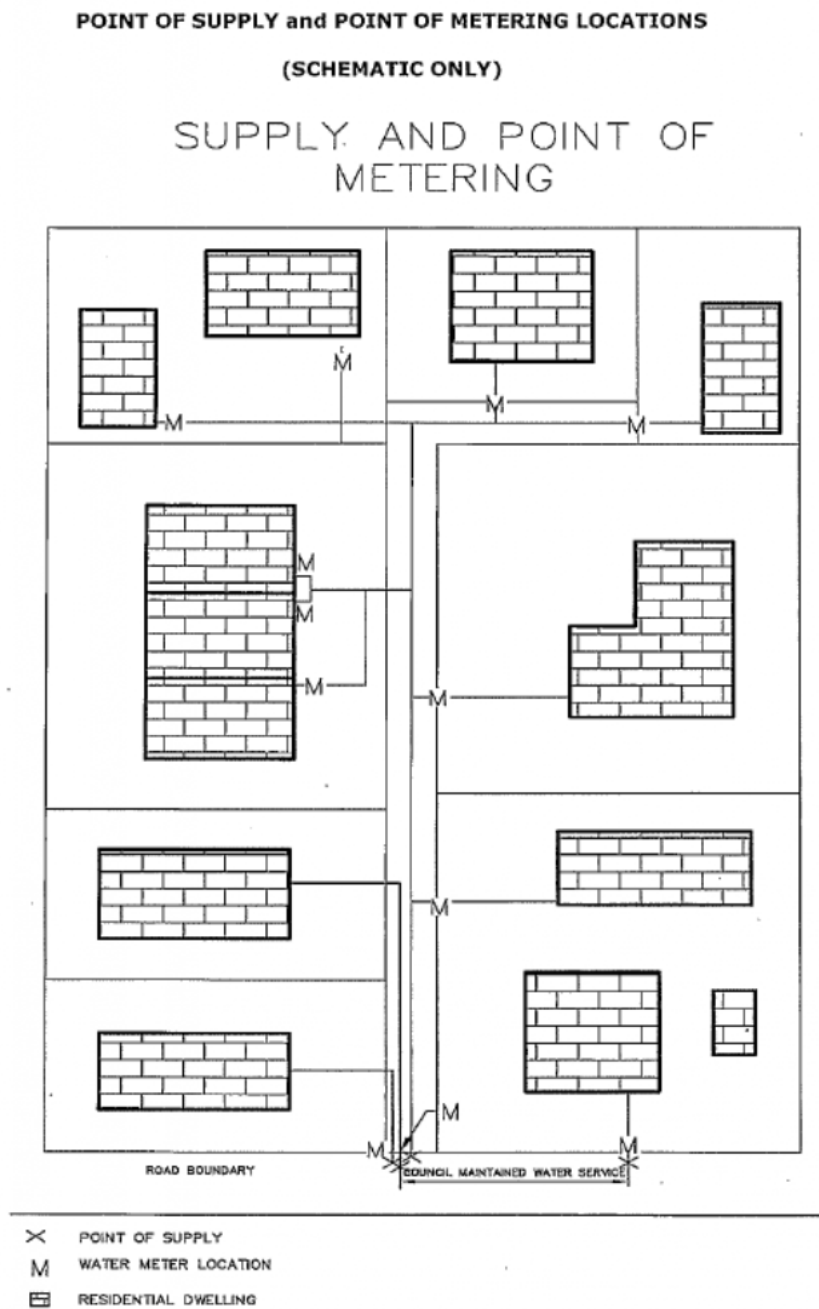
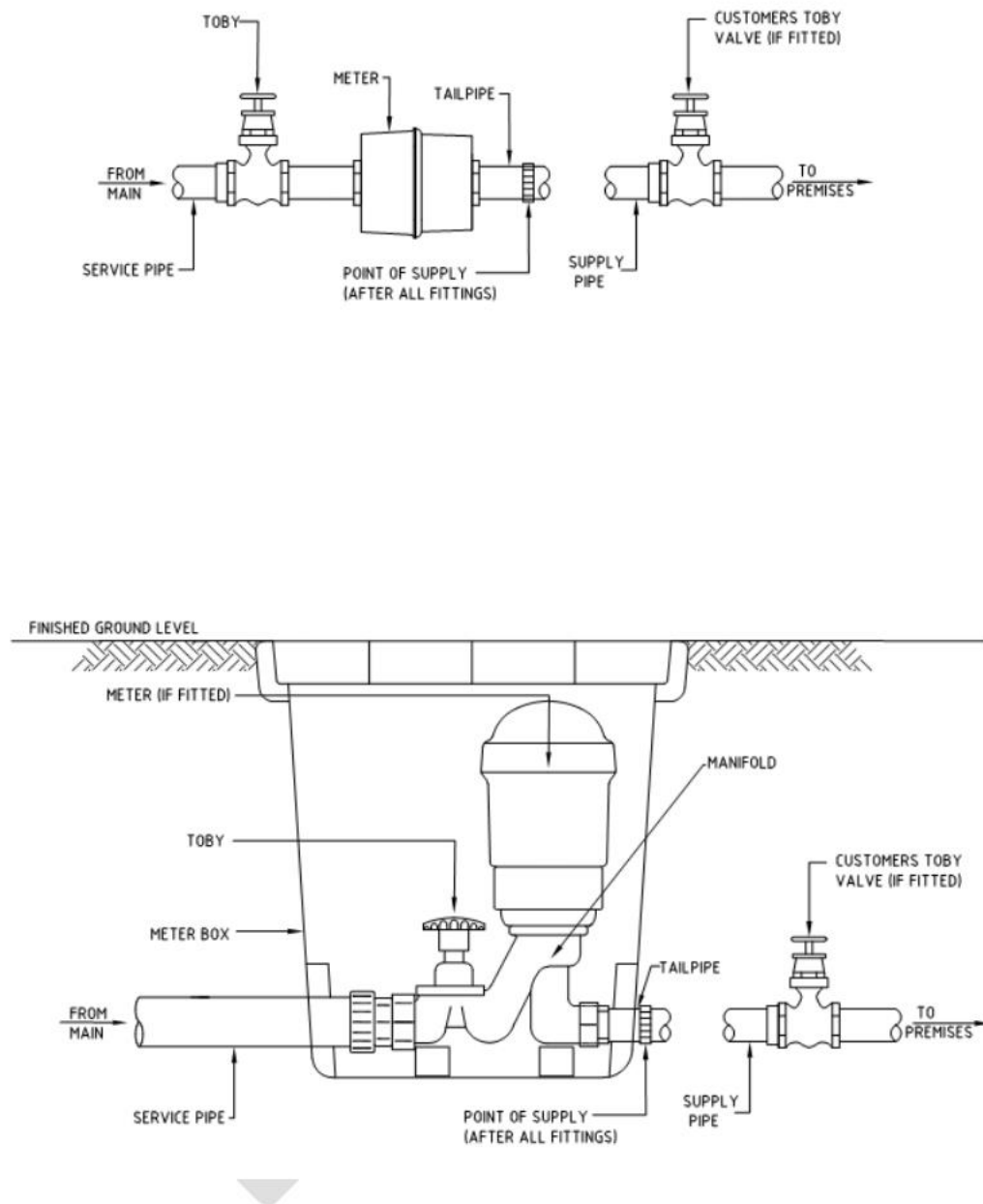
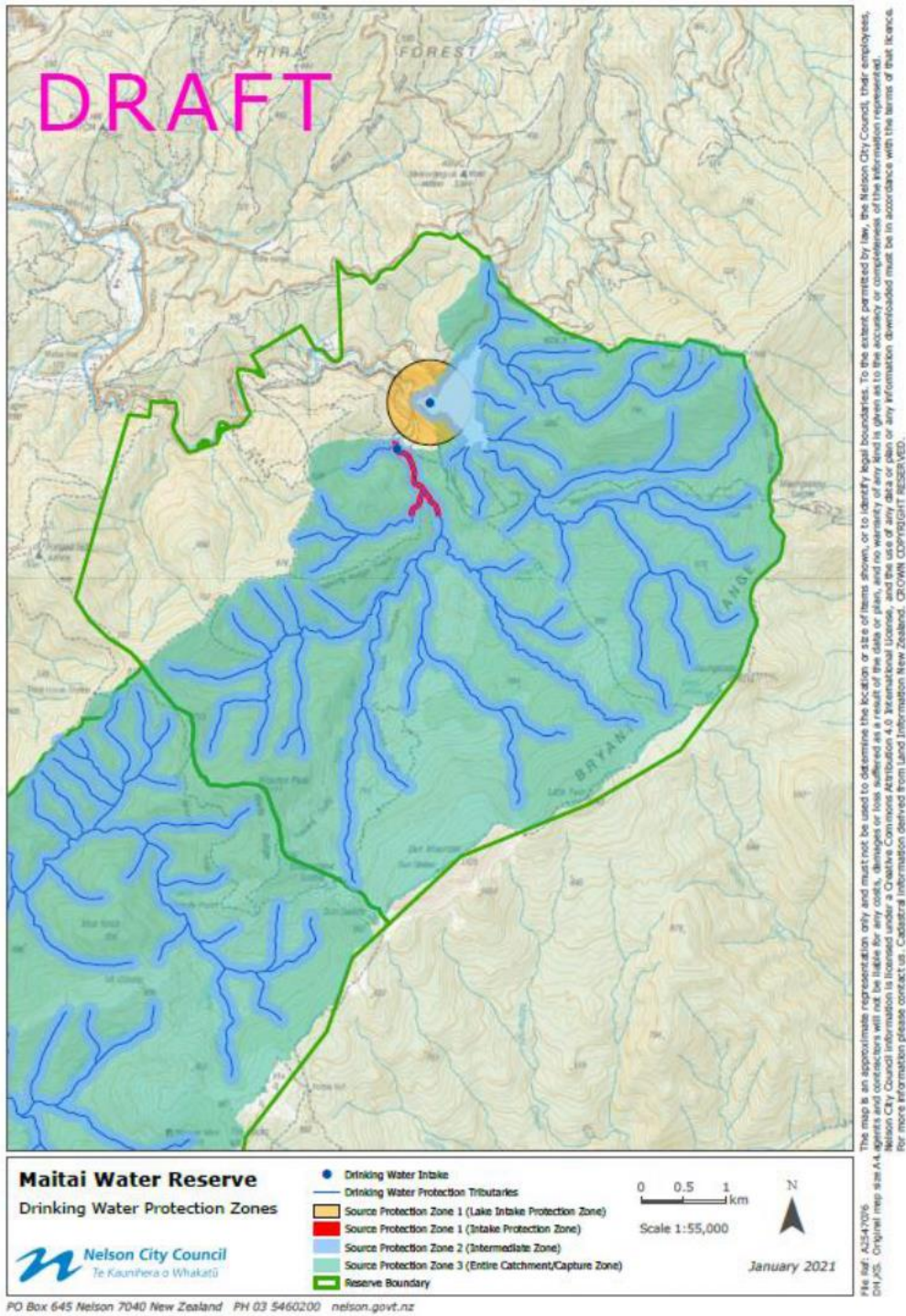


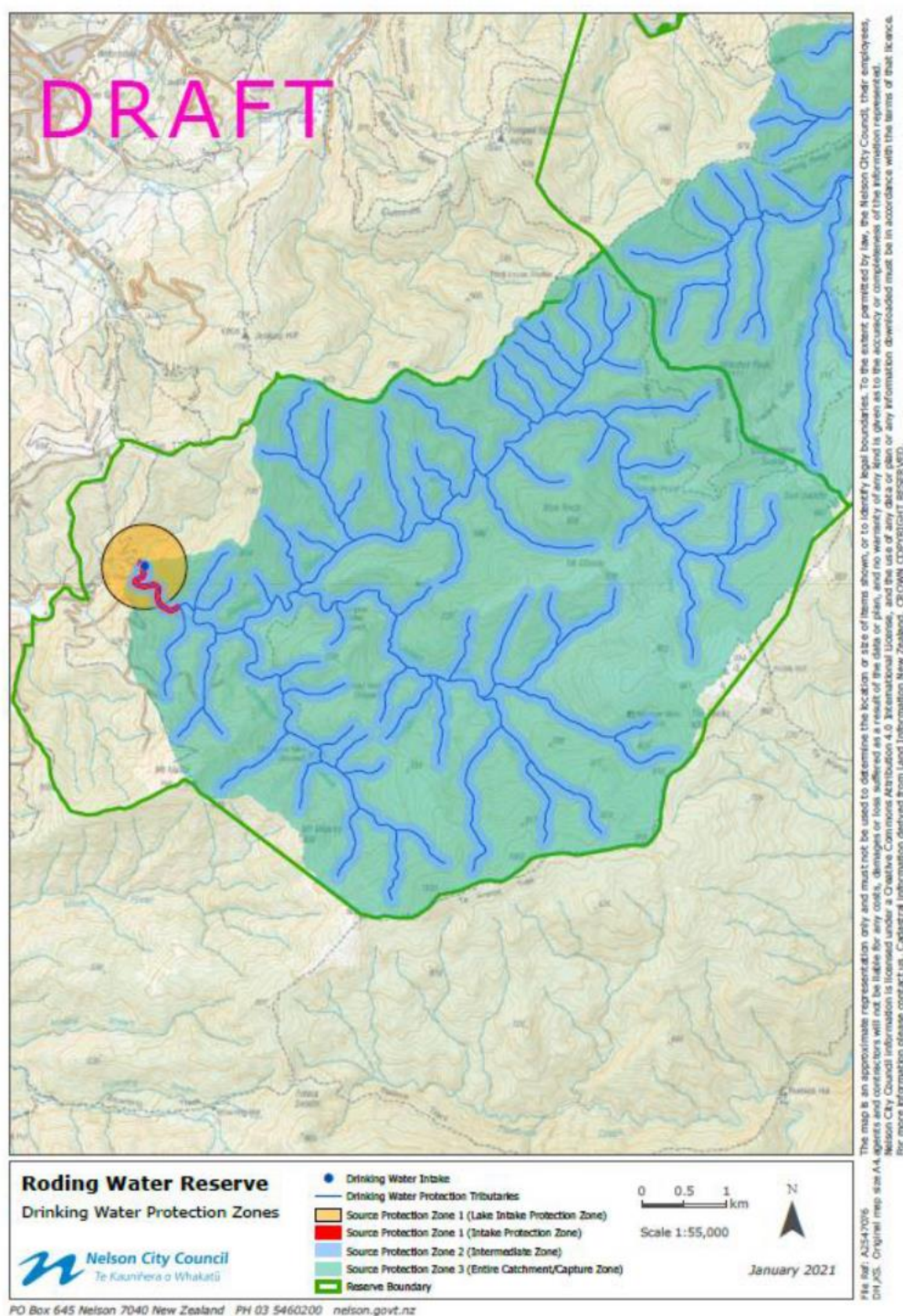
Figure 6: Typical On Demand (Metered) Supplies



Appendix B – Nelson City Water Supply Catchment Areas and Source Protection Zones







Item 9: Proposal for a new Water Supply Bylaw



Infrastructure Committee

25 February 2021

REPORT R22546

Proposal for a new Water Supply Bylaw

1. Purpose of Report

- 1.1 To approve the commencement of public consultation on the proposed Water Supply Bylaw 228 (2021).

2. Summary

- 2.1 Officers have completed their review of Council's existing Water Supply Bylaw (223) 2014. Their conclusion is that it is appropriate to replace the existing bylaw with a new bylaw.
- 2.2 The proposed bylaw, Water Supply Bylaw (228) 2021, retains much of the substance of the existing bylaw. There are, however, numerous changes in drafting and formatting to align the proposed bylaw with the Tasman District Council's Water Supply Bylaw and the National Environmental Standard for Sources of Human Drinking Water (NES).
- 2.3 The Council is required under the Local Government Act 2002 (LGA) to give public notice, and consult with the public (using the special consultative procedure in section 156(1)(a) LGA) on the proposed bylaw before it can be made.

3. Recommendation

That the Infrastructure Committee

1. ***Receives the report Proposal for a new Water Supply Bylaw (R22546) and its attachments (A2385695 and A2541286); and***
2. ***Determines that a bylaw is the most appropriate way to regulate, manage, and protect Council's Water Supply system, and the draft Water Supply Bylaw in Attachment 1 (A2385695) is the most appropriate form of bylaw and does not give rise to any implications under the New Zealand Bill of Rights Act 1990; and***

Item 9: Proposal for a new Water Supply Bylaw

3. ***Approves the commencement of a special consultative procedure on the proposal to make the draft Water Supply Bylaw in Attachment 1 (A2385695); and***
4. ***Adopts the draft statement of proposal in Attachment 2 (A2541286) for use in this special consultative procedure; and***
5. ***Approves the consultation approach (set out in Section 7 of Report R22546) and agrees:***
 - (a) ***the approach includes sufficient steps to ensure the Statement of Proposal will be reasonably accessible to the public and will be publicised in a manner appropriate to its purpose and significance; and***
 - (b) ***the approach will result in the Statement of Proposal being as widely publicised as is reasonably practicable as a basis for consultation.***

4. Background

- 4.1 Council's existing Water Supply bylaw was made in late 2014 to regulate activities associated with Council's public water supply (the bylaw does not apply to individual private water takes or small private schemes). Under section 158 of the LGA, the current bylaw needed to be reviewed five years from the date on which it was made.
- 4.2 The review of the existing bylaw by officers in Council's activity management, operations and finance teams determined that the intent of the bylaw was largely 'fit for purpose' but would benefit from updating to reflect changes in the local and national water supply environments.
- 4.3 The major change is to maintain consistency with the Nelson Tasman Land Development Manual 2019 and align with the new Tasman District Council Water Supply Bylaw as far as practicable, particularly the water restriction protocols that apply to parts of Nelson City supplied with water by the Tasman District Council.
- 4.4 Additionally, another key change has been made to more clearly recognise the requirements of the NES. This document is a regulation made under the Resource Management Act (1991) that sets requirements for protecting sources of human drinking water from becoming contaminated. It came into effect on June 2008 and amendments are currently being drafted as part of the central government Three Waters Review.

Item 9: Proposal for a new Water Supply Bylaw

- 4.5 The document that supports the NES is the 'Technical Guidelines for Drinking Water Source Protection Zones' issued by the Ministry for the Environment in 2018. The content of this document has been reflected in the text of the proposed draft bylaw and with specific source protection zone maps.
- 4.6 Source protection will be a strong focus of the new central government water regulator Taumata Arowai. Recognising the need for specific source protection zones within the draft Bylaw is considered to be an important step for Council.
- 4.7 On the basis of these review findings, it would be appropriate to make a new bylaw that would replace the existing bylaw.
- 4.8 Although the review of the existing Water Supply Bylaw was not completed within the timeframe set in section 158 LGA, section 160A LGA provides that the existing Bylaw will remain in force for a further two years, at which point it will be automatically revoked (unless revoked earlier). Essentially, Council has until December 2021 to make a new Water Supply bylaw (and revoke its existing Bylaw).
- 4.9 On 2 July 2020 a Council workshop discussed the draft Water Supply bylaw. The proposed draft bylaw addresses the issues raised in the workshop.
- 4.10 Any bylaw enacted by Council may also need to be reviewed in the near future once the outcome of central government's three water's reform package is known.

5. Proposed Water Supply Bylaw

- 5.1 A copy of the draft Water Supply bylaw that has been prepared by officers, Water Supply Bylaw (228) 2021 (Bylaw), is set out in Attachment 1 to this report.
- 5.2 The purpose of the draft Bylaw is to regulate, manage, and protect Council's water supply system. This is required to ensure Council's infrastructure is protected, water supply treatment processes are not compromised, and public health is protected. The draft Bylaw is a 'functional' tool that sets the regulatory framework to achieve that purpose.
- 5.3 The draft Bylaw is largely the same in substance to the Council's existing bylaw. However, improved drafting and aligning the proposed Bylaw with Tasman District Council's Water Supply Bylaw has resulted in the draft Bylaw being formatted and sequenced in a slightly different way. The major new components of the draft bylaw are as follows:
 - 5.3.1 Clause 8.1. Proposed new Source Protection Zones. It is proposed that the water supply catchment will be considered as three zones. Activities that are allowed within each zone will be controlled and their nature will depend on the risk they present to the water supply. High risk activities will be prohibited from

Item 9: Proposal for a new Water Supply Bylaw

areas close to the intakes for the supply. The proposed zones reflect the importance of Council protecting the sources of the city water supply while still allowing access to the water supply catchment by the community.

- 5.3.2 Clause 26.2 Provision for any future restricted flow supply areas. These supplies are typically utilised by rural areas where low pressure and slow flow is a feature of the supply. Currently Council does not have any restricted flow areas in the network. However the growth of the city at the edges of the city water supply network coupled with changes that central government are considering to the way water supplies are delivered to the community suggest that it would be prudent to make provision for regulating these supplies should they come about in the future.

6. Section 155 of the LGA determinations

- 6.1 Before making any bylaw, section 155 of the LGA requires Council to determine that a bylaw is the most appropriate way of addressing the perceived problem, that the proposed bylaw is the most appropriate form of bylaw, and that the proposed bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990.
- 6.2 For Nelson City Council the perceived problem is regulating, managing and protecting Council's public water supply system. A bylaw is the most appropriate way to do this. Doing so will assist in ensuring Council's infrastructure is protected, water treatment processes are not compromised, and public health is protected.
- 6.3 Other than through a bylaw, one way to impose controls on connections would be through contractual terms between Council and customers. Officers consider that a bylaw is the better option for the following reasons:
- 6.3.1 A bylaw will likely ensure greater consistency, whereas there is greater scope for contractual terms to vary between customers and over time;
- 6.3.2 Bylaws carry greater authority and have more meaningful enforcement (breaching a bylaw constitutes an offence), thereby increasing the likelihood of compliance;
- 6.3.3 Sections 145, 146(b)(ii) and 193(1)(ba) of the LGA expressly provide for bylaws to govern water supply, meaning that bylaws, rather than contractual terms, will better fit well with the regime in the LGA;
- 6.3.4 Most New Zealand councils control their water supply systems through bylaws. The proposed bylaw replaces an existing bylaw.
- 6.4 Officers consider that the draft Bylaw is the most appropriate form of bylaw. It will be made under lawful authority confirmed in the LGA, and

Item 9: Proposal for a new Water Supply Bylaw

overall it is reasonable, sufficiently certain, and not repugnant to any other laws.

- 6.5 It is considered that the draft Bylaw does not give rise to any implications under the New Zealand Bill of Rights Act 1990, and so is not inconsistent with that Act. The draft Bylaw does not infringe or restrict any of the rights and freedoms protected in the Act.

7. Requirement to use the special consultative procedure

- 7.1 Before making a bylaw, section 156 of the LGA requires Council to use the special consultative procedure if the bylaw concerns a matter identified as being of significant interest to the public, or Council considers that there is likely to be a significant impact on the public due to the proposed bylaw.
- 7.2 Although the draft Bylaw is largely similar in substance to Council's existing bylaw, it may nonetheless be of significant interest to at least some members of the public. In the circumstances, it is appropriate and safest for Council to use the special consultative procedure.
- 7.3 For this purpose, officers have prepared a draft statement of proposal, set out in Attachment 2 to this report. It complies with the requirements for bylaw-related statements of proposal in section 86 of the LGA.

8. Options

- 8.1 If the Committee accepts that a bylaw is the most appropriate way forward, then it has two options to consider in this matter:
- 8.1.1 Commence consultation on the proposed Bylaw set out in Attachment 1 (A2385695);
- 8.1.2 Do not commence consultation and instead rely on the existing Water Supply bylaw until it is automatically revoked (December 2021) with an ultimate net result that council will not have a Water Supply bylaw.

Option 1: Commence consultation on the proposed Bylaw

Advantages

- A bylaw will provide a reasonable level of control over connections to the water supply system.
- Ensures a new bylaw will be in place when the existing bylaw expires in December 2021.
- The Bylaw is similar in substance to the existing bylaw, so customers will not experience major change, but the improved drafting and formatting should make the Bylaw more accessible to customers.

Item 9: Proposal for a new Water Supply Bylaw

Risks and Disadvantages	<ul style="list-style-type: none"> No significant risks and disadvantages.
Option 2: Do not commence consultation and rely on the existing bylaw	
Advantages	<ul style="list-style-type: none"> The existing bylaw will remain in operation for now.
Risks and Disadvantages	<ul style="list-style-type: none"> The existing bylaw will be revoked in December 2021, after which there would be no control over connections to the Water Supply system, increasing the risk of infrastructure damage and public health issues.

8.2 Officers support Option 1.

9. Conclusion

9.1 It is appropriate to make a new Water Supply bylaw, replacing the existing bylaw, to regulate, manage, and protect Council's water supply system. Council should commence consultation on the proposed Bylaw using the special consultative procedure in accordance with section 148 of the LGA.

10. Next Steps

10.1 A Special Consultative Procedure will commence following Council approval of the Statement of Proposal to enable public feedback to be received on the proposed Bylaw. This feedback will help inform decision making on any changes to the proposed Bylaw prior to adoption by Council.

Author: Phil Ruffell, Senior Activity Engineer - Water Supply

Attachments

Attachment 1: A2385695 Final draft Nelson City Council Water Supply Bylaw No 228

Attachment 2: A2541286 Final draft Statement of Proposal for draft Nelson City Council Water Supply Bylaw

Item 9: Proposal for a new Water Supply Bylaw

Important considerations for decision making
1. Fit with Purpose of Local Government The proposed Bylaw supports the social, economic and environmental wellbeing of the Nelson community by putting in place the regulatory controls for connections to the Water Supply system.
2. Consistency with Community Outcomes and Council Policy The Water Supply Bylaw supports the following community outcomes; <ul style="list-style-type: none"> • Our unique natural environment is healthy and protected. • Our urban and rural environments are people friendly, well planned and sustainably managed. • Our infrastructure is efficient, cost effective and meets current and future needs. • Our communities are healthy, safe, inclusive and resilient.
3. Risk Not adopting the draft Bylaw would leave Council relying on its existing bylaw, which is due to expire in December 2021. If no new bylaw is made before then, Council would not have any enforceable controls over connections to the water supply system. This would likely create a risk to public health, and increase water supply treatment costs and maintenance requirements of water supply infrastructure.
4. Financial impact There are no immediate funding implications over and above current costs of administration and enforcement.
5. Degree of significance and level of engagement This matter is of medium significance. Although the proposed Bylaw carries over much of the substance of the existing bylaw, it is still likely to generate some public interest. Consultation with the community will occur through the special consultative procedure, in accordance with both sections 148 and 156 of the LGA.
6. Climate Impact Climate change has not been considered directly in the draft Bylaw.
7. Inclusion of Māori in the decision making process The process underway related to the proposed Bylaw is to be discussed at the February 2021 Te Ohu Taiao forum.

Item 9: Proposal for a new Water Supply Bylaw

8. Delegations

The Infrastructure Committee has the following delegations to consider Bylaws.

Delegations:

- *Bylaws, within the areas of responsibility.*

Areas of responsibility:

- *The committee has all of the responsibilities, powers, functions and duties of Council in relation to governance matters within its areas of responsibility, except where they have been retained by Council, or have been referred to other committees, subcommittees or subordinate decision-making bodies.*

- *The exercise of Council's responsibilities, powers, functions and duties in relation to governance matters includes (but is not limited to):*

Reviewing and determining whether a bylaw or amendment, revocation or replacement of a bylaw is appropriate.

Undertaking community engagement, including all steps relating to Special Consultative Procedures or other formal consultation processes



Nelson City Council

Water Supply Bylaw

27 April 2021

For more information please contact:
Jane Murray
NMDHB Public Health Service
Email: jane.murray@nmdhb.govt.nz
Phone: (03) 543 7805

Submitter details

1. Nelson Marlborough Health (Nelson Marlborough District Health Board) (NMH) is a key organisation involved in the health and wellbeing of the people within Te Tau Ihu. NMH appreciates the opportunity to comment from a public health perspective on the Nelson City Council's Water Supply Bylaw.
2. NMH makes this submission in recognition of its responsibilities to improve, promote and protect the health of people and communities under the New Zealand Public Health and Disability Act 2000 and the Health Act 1956.
3. This submission sets out particular matters of interest and concern to NMH.

Specific Comments

4. NMH supports the proposed changes to the Water Supply Bylaw.
5. NMH supports the introduction of the concept of source protection zones with the aim of providing layers of protection related to the potential for contaminant entry to waterways. This concept recognises that the catchments are available for recreational use and seeks to strike a balance between use and source water protection.
6. NMH seeks that NCC provide more clarity on the permitting processes for each of the three Zones.

Clause 8.5 states –

No person shall carry out any of the following activities within any Source Protection Zone 1 in any water supply catchment without a permit:

i) Construction, maintenance or any other activity not associated with the Nelson City Water Supply.

Clause 8.3 states –

No person shall carry out any of the following activities within any Source Protection Zone within any catchment without first obtaining a permit and any building or resource consent (where required) from the Council authorising the same:

There follows a list of activities from i to xi.

These clauses appear not to afford Source Protection Zone 1 any greater level of protection than Zones 2 and 3, in that a permit can potentially be obtained

for any activity in Zones 1, 2 and 3. Similarly, Zone 2 does not appear to be afforded greater protection than Zone 3.

What then becomes crucial to the protection of the catchment is the permitting process and this process is not transparent within the Bylaw.

7. NMH recommends that greater clarity is given to the relative protections that each zone is to be afforded.
8. NMH recommends that the protection afforded to each zone is conservative in recognition of one of the principles of Water Safety Planning that protection of source water is paramount.
9. **Clause 8.2:** NMH recommends that the wording of clause 8.2 (i) and (ii) is amended to read 'existing consented tracks' with the aim of reducing the proliferation of informal tracks that might be otherwise viewed as 'existing' tracks.
10. **Clause 8.3 (viii):** NMH recommends adding 'mountain biking' to this clause.

Conclusion

11. NMH thanks the Nelson City Council for the opportunity to comment on the Water Supply Bylaw.
12. NMH **does not wish to be heard** in support of its submission.

Yours sincerely



Lexie O'Shea
Chief Executive
Lexie.OShea@nmhs.govt.nz

Submission Summary

Draft Water Supply Bylaw 2021 - Submission #28285

Mr Simon Jones

Private

Nelson 7010

Speaker? False

Department	Subject	Opinion	Summary
NCC - Infrastructure Services	Water Supply Bylaw		Not sure why these controls are being done as a bylaw rather than the District Plan. Certainly needs to be an explanation at the beginning of the bylaw explaining the reason for the bylaw in the first place. Seems to be a lot of overlap with existing management plans. Bylaw needs to line up and refer to those. Suggest start again

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SUBMISSION TO: DRAFT NCC Water Supply Bylaw 2021

From Bill Gilbertson, Trustee Nelson Tasman Cycle Trails Trust

Email [REDACTED]

Address [REDACTED]

Phone [REDACTED]

Nelson Tasman Cycle Trails Trust

The Nelson Tasman Cycle Trails Trust is a charitable trust that advocates for and enables the construction of cycling infrastructure in the Nelson Tasman region.

The Trust has worked with Nelson and Tasman Councils, NZTA (Waka Kotahi) and NZ Cycle Trails (NZCT) to develop strategies and seek funding to enable cycling for both a range of recreational uses and urban and rural transport.

Trust projects include

- Tasman's Great Taste Trail – Obtained TDC and Central Govt funding (NZCT and MBIE) for construction and maintenance of the trail. Currently manage the operation and maintenance under contract with Tasman District Council.
- Coppermine Trail (Dun Mountain Trail). Obtained NCC and Central Govt funding for construction and operation of the trail. Recently have taken over the inspection and maintenance of the trail with a major overhaul carried in 2019/20 and a further section upgrade planned April 2021.
- Heartland rides linking trails around the top of the south region including advocacy for upgrades or new trails next to highways for safety.

Draft Bylaw

Thank you for the opportunity to comment on this bylaw. We will confine our comments to the Water Source sections.

This submission is split into two sections :

- A. Specific comments related to the bylaw and suggested changes.
- B. Comments on the Council's use of the bylaw provisions under the Local Bodies Act (LBA)



A. Specifics of the draft Bylaw.

The **stated purpose** of this bylaw is to:

- a) enable the Council to manage and provide public water supply services; and
- b) protect the public water supply network from damage, misuse, and interference; and
- c) protect the environment and the health and safety of the public and persons using the public water supply; and
- d) provide for water restrictions when necessary.

We interpret this as meaning that the purpose is to protect the source (b) and thus provide water supply services (a) at a level that is sufficient for health and safety of the public (c).

ZONES

The bylaw proposes to use a zoning system extracted from *Technical Guidelines for Drinking Water Source Protection Zones 2018*.

This zoning has largely been used in its default state.

We understand that no scientific analysis has been carried out by council to examine the effects of existing uses or vary the default zone sizes. (email P. Ruffell 16/ 3/ 21).

The difficulty how the zones have been applied is that there is no explanation or rationale as to why certain existing activities can take place within the zones and others cannot.

Zone 1 – To protect infrastructure.

Within this zone currently lies a toilet block, several open access tracks and side tracks carrying in excess of 14,000 people visits a year on foot or bike. One can only assume that Council does not perceive a risk from these **types of activities** to the infrastructure.

Note . a change has been made without explanation to default distances in zone 1.

Zone 2 – To safeguard against microbial contamination and chemical discharges or spill.

Within this zone currently are at least 25km of trails with over 14,000 people visits per year. Travel times for people can be in excess of 3-4 hours and in some cases tracks are very close to rivers or cross them without bridges. One can only assume that Council does not perceive an E coli or other microbial risk from these **types of activities**.

Zone 3 – to safeguard the whole Catchments (Maitai and Roding)

Within this zone are at least 40km of tracks with over 14,000 people visits per year, and significant numbers of feral animals. Again one can only assume the existing **types of use from humans are**



acceptable. Council is to be commended for carrying out wild animal control to protect the vegetation which will also reduce the likelihood of microbial contamination.

To conclude; Council appear to accept certain existing types of use (in particular biking and walking) within all 3 zones and have not to our knowledge carried out any research to establish any rational for numbers or routes to be restricted.

Relating this to specific clauses of the proposed bylaw

8.2 The following activities are permitted within all Source Protection Zones in the catchments subject to any restrictions necessary for fire prevention or Health and Safety requirements:

i) Walking/jogging on existing tracks

Comment

In zone 1 this seems sensible to protect infrastructure where there is a **likelihood** that access to infrastructure is increased. However where infrastructure is separated by physical barriers (lake or fence) the restricting of walking off- track seems illogical in terms of protecting the infrastructure.

In zones 2 and 3 Council appear to accept that the risk of microbial or other contamination is no different whether it is on or off a track. [As mentioned above, existing tracks are close if not in the watercourse which is currently accepted by Council]

ii) Mountain biking (non-engine assisted) on existing tracks.

Comment

As there is no definition of engine, one can only go by the dictionary which states that an engine is device that converts stored energy to mechanical energy. An electric mountain bike fits this description.

Electric Mountain bikes are extremely common (48% in a recent survey) and are regularly used on both the Coppermine and Maungatapu.

We submit that there is no greater risk from electric mountain bikes over non- motorized bikes in terms of protection of source water.

Comment

The question as to what is an **existing track** (walking or biking) is not clear in this document.

- There are many unmapped existing tracks – are all these **existing** tracks?
- Existing when? at the time of the bylaw writing? or when a new trail is created?

It is accepted there needs to be some control over new tracks as there are potential issues from creating them. However, the Reserve Management Plan has sufficient clauses related to this:



5.12.1 Allow public access to and recreational use of reserves, unless restrictions are required for reserves management, Council-approved projects and activities, public safety, to manage conflict between users or for the protection of water quality and reserve values

5.14.5 Prohibit the construction of unauthorized mountain-bike tracks in reserves.

6.2.10. Improve track access from the reserve to The Rocks and Mt Malita (Roding Water Reserve) and around the lake.

6.2.11. With the exception of policy 6.2.10, proposals for the creation of new tracks above the intake will be investigated and considered, to ensure adverse effects on the city's water supply are avoided or mitigated.

The DN3 for water supply purposes also reinforces the above provision for assessing any new proposal.

The Trust submits that 8.2 appears to be creating a recreational strategy rather than protecting the water source. There is no need for the restrictions (existing and non-motorised) as stated in 8.2 because

- The Reserves Management Plan policies create a process and even suggests some new tracking. [As noted above, the bylaw cannot be in conflict with the management plan].
- The bylaw is not the appropriate mechanism to develop a recreational planning strategy. The reserves management plan, and the out and about strategy are the appropriate tools for this.

If council wishes to have a permitted use 8.2 it should be amended to

- Walking/jogging except in zone 1 where a permit is required.
(this new zone 1 should be re drawn to only include areas where there is a likelihood of risk to infrastructure)
- Mountain biking on Council approved trails as per the provisions of the Reserves Management Plan.

The Trust will only comment on some parts of 8.3

8.3 Activities permitted in catchments pursuant to a permit No person shall carry out any of the following activities within any Source Protection Zone within any catchment without first obtaining a permit and any building or resource consent (where required) from the Council authorizing the same:

vii) Walking any dog or taking or allowing any livestock into any area

Comment – this seems sensible in terms of infrastructure and microbial contamination, but the dog part is a double up as it is already in the Council Dog control bylaw.



viii) *Walking/jogging off existing tracks.*

As commented above what is an existing track and when is it existing There is also no reason for this outside of a reduced Zone 1.

ix) *Driving a motor vehicle (including a motor cycle or motorised bike) or any organised motor sport on the Maungatapu Track. (Note: This track is generally only suitable for four wheel drive vehicles and a \$100 bond is required for the permit).*

Comment

The Trust supports the premise for restrictions on the Maungatapu road as there are conflicts with other users, the road is deteriorating to a dangerous level recreationally and the fiber cable warning tape is exposed in many places. However, we question if this is the appropriate mechanism to determine a recreational planning Strategy.

The reference to motorized bike needs to be removed as electric mountain bikes pose no greater risk to source water than non electric.

x) *Construction or maintenance activities not associated with the Nelson City Water Supply (Source Protection Zones 2 and 3 only).*

Comment As this relates to construction or maintenance of new or existing tracks a process needs to be in place but is a **permit under a bylaw** the appropriate process. The DN3 and Management Plan adequately deal with this.

xi) *Any activity that may lead to a conflict with the Nelson City Council maintenance contractors Health and Safety requirements.*

Comment Why is this different to 8.2? (subject to any restrictions necessary for fire prevention or Health and Safety requirements) H&S should not just apply to maintenance contractors. Also why is this part of a water source bylaw when the Health and Safety Act deals with it.

The Trust submits that there is no need for the parts of 8.3 as commented on above;

- The bylaw is also not the appropriate mechanism to develop a recreational planning strategy. The Reserves Management Plan and the Out and About strategy are better tools for this. The Reserves Management Plan policies create a process and even suggest some new tracking. [As noted above, the bylaw cannot be in conflict with the management plan].



Conclusion

The Trust submits that there are significant flaws in this bylaw.

These include

- The bylaw appears to be a Recreational Strategy which is not its stated aim.
- In places the bylaw appears to be in conflict with the Management Plan which allows for new tracks.
- The term 'existing' is confusing as when is existing.
- The justification for restrictions in all zones does not seem to follow any logic when every zone has large numbers of users already.
- The application of default zones does not reflect the actual risk as evidenced by Councils acceptance of significant numbers of existing users in those zones.

The Trust submits that the parts of the bylaw related to source water be substantially rewritten so that it is not acting in isolation with other planning documents nor acting as a recreation strategy. This should be done in consultation with the affected user groups.

Any bylaw rules must take into account Councils acceptance of existing types of use and should only be set in place if necessary and justifiable.

B. Bylaw provisions

- we would like to examine the mandate for the bylaw.

The Local Bodies act (LBA) enables bylaws to be enacted for various reasons (relevant extracts below)

145A territorial authority may make bylaws for its district for 1 or more of the following purposes:

*(b) protecting, promoting, and maintaining **public health** and safety:*

.

146 Specific bylaw-making powers of territorial authorities Without limiting section 145, a territorial authority may make bylaws for its district for the purposes—

(b) of managing, regulating against, or protecting from, damage, misuse, or loss, or for preventing the use of, the land, structures, or infrastructure associated with 1 or more of the following:

*(ii) **water supply:***

*(vi) **reserves**, recreation grounds, or other land under the control of the territorial authority:*

149 Power of regional councils to make bylaws (1)

A regional council may make bylaws in relation to the following matters:



(a) forests that the regional council owns or controls, whether or not the forest is within the region of the regional council;

(b) parks, reserves, recreation grounds, or other land that the regional council owns or controls;

(d) water supply works undertaken by, or on behalf of, the regional council.

(2) Without limiting the generality of subsection (1), bylaws may be made in relation to the matters listed in subsection (1) for the purpose of managing, regulating against, or protecting from, damage, misuse, or loss, or for preventing the use of,—

(a) the real and personal property owned or controlled by the regional council; and

(b) sites or places on land of the regional council that have cultural, historical, recreational, scientific, or other community or amenity.

- However it is important to note that there are qualifications in the LBA to those powers

Procedure for making bylaws

155 Determination whether bylaw made under this Act is appropriate (1AA) This section applies to a bylaw only if it is made under this Act or the Maritime Transport Act 1994.

(1) A local authority must, before commencing the process for making a bylaw, determine whether a bylaw is the most appropriate way of addressing the perceived problem.

(2) If a local authority has determined that a bylaw is the most appropriate way of addressing the perceived problem, it must, before making the bylaw, determine whether the proposed bylaw—

(a) is the most appropriate form of bylaw;

- In addition it is noted that the Conservation and Landscape Reserves Management Plan 2009 for the Maitai and Roding has the following to say about a bylaw.

5.31.1 Review bylaws to ensure they give effect to the provisions of this management plan and revoke any that are inconsistent.

5.31.3 Give precedence to the policies in this plan, if there is any conflict between this plan and Council Bylaws.

So in summary the Trust accepts the powers to make a bylaw but questions the application of the mandate and contradictions that have arisen in this proposed bylaw.

The Trust submits that most of this bylaw is NOT the appropriate mechanism for the restrictions it imposes. It attempts to create a recreational strategy rather than set in place justifiable zones.

Thank you for the opportunity to comment and we request the right to be heard on this submission.

Bill Gilbertson

Water Supply Bylaw

Submission by Nelson Tasman Cycle Trail Trust

Bill Gilbertson - Trustee

•Risks

- Interference with infrastructure
- Contamination of water – principally through ecoli and related microbial bacteria.
- Sedimentation
- Identify likelihood and plan accordingly
 - What are current levels of contamination?
 - Infrastructure – fence or indicate no entry depending on risk
 - Ecoli- identify possible sources and plan accordingly
 - Ensure buffers from land disturbance

Infrastructure protection

- South branch intake
70-80% of Nelson
water
- no signs no fences

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Item 9: Water Supply Bylaw (228) - Deliberations Report: Attachment 6

- Wild animals

Microbial source tracking –
Cawtheron 2008

- Grazing animals
-sheep



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- Forestry and sedimentation
- Buffers



- Dogs

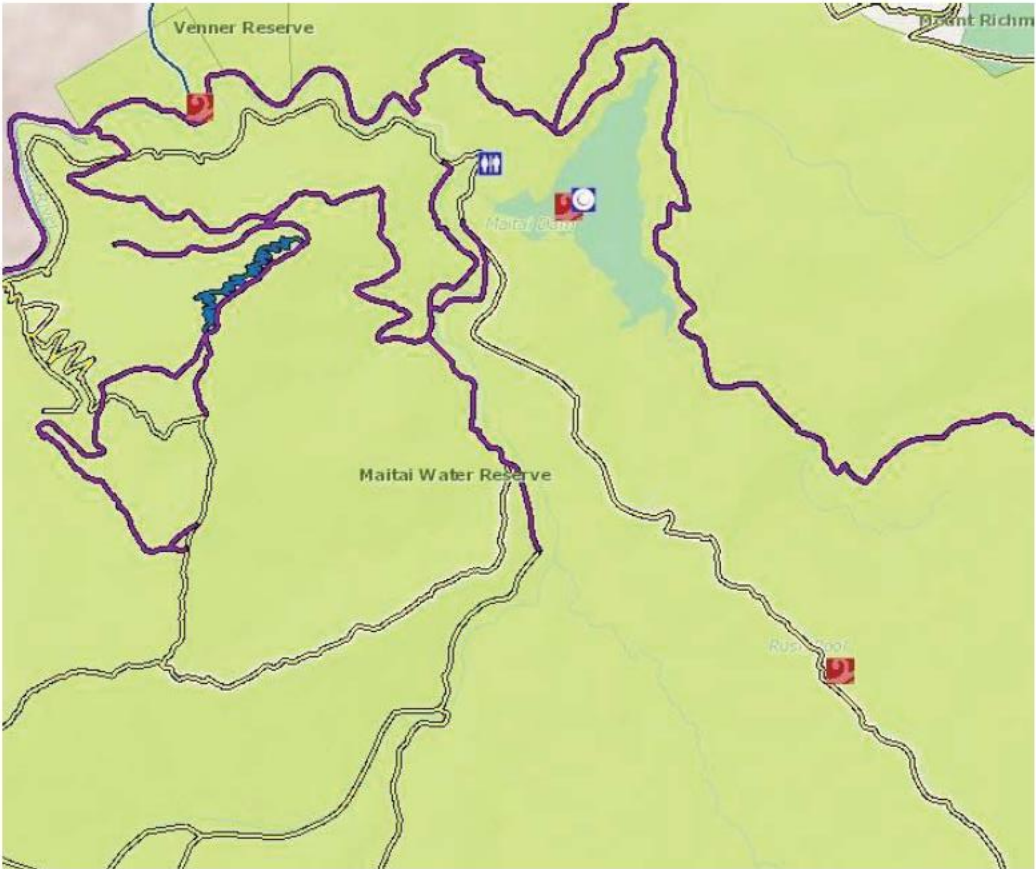




- Human
- Currently 15,000/yr
- Buffers?
- Zone 2 has 100m?
- Facilities

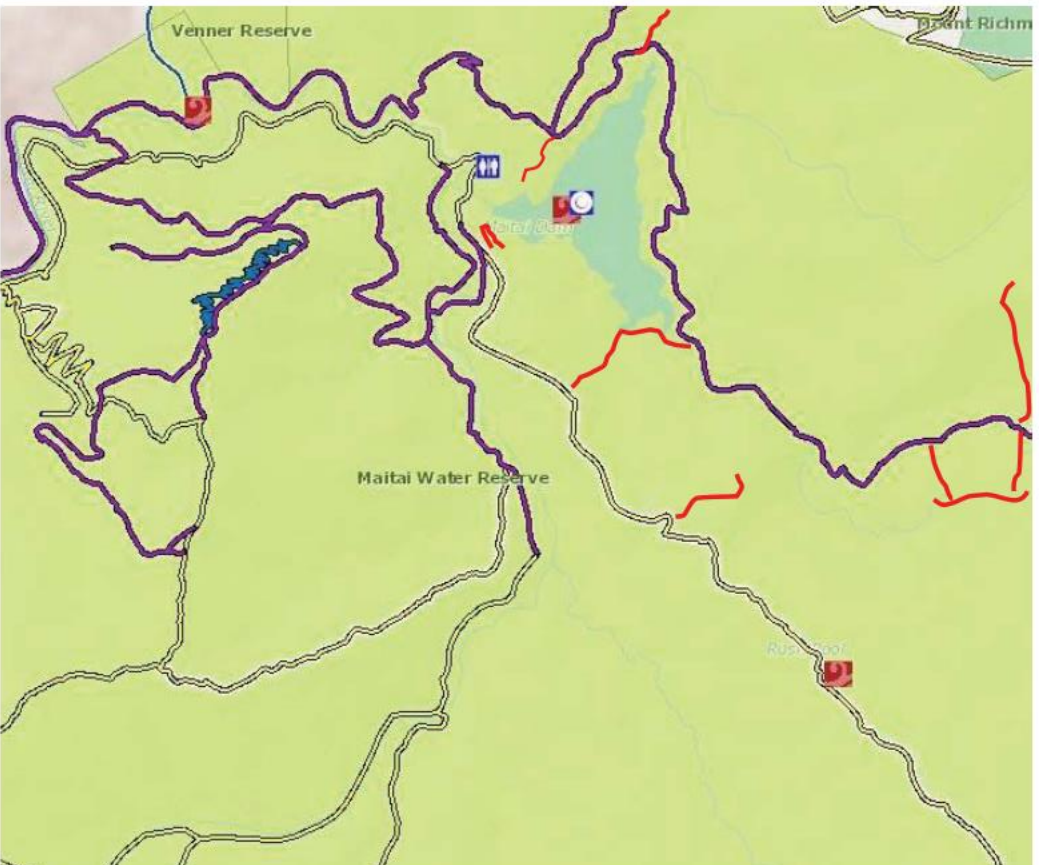
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- Is a bylaw the right document?
- Bylaw - Absolutes
- Planning documents- Effects based
Assess the need and act

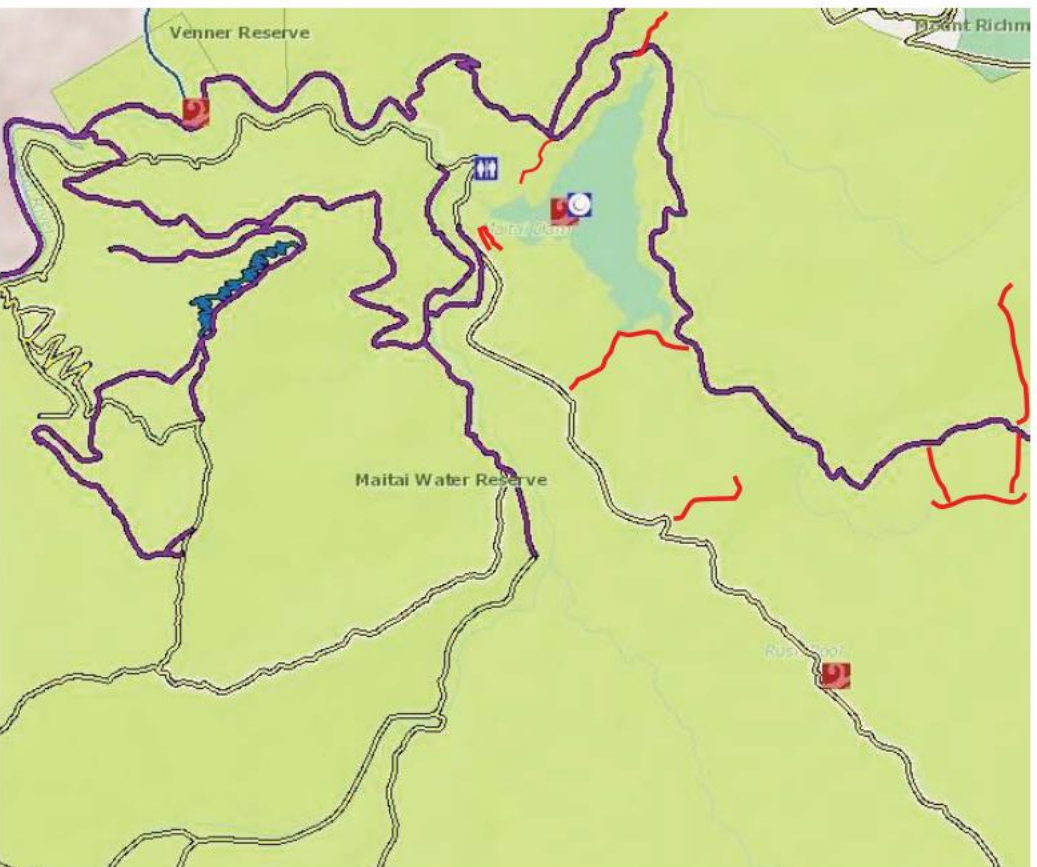


Problem
absolutes in this
bylaw

- Existing tracks ?



- Existing tracks?



- Existing tracks?
- Existing when this bylaw is created.

- Bylaw is absolute and has no criteria for anything but existing tracks – hence no new tracks allowed.
- Reserves plan – has provision for new tracks by assessing effects to protect water
- Out and About Strategy- effects based

- Mountain biking (non engine assisted)
- This bylaw will ban electric mountainbikes?
- There is NO difference to the effect on water quality.

- Other absolutes that are more about recreation planning or road protection/safety and not about protecting water quality.
- Walking off existing tracks (by permit). Will Council really prosecute people going botanizing off existing trails without a permit. What is the criteria if one does apply for a permit?
- 4WD (by permit) Currently permits are issued but what is the criteria.
- no indication of how assessing impact on water supply is to be carried out.

- **Zoning** MFE PDP default zones
- Zone 1- infrastructure- 35m buffer despite PDP having 5-30m suggested range
- Zone 2- microbial contamination 100m buffer from water
- Absolutes with no explanation as to how 15000 visits/yr are applied as exemptions.

- Example of planning approach
- Toilets -1-1.5hrs travel
- Dam but not user friendly to bikers
- Coppermine Saddle
- Caves??

- Flawed document
- Applying zones that have no meaning because of exemptions
- No explanation of exemptions and the rationale behind them
- Absolutes mean there is no clear path for assessment of effects
- Should not be a recreational planning document as this is the role of other documents.
- Act says if it can be done elsewhere it should be.

- Scrap the bylaw in its present form and only include things that can not be dealt with in other planning documents.
- Do not apply zoning that has 15,000 exemptions
- Some possible rules
- No access to areas indicated to protect infrastructure.
- No earthworks or tracks to be created that are not consistent with the Reserve Management Plan .
- No use of tracks except for the purpose specified in the reserve management plan or other City planning documents.

Contemporary Kaitiakitanga Explained

INTRODUCTION

Whilst Māori continue with their cultural responsibilities and act - strive to act - as kaitiaki / practice kaitiakitanga¹ in 2021, there is an almost immeasurable gap between how the practice of kaitiakitanga took place, before colonization (read, before interference by the *sealers and whalers*), in the *Historic World*, and today. Whilst the holism of Tikanga Māori, under the korowai of Te Ao Māori, remains unchanged and the principles of kaitiakitanga are defensible and abiding, discharging responsibilities as Kaitiaki today confronts a completely different world – the **Contemporary World**, as opposed to the **Historic World**, when Māori were the sole representatives of the human species in Aotearoa / NZ.

THEN

In that Historic World, Māori were functionally / culturally embedded with the other species that they shared Aotearoa with; joined by whakapapa. The living world (Te Taiao), of which Māori were an inextricable part, reflected the physical and metaphysical expression of the gods / the atua and their progeny – ancestors of the Māori people. All relationships were clearly interdependent and interrelated. That state of being was culturally understood and that pervasive subtle (and at times, not so subtle) interrelationship was known and carried forward intergenerationally by oral and other traditions, with the aim that the people would live responsibly in Te Taiao for their own good. After Māori had come to grips with the idiosyncrasies of living in Aotearoa, this state of things was further understood / progressively refined, ever the more subtly.

In that Historic Aotearoa World, kaitiakitanga was part of an inherent Māori living consciousness. Natural world stability and changes small and large by the moment and / or over time were all observed by the Māori of the day in their rohe. Each observed state signalled a continuum of necessary responses, from inaction to clearly necessary human behavioural responses of a minor or significant nature, from **Noa** to **Tapū**. In this scheme of things, kaitiakitanga was automatically discharged, inherently and inextricably in daily life. Other species also played a culturally understood and acknowledged part in delivering this tikanga, e.g., as spiritual custodians / guides.

NOW

In 2021, in our Contemporary World, gone is the relative natural world stability of the Historic World, the Mauri of Te Taiao is in a parlous state and progressively declining. No longer do Maori (humans in Aotearoa) experience the Historic World situation, when expected change arose from relatively stable seasons, weather and the like, and when a range of minor human misbehaviour was administered to by tribal elders; we are literally fighting for survival (climate change outcomes are merely a symptom of our present situation). The situation is calamitous. Māori of today are certainly not subtly applying kaitiakitanga automatically, inherently and inextricably in daily life, BUT, our relationship with Te Taiao is ever more obviously interdependent and interrelated. **Urgent action is required to heal Te Taiao.**

¹ **Kaitiaki** – guardians

Tiaki

The word tiaki is the basis of the longer word kaitiakitanga. Tiaki means to guard. It also means to preserve, foster, protect and shelter. So, notions of care and protection are at the heart of **kaitiakitanga**, and give it its conservation ethic.

Role of kaitiaki

The prefix kai means someone who carries out an action. A kaitiaki is a person, group or being that acts as a carer, guardian, protector and conserver. The gods of the natural world were considered to be the original kaitiaki – for instance, Tāne, god of the forest, was the kaitiaki of the forest. All other kaitiaki emulate those original ones. (teara.govt.nz)

Although, in 2021, Māori are mostly rebounding post-Settlement, they inevitably remain in relative disarray and of limited capacity, with the world of Aotearoa largely being run - not governed - on a platform of Western ideological thinking; economics'-first (read GDP) and related resource exploitation – largely unfettered exploitation of Te Taiao, which includes the majority of the people (evidence abounds). Unfortunately, this is the pervading Global state of our Contemporary World, and it is unimaginably different from the state of Te Taiao in Aotearoa prior to the arrival of the sealers and the whalers.

As things currently stand, as Mātauranga Māori and Western Science clearly advise us, there is no option other than to challenge the failing status quo. A transition is required, involving a return to knowledgeable responsibility, from the present economics'-first focus and reductionism, coupled with anthropocentrism (humans first and central), to informed holistic thinking and responsible action. The status quo can be effectively countered – explained away and transcended - by the holistic approach offered by Tikanga Māori / Kaitiakitanga (read Contemporary Kaitiakitanga).

AND SO, TO CONTEMPORARY KAITIAKITANGA

In 2021. The Kaitiaki o Te Taiao Team (the KT Team), working for Te Ātiawa Trust, is inevitably faced with responsibly adapting the traditional precepts of kaitiakitanga to the current circumstances. The stakes are high, the resources are few and the forces opposing the necessary change are significant / powerful. Pleasingly, there is an increasing understanding, in Aotearoa and Globally, that the traditional knowledge of the indigenous peoples (read Māori) has a message for all of us in how we can live responsibly together in a way to enable positive change, with a view to urgent restorative action and a goal of achieving a *Regenerative State*².

These outcomes are by no means guaranteed and the prevailing circumstances must be intelligently and vigilantly confronted and challenged with a view to succeeding. **There is no choice.** This is where Contemporary Kaitiakitanga has a significant role to play in leadership, through adapting the principles of kaitiakitanga to the present Contemporary World challenge by:

1. Stating the principles of kaitiakitanga, founded upon an Atua Framework (Appendix 1), in clear Contemporary World terms, so that everyone in Aotearoa / NZ is able to understand them and help apply them in their daily lives (an example follows – Appendix 2);
2. Interpreting the principles of Kaitiakitanga, so they can be practically applied to gaining an understanding of the implications of all present circumstances promoting change;
3. Providing and applying explanatory and analysis tools (e.g., *NERO* – Appendix 3) that can be vehicles for ensuring that decision-making involving prospective change is responsibly addressed;
4. By using the forgoing mechanisms to assist with re-enlivening post-Settlement Te Ātiawa (Māori) hapū and whānau, progressively supporting the proactive practical application of kaitiakitanga, anew – rohe-wide - in the context of our current challenges and thus lead by cultural example (importantly, consolidating mana);
5. Reviewing pre-Settlement Iwi Management Plans to enable their substance and direction to roundly address 21st Century challenges to Te Taiao in both Te Ao Māori and in Te Ao Pākehā.
6. Taking opportunities to stimulate and challenge the current formal education system, thereby infusing Contemporary Kaitiakitanga concepts into the general curriculum, viz. via the hard

1. ² **A REGENERATIVE STATE:** A continuing/ stable REGENERATIVE STATE is a state of *healthful self-renewal*, a self-perpetuating harmonious balance – theoretical only. A Regenerative State is an aspiration rather than a target point and, in consequence, it is the guiding motivator for the hikoi that takes that direction (KT Office October 2020).

sciences / social sciences (vitally important to nurture / support the tamariki and rangatahi and to equip them to capably assume the korowai of responsibility, sooner rather than later);

7. Proactively sharing the breadth of Contemporary Kaitiakitanga through the opportunities arising from the various kaupapa shared with Central Government Agencies, Local Government and NGOs;
8. Actively involving, sharing with and recruiting as many other members of the community as can be reached, to provide informed support for the urgent, responsible, proactive delivery of Contemporary Kaitiakitanga in the rohe.
9. Confronting anthropocentric (human-focused) language, as a means of encouraging transformative critical thinking about the place of the human species in the overall scheme of things; and.
10. Crafting an easily understood interpretation of the way in which the precepts of Mātauranga Māori and Western Science knowledge (importantly including social science) can together, and at a complementary level, provide a uniquely valuable taonga of culturally-combined-knowledge to support / guide the responsible management of Te Taiao in Aotearoa (read the Rohe).

Important notes:

1. Whilst anyone can apply the principles of kaitiakitanga, in how they go about their work and daily living practices, and it is extremely desirable that everyone does, in the pure sense it is only Maori who can actually act as kaitiaki (cultural kaitiaki), in meeting long-standing Maori Cultural Responsibilities within Te Ao Māori - The Māori World.
2. In a similar vein, although the K T Team applies the principles of kaitiakitanga, by the moment in its daily duties, the underlying role of the KT Team is supporting Te Ātiawa Hapū and Whānau, who are the actual kaitiaki. This mahi is enabled by Settlement derived resources and, increasingly, by cost-recovery.

Whakataukī³

Toitū te marae a Tāne-Mahuta, Toitū te
marae a Tangaroa, Toitū te tangata.

*If the land is well and the sea is well, the
people will thrive.*

This Maori Proverb embraces the truth of the matter and speaks, powerfully and elegantly, of the holism of our Earth Life, our *oneness*.

Everything is inter-reliant⁴.

The successful delivery of kaitiakitanga (Contemporary Kaitiakitanga) embraces holistic-care / nurturing, eventuating in a self-sustaining state of elevated mauri (a *regenerative state*).

Healthy Planet – Healthy People: *iwi hauora ao hauora*

(KT Team – February 2021)

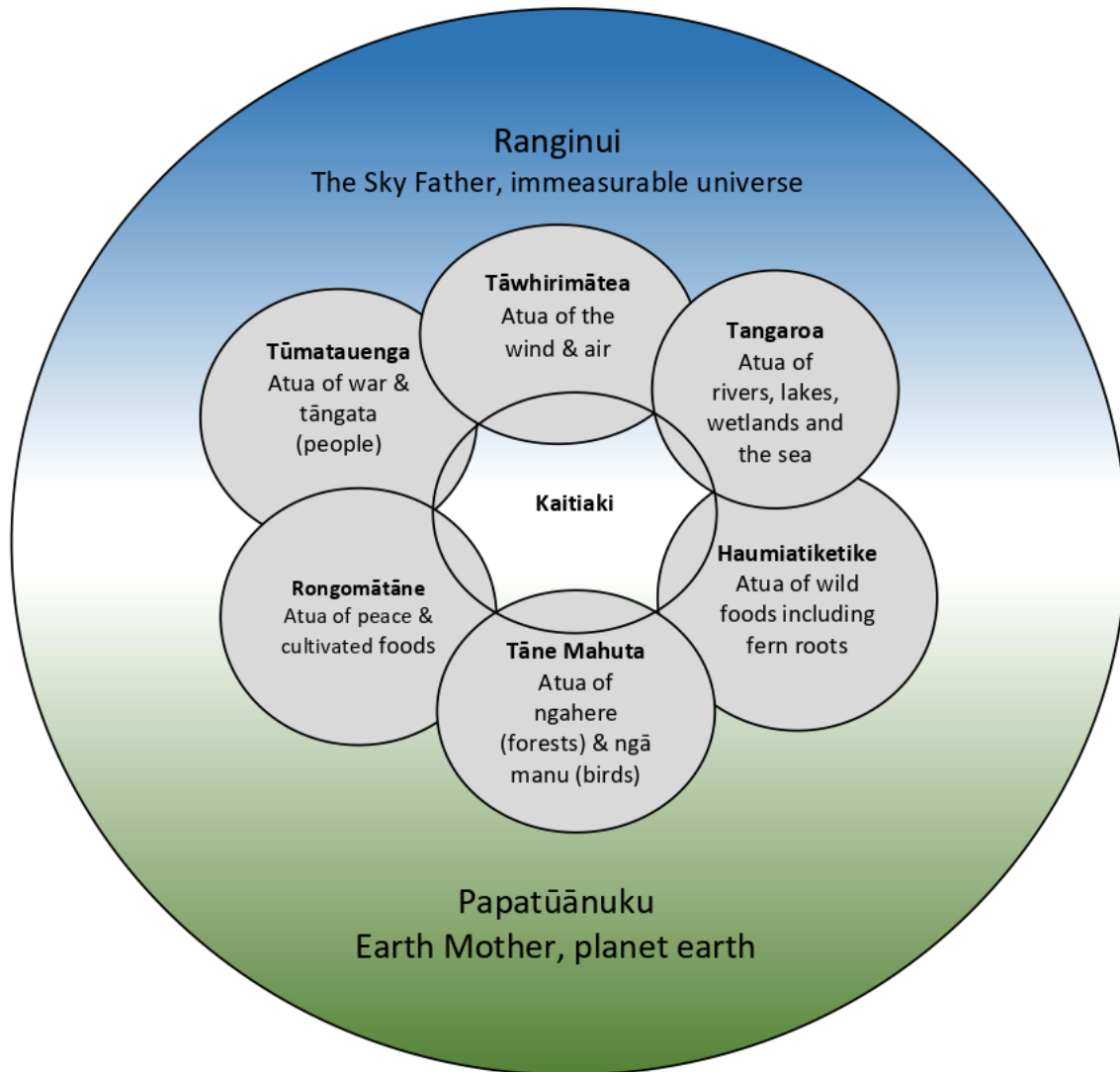
³ (noun) proverb, significant saying, formulaic saying, aphorism - particularly those urging a type of behaviour. Like *whakataukī* and *pepeha* they are essential ingredients in *whaikōrero*.

<https://maoridictionary.co.nz/search?idiom=&phrase=&proverb=&loan=&histLoanWords=&keywords=proverb>

⁴ The **Gaia Paradigm** [/ˈɡaɪ.ə/](https://gaia.org/), also known as the **Gaia theory** or the **Gaia principle**, proposes that living [organisms](#) interact with their [inorganic](#) surroundings on [Earth](#) to form a [synergistic](#) and [self-regulating, complex system](#) that helps to maintain and perpetuate the conditions for [life](#) on the planet. https://en.wikipedia.org/wiki/Gaia_hypothesis

Appendix 1

Tikanga Māori – Atua⁵ Framework (KT Team – February 2021)



⁵ A significant creation story concerns Rangi and Papa. Ranginui (sky father) and Papatūānuku (earth mother) were locked in an eternal embrace. Their children, the departmental gods, were trapped between them in eternal darkness, and decided to try and separate their parents. The children (except Tāwhirimātea) tried and failed to separate them. Then Tāne used his legs to push the sky apart from the earth.

Other significant gods were the war gods, Maru, Uenuku and Kahukura. <https://teara.govt.nz/en/traditional-maori-religion-nga-karakia-a-te-maori/page-1>

Appendix 2

Contemporary Kaitiakitanga in Rohe Management

- **Te Ao Māori** - The Māori World
- **Acknowledging / respecting the Atua** - Acknowledging and respecting the deities of the natural world / ancestors
- **Tikanga Based** - Based on the customary system of values and practices that have developed over time and are deeply embedded in the social context
- **All whakaaro tested against Mātauranga Māori** - All ideas tested against Māori cultural knowledge
- **Implemented through Kaitiakitanga** - Through responsible stewardship
- **Focused on Mauri** - Life force, vital essence
- **All mahi to result in: *Net Enduring Restorative Outcomes (elevating / strengthening Mauri)*** - All work to result in Net Enduring Restorative Outcomes to restore the health of the natural world
- **Mana before Money** - Authority and status come before money
- **Ecology before Economy** - The natural world takes precedence over the economy
- **Acknowledging our Global context** – Our place in and impact on the World at large

Healthy Planet – Healthy People: *iwi hauora ao hauora*

A healthy balanced natural world (which includes the human species), people with a quality sustainable lifestyle, which is underpinned by socio-cultural equity and justice.

(KT Team, March 2021)

Appendix 3

Net Enduring Restorative Outcomes (NERO) defined

The Kaitiaki o te Taiao Team (the KT Team) for Te Ātiawa Manawhenua Ki Te Tau Ihu Trust understands/is advised, from the current findings of Mātauranga Māori and Western Science, that the natural world, which includes the socio-cultural world of the human species, is being progressively degraded by unwise human activity/behaviour. (Climate change impacts are an overt expression/symptom of this continuing process, as is the widening gap in wealth-equity between *Haves* and *Have-nots* in Aotearoa.).

This situation, which adversely confronts the exercise of kaitiakitanga (the role of the KT Team in supporting the cultural responsibilities of Te Ātiawa Whānau), has arisen as a consequence of a long sequence of human decisions/actions that have enabled collective, unsustainable change. We have reached a point at which it is clear that human survival is at stake (also noting that this outcome has meant the extinction of many other species).

To halt and attempt to reverse this unacceptable outcome, all decisions/actions that deliver change⁶ must improve our current situation – be **restorative**. The changes must also **endure** if they are to be meaningfully contributory. Change is mostly multi-factorial in its implications. So, for the aggregated elements of any particular change, e.g., housing development, the **net outcome** of those collective elements of change must be positive/restorative.

Accordingly, the KT Team, in undertaking its day-to-day mahi, in evaluating and responding responsibly to proposals for change and their related implications for Te Taiao, is seeking that resulting change(s) delivers:

Net Enduring Restorative Outcomes – (elevating / strengthening Mauri).

Incremental Definitions

(Lexico on-line Dictionary: <https://www.lexico.com/>)

NET: Remaining after all factors have been taken into account; overall.

ENDURING: Lasting over a period of time; durable.

RESTORATIVE: Having the ability to restore health, strength, or well-being.

OUTCOME(S): The way a thing turns out; a consequence.

(KT Team – February 2021)

⁶ A proposal for prospective *change* is not about *growth, development, progress* or any other inherently flawed and deceptively positive notion, it is simply about a proposal for 'change' and needs to be exhaustively evaluated and progressed in that context, with precaution consciously applied to decision-making, where there is inadequate information/doubt.

What sort of change might there be, negative, positive or no change at all? In today's known collapsing natural / social world, there is no defensible choice other than supporting action that enables 'Net Enduring Restorative Outcomes', with a view to ultimately achieving a *regenerative state*. (KT Team – 2020)



WATER SUPPLY BYLAW (NO. 223)

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1.0 PREAMBLE

The Nelson City Council, in pursuance of the powers and authorities vested in it by the Local Government Act 2002, The Bylaws Act 1910, The Health Act 1956, and all other Acts, powers and authorities enabling it in that behalf, hereby makes the following bylaw.

2.0 SHORT TITLE AND COMMENCEMENT

These bylaws may be cited at the Nelson City Council Water Supply Bylaw 223.

These bylaws come into effect on the date the Bylaw is signed and sealed and will be reviewed by December 2019.

3.0 REPEALS AND SAVINGS

The following bylaw is hereby revoked.

The Nelson City Council Water Supply Bylaw No 217 (2008)

The revocation of the bylaw mentioned above shall not affect any document made, signed or acknowledged, or anything done or suffered, or any appointment, right or benefit created or conferred under or by virtue of such bylaws.

4.0 INTERPRETATION

Air Gap Separation means a minimum vertical air gap between the outlet of the water supply fitting which fills a storage tank, and the highest overflow water level of that storage tank.

Annual Plan means the document produced by Council in compliance with Section 95 of the Local Government Act 2002.

Approved means approved in writing by an officer of the Council authorised for that purpose and approval has a corresponding meaning.

Backflow means a flow of water or other liquid through any service pipe or supply pipe in a reverse direction to the normal supply flow.

Catchment Area means an area of land under the control of the Council from where a public water supply is drawn. These areas are defined in Appendix B of this bylaw.

City means the territory contained within the City of Nelson as defined in Part 2 of Schedule 2 to the Local Government Act 2002.

Connection means the installation of the service pipe and associated permanent fittings for the provision of water to any premises.

Council means the Nelson City Council, or any officer delegated the authority to exercise the powers of the Council under this bylaw, and includes any person authorised by the Council or an officer to undertake any work in relation to the water supply system.

Customer means any person who has made application for and obtained a permit to connect any premises in respect of which they are the ratepayer, to the water supply system, and includes the owner of the premises; and in respect of any vacant allotment means the owner thereof.

Direct Connection includes any underwater outlet or any arrangement of pipes, hoses, or fittings temporary or otherwise, which renders possible back flow into the water supply system and directly connected has a corresponding meaning.

Disconnection means the physical cutting off of the water supply to any premises.

Domestic Supply means the supply of water to a customer to be used solely for domestic purposes (that is to say water for the use of the customer, the customer's family and up to 4 other persons, all of whom constitute and conduct themselves as one household, for drinking, for ordinary personal ablution, for cooking, for washing linen or clothes, for washing or cleansing floors, windows, domestic or other furniture or utensils or any part of the consumer's dwelling house or premises, and for water closets, baths, and urinals except automatic flushing water closets and urinals). Such purposes shall also include the use of a hose for:

- i) Washing down a car, boat or other contrivance
- ii) Garden watering by hand or by sprinkler
- iii) Filling a spa or swimming pool of less than 100m³ capacity

And may include use in a fire sprinkler system installed in accordance with the appropriate standards for a domestic sprinkler system.

Extraordinary Supply means any water supplied from the waterworks which is used for purposes other than that of a domestic supply.

Fire Hose Reel means a hose, permanently connected to the supply pipe on the customer's premises side of the water meter.

Fire Sprinkler System means the system of pipes fitted with sprinkler nozzles which open by extraordinary rise in temperature to automatically drench an area for the purpose of extinguishing fire.

Person includes a corporation sole and also a body of persons whether corporate or not.

Point of Metering is the point at which the meter serving any premises is placed. Typically this will be at the point of supply but it may be situated anywhere along the supply pipe.

Point of Supply means the termination point of the Service Pipe, where the service valve is located, as determined by the Council. This marks the boundary of responsibilities between the customer and the Council. Such point may or may not relate to the boundary of the customers' premises or the point of metering.

Premises means:

- a) Any property or allotment, or part thereof, which is held or capable of being held under a separate Certificate of Title whether freehold or leasehold or both.
- b) Any separately occupied portion of any land or building whether capable of being held under a separate Certificate of Title or not; and
- c) Includes any property consisting of two or more allotments which are occupied by a single customer and which are contiguous, or which are separated only by a road.

Publicly Notified means published on one occasion in the Nelson Mail or Live Nelson; or under emergency conditions in the most effective way to suit the particular circumstances as determined by the Council.

Ratepayer has the same meaning as in Section 10 of the Local Government (Rating) Act 2002.

Restricted Flow Supply means a connection to the Water Supply System through which a limited flow is available, due to the presence of a flow control device.

Roading Authority means the Council, Land Transport Agency or such other body having jurisdiction in respect of any road.

Rural Water Supply means any area of the City designated by the Council as an area serviced by a reticulated water supply system which supplies water via restricted flow supplies.

Sprinkler means any hose which is not held by hand and includes a revolving spray or other sprinkler pipe to distribute water for garden or lawn watering, including a fixed irrigation system.

Schedule of Rates and Charges means the list of items and terms for services associated with the supply of water from time to time as approved by the Council by resolution publicly notified.

Service Pipe means that section of water pipe between a watermain and the point of supply and includes the service valve and fittings at its connection to the supply pipe. This pipe is owned and maintained by the Council.

Standard Form means such forms as the Council shall supply for use under this bylaw.

Street means any public street or other roadway which is under the ownership of or the control of the Council.

Storage Tank means any tank, having a free water surface under atmospheric pressure to which water is supplied across an air gap separation.

Supply Pipe means that section of pipe between the point of supply and the customer's premises through which water is conveyed to the premises. This pipe is owned and maintained by the customer.

Urban Water Supply Area means any area of the City designated by the Council as an area serviced by a reticulated water supply system which supplies water on demand.

Water Meter Manifold means the water meter and all fittings associated with the meter, and where the water meter is located at the point of supply includes the service valve at the junction of the service and supply pipes.

Water Supply System means the arrangement of pipes, fittings, temporary or otherwise, that conveys water from the water works to the point of supply, and includes the fittings associated with the point of supply and point of metering.

Water Works includes all rivers, streams, lakes, waters, and underground waters, and all rights appertaining thereto, and all land, watersheds, catchment areas, water collection areas, reservoirs, dams, bores, tanks, and pipes, and all buildings, machinery, and appliances of every kind, vested in the council or acquired or constructed or operated by or under the control of the council, for or relating to the purpose of water supply, whether within or outside the district.

5.0 PROTECTION OF WATER SUPPLY

5.1 Access to water supply system

No person shall without the consent of the Council have access to or carry out any work on any part of the water supply system.

5.2 Fire hydrants

No person other than the following shall access and draw water from any fire hydrant:

- i) The Council or its duly authorised agents;
- ii) Fire Service personnel for fire fighting, practice and testing;
- iii) Fire hydrant permit holders during the period for which the permit has been issued and the appropriate fee paid.

Without prejudice to other remedies available, the Council may remove and retain possession of any equipment used by any person to gain unauthorised access to any fire hydrant or to facilitate any unauthorised use of water from any fire hydrant.

5.3 Supplies from standpipes or hydrants

The Council may authorise an extraordinary supply of water to be taken by means of a standpipe placed upon a specified fire hydrant. Application for such supply shall be submitted in writing on the standard form together with the appropriate application fee. A successful applicant shall be required to pay a charge set to cover the estimated volume of water used.

5.4 Working around below ground services

Any person proposing to carry out work involving excavation shall before commencing such work consult with the Council regarding the potential location of water supply services, and comply with any requirements which may be imposed by the council on such work.

Any person causing damage to any part of the water supply system shall meet all costs associated with the repair of the damage so caused and any other costs incurred by the Council, as a result of the incident.

Note: Information relating to the location of the Council below ground services shall be available for inspection at the Council's offices free of charge during normal office hours. Charges will be levied to cover the costs of making copies of any records so held.

6.0 PROTECTION OF WATER SOURCE

6.1 Access to catchments

The following activities are permitted within the catchments subject to any restrictions necessary for Health and Safety reasons:

- i) Walking/jogging on existing tracks
- ii) Biking on existing tracks
- iii) Subject to 6.2(vii) hereunder, driving a motor vehicle (including a motor cycle) on the Maungatapu Track. (Note: This track is generally only suitable for four wheel drive vehicles.)

6.2 Activities permitted in catchments pursuant to a permit

No person shall carry out any of the following activities within any catchment without first obtaining a permit from the Council or its approved agent, authorising the same:

- i) Camping
- ii) Hunting, trapping, shooting or fishing or carrying any rifle or other hunting or fishing equipment
- iii) Distributing or removing any soil rock or tree, shrub or other vegetation
- iv) Removing any mineral or any artefact or historic object
- v) Lighting or maintaining any fire other than in a barbeque or other contained cooking apparatus
- vi) Using pesticides or other poisons or toxic substances other than personal insect repellents
- vii) Using the Maungatapu Track for organised motor sport or four wheeled motor vehicle activity
- viii) Walking any dog or taking or allowing any livestock into any area
- ix) Walking/jogging/biking off existing tracks.

6.3 Presentation of permit

Unless otherwise authorised, no person to whom any permit has been issued shall enter an area to which the permit relates without notifying the Council of his/her intention of entering, and the anticipated length of their stay in such area.

Every person in any area shall upon demand produce any such permit for inspection by the Council.

No person to whom any permit has been issued shall permit any other person to make use of or attempt to make use of such permit.

The Council may at any time, by notice in writing delivered or posted to the permit holder, revoke or suspend any permit for such time as may be stated in such notice.

6.4 Prohibited activities

No person shall in any catchment carry out any of the following activities:

- i) Washing or bathing in any natural water
- ii) Depositing any refuse or waste material of any kind, including defecating, in other than an authorised facility
- iii) Damaging or destroying any artefact or historic place or object

6.5 General Requirements

- i) Spillages and adverse effects

Any person who accidentally or inadvertently causes spillage, or any event which has the potential to compromise the water supply shall advise the Council with due urgency, and take all reasonable steps to contain the spillage or otherwise limit the effect on the water supply.

- ii) Interference with users

No person whether or not holding any permit (other than a duly appointed officer of the Council), shall commit or cause or permit to be committed any act which may interfere with or be likely to interfere with the free and lawful exercise of any rights vested in any other person in any catchment.

7.0 SUPPLY OF WATER

7.1 Application for supply

Every person wishing to obtain a supply of water to any premises or to replace an existing connection with a new connection shall make application in writing on the standard form for a permit to connect to the water supply system.

Every application shall be accompanied by the appropriate application fee, a plan showing the details of the pipe work and fittings for the proposed connection and the location of the service pipe, and such other information as the Council might require.

7.2 Applicant is not the owner

The applicant, if not the owner of the premises, shall supply such evidence as the Council considers appropriate to show that they have authority to act on behalf of the owner of the premises for which the supply is sought.

7.3 Agreement for supply of water

The Council may require any applicant to enter into a separate specific agreement in relation to the supply for which the application is made.

Any person to whom water is supplied pursuant to this bylaw shall be deemed to have accepted the provisions of this bylaw and the terms and conditions set out within the permit under which the said supply is provided, and any fees or charges levied in respect of that supply.

7.4 Extraordinary supply

The Council may refuse an application for an extraordinary supply.

7.5 Installation

The applicant for a supply of water shall be responsible for all costs associated with the supply and installation of the connection including the supply and installation of the service pipe to the point of supply including the meter and all fittings.

No person other than a contractor nominated or approved by the Council shall undertake the installation.

All installations shall be in accordance with the Nelson City Council Land Development Manual.

7.6 Use of water

The supply of water to any premise shall be for the purposes detailed within the approved application and no person shall use or permit the use of any water for other than the purposes so detailed. Where water is being supplied to any premises at the date of the coming into effect of this bylaw such supply shall be deemed to be a new supply as at that date and thereafter subject to the provisions of this bylaw together with any specific conditions attached to the original supply approval and the terms and conditions pertaining to a new supply.

No person shall, without the consent of the Council, use water or water pressure directly from the water system for driving lifts, machinery, eductors, condensers, or any other similar device.

7.7 Change of use

Any customer to whom water is supplied pursuant to this bylaw who wishes to change the use of the water or to change the supply from a domestic to extraordinary supply, or vice versa, shall lodge a new application for supply.

7.8 Disconnection

Any customer wishing to disconnect any premises from the Water Supply system shall give notice to the Council in writing on the standard form and pay all disconnection fees as set out in the Annual Plan.

7.9 Point of supply (Refer Appendix A)

Council is responsible for the maintenance of the public water supply network up to the point of supply of any connection.

The point of supply for individual dwelling units shall be located adjacent to the front or street boundary of the site as shown in Appendix A, or as close as possible to such boundary where fences, walls, other permanent structures or physical features make it difficult to locate it at the required position. Location of the point of supply in any other position shall only be with the specific approval of the Council.

The point of supply in relation to multiple units having access to any street via a private street, access lot or right of way shall be located adjacent to the front or street boundary of the private street, access lot, or right of way, or in such other position as the Council might approve.

For each individual customer there shall be one point of supply unless otherwise approved by Council.

The supply pipe from such point of supply shall not be extended by hose or any other pipe beyond that customer's property without approval by Council.

Any water supplied to a customer in respect of specific premises shall not be provided to any other premises without approval by Council.

No person shall, without the consent of Council, make any connection to any service pipe between the watermain and the point of supply.

Council reserves the right to change the point of supply should the existing point of supply for any connection become un-viable for any physical or legal reason.

8.0 METERING OF WATER SUPPLY

8.1 Point of metering (Refer Appendix A)

The point of metering in relation to any customers' premises will generally be at the point of supply but in relation to multiple unit premises, whether served by a single supply pipe or multiple supply pipes may be located at a position along the supply pipe serving the premises concerned, at the discretion of the Council.

i) Single Units

The point of metering will be located adjacent to or as near as practical to the point of supply.

ii) Multiple Unit Premises

The point of metering for each unit within a multiple unit premises will generally be located at a point on the supply pipe serving a single unit. That ensures only the water being supplied to the single unit passes through the meter installed on that supply. The meter may be on private property.

Where all the units in a multiple unit premises are owned by one entity, the Council may install a single meter and supply line and direct all charges to the owner of that multiple unit premises.

For a multiple unit premises in a Unit Title Development, the Council may install a single meter and supply line and direct all charges to the body corporate. In the case of dissolution of the body corporate, the Council may require the installation of new meters and reticulation for each unit at the owner's expense.

iii) Any single unit or any unit being part of a multiple unit complex in existence at the time of the coming into effect of this bylaw shall be provided with a meter on a single supply pipe at a point to be determined by the Council, such point may be on private property.

8.2 Connections

No person shall, without the consent of the Council, carry out any connection to the water supply system between the point of metering and the point of supply.

8.3 Rights of access

No person shall obstruct or prevent Council access to, and about, the point of metering whether or not the point of metering is on private or public property.

The customer shall maintain the area in and around the point of metering keeping it free of soil, growth, or other matter or obstruction which prevents, or is likely to prevent convenient access by Council.

Where free access is not available and a return visit is required to effect a read of the water meter a fee may be charged for the reading as set out in the Annual Plan.

8.4 Fees and charges

The customer shall be responsible to meet all fees and charges relating to the availability and/or supply of water to their premises as may from time to time be imposed by the Council and set out in the Annual Plan.

9.0 QUALITY, CONTINUITY OF SUPPLY AND PRESSURE

9.1 Continuity of supply and pressure

The Council provides no guarantee that an uninterrupted supply of water will be available to any property or premises or that any specific maximum or minimum pressure will be maintained in the water supply system.

9.2 Uninterrupted flow

Any customer or any other person using the water supplied to any property or premises, having particular requirements for an uninterrupted level of service, (being pressure, flow or quality) shall provide all necessary measures on the premises to ensure this service, including all storage, back up facilities and equipment.

9.3 Liability

The Council shall not be liable for any loss, damage or inconvenience which the customer (or other person using the supply) may sustain as a result of any change in or interruption to the water supply including change of pressure, change of rate of flow and change in quality of water supplied.

10.0 PROHIBITION AND RESTRICTION OF SUPPLY

10.1 Demand management

All persons using water supplied to any premises shall comply with any water usage restriction, which may be imposed by the Council from time to time to manage high seasonal or other demands and/or water supply shortages. Such restrictions will be publicly notified and the user shall be deemed to have notice thereof as from the date of such public notification. It shall be an offence for any person to use water supplied from the water supply system contrary to any water usage restrictions in respect of which such notice has been given.

10.2 Emergency

The Council may declare any natural event (such as a flood, drought or earthquake) or an accident which results in any disruption to the supply of water by the Council, to be an emergency.

During an emergency the Council may restrict or prohibit the use of water for any specified purpose, for any specified period, and for any or all of its customers. Any restrictions imposed shall be publicly notified and the customer and any other users of the water shall be deemed to have notice thereof as from the date of such public notification. It shall be an offence for any person to use water from the water supply system contrary to any water usage restrictions imposed in relation to any emergency.

11.0 FIRE PROTECTION

11.1 Connection

Any proposed connection to the water supply system for the sole purpose of fighting or extinguishing a fire (hereinafter referred to as a fire protection supply) shall be the subject of a separate application to the Council. Any approved connection shall be subject to the provisions of these Bylaws.

11.2 Fire sprinkler systems

All fire sprinkler systems shall be constructed, installed and maintained in good order, and where an unmetered connection has been provided for an approved fire protection supply, any water so supplied shall be used for no purpose other than fighting or extinguishing a fire and testing the customer's fire protection system. The Council may at any time install or require the installation of a meter on any connection used for the purposes of a fire protection supply in which case the provisions of Clause 9 shall then apply.

11.3 Fire hose reels

No supply of water to a fire hose reel shall be permitted through an un-metered connection.

11.4 Supply

The Council shall be under no obligation to provide water to any approved fire protection supply at any particular rate of flow or pressure and shall not be responsible for any damage that may arise as a result of any interruption in the supply of water via any approved connection, or any failure in the water supply system howsoever occurring.

11.5 Adequacy

It shall be the customer's responsibility to ascertain and monitor whether the fire protection supply available is adequate for the intended purpose and the Council's approval of any connection and/or supply shall not be interpreted as in any way relieving the customer of this responsibility.

12.0 OFFENCES AND ADMINISTRATION

12.1 Breach of bylaw

In the event of a breach of this bylaw, the Council will serve notice on the customer advising the nature of the breach and the steps to be taken to remedy it. If, the customer persists in the breach, and/or fails to take proper steps to remedy the breach to the satisfaction of the Council, the Council may, in respect of a domestic supply restrict the supply without further notice.

Provided that where the breach is such as to threaten the integrity of the water works or the water supply system or likely to create a hazard or cause damage to any property, the Council may disconnect the supply at the same time as giving notice to the customer.

Where the offence relates to an extraordinary supply the Council may temporarily or permanently disconnect the supply without further notice.

12.2 Reconnection

Any resumption of the supply of water, including removal of any restriction on the supply to the customers' property or premises shall only occur after all outstanding charges and any additional fees and charges as determined by the Council have been paid and all other breaches of this Bylaw have been remedied to the satisfaction of the Council.

12.3 Interference

Any tampering or interfering by any person with any equipment forming part of the water works or water supply system either directly or indirectly, shall constitute an offence against this Bylaw. Without prejudice to its other rights and remedies, where the interference or tampering relates to any meter the Council shall estimate the water consumption which it has reason to believe has not been recorded and recover the charges for this water and any costs incurred in reinstating the water system to its approved means of supply from the customer.

12.4 Wastage of water

Any person who is supplied with water from the Water Supply System must not waste the water or allow it to be wasted.

12.5 Prosecution

The Council may in addition to or instead of taking the action outlined in the preceding paragraphs in respect of any breach, prosecute any person offending against this bylaw.

Any person convicted of an offence against this bylaw is liable to a fine not exceeding \$20,000.

Any person convicted of an offence in relation to the unauthorised use of water from a fire hydrant is liable for a fine not exceeding \$5,000.

The Council will take whatever action is appropriate to ensure that any leak which occurs on any supply pipe is repaired in a timely manner, and any person who wastes any water or allows it to be wasted after receiving a written requisition from the Council to repair the leak commits an offence and is liable on conviction to a fine not exceeding \$5,000.

12.6 Administration


The Council may by resolution publicly notified set the fees and charges payable in respect of any service given or provided in relation to the water works or water supply system.

The foregoing bylaw was duly made by the Nelson City Council at the ordinary meeting of the Council held on the 9th day of October 2014.

The COMMON SEAL of the
NELSON CITY COUNCIL
was hereto affixed in the
presence of:

(
(
(





Mayor

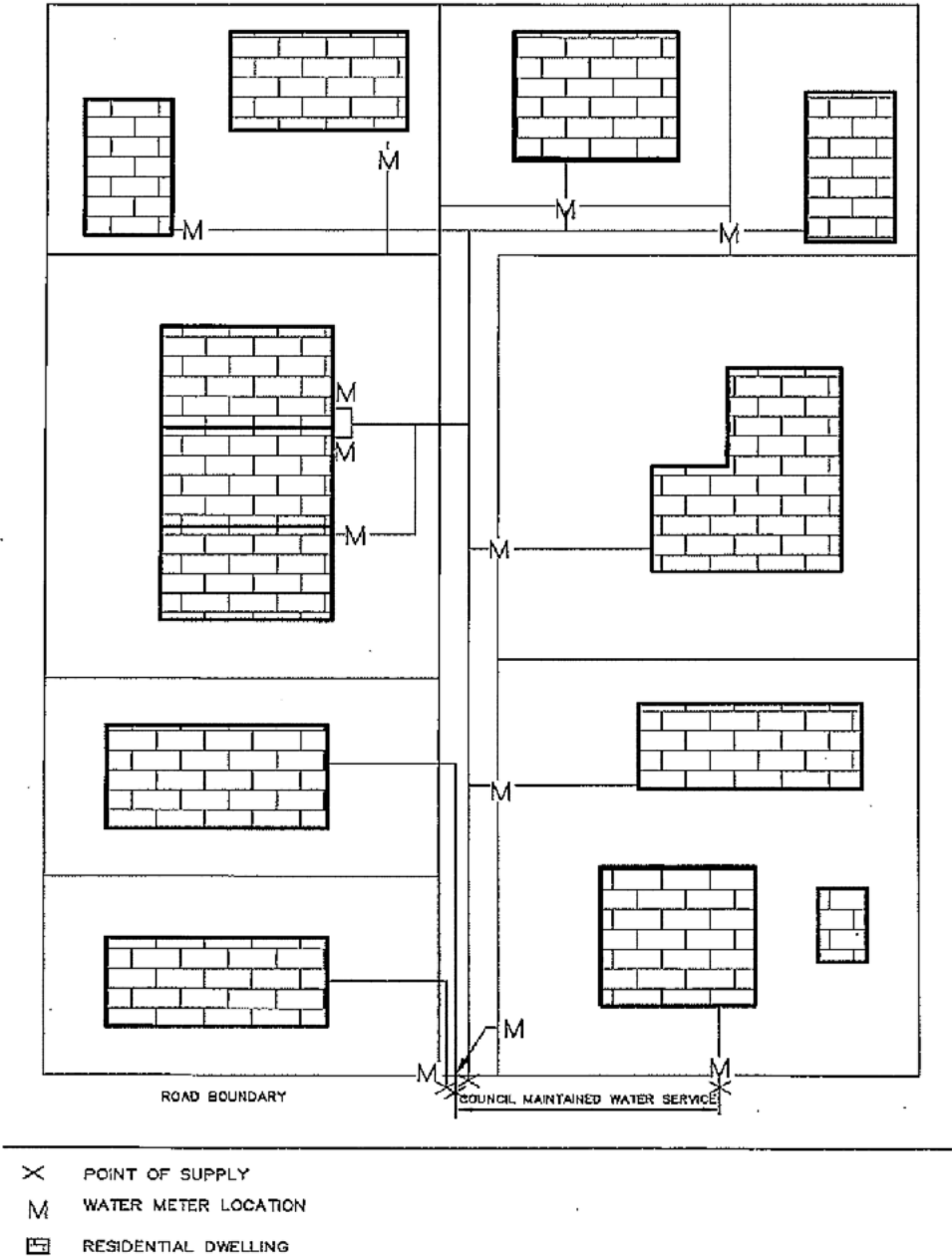


Chief Executive

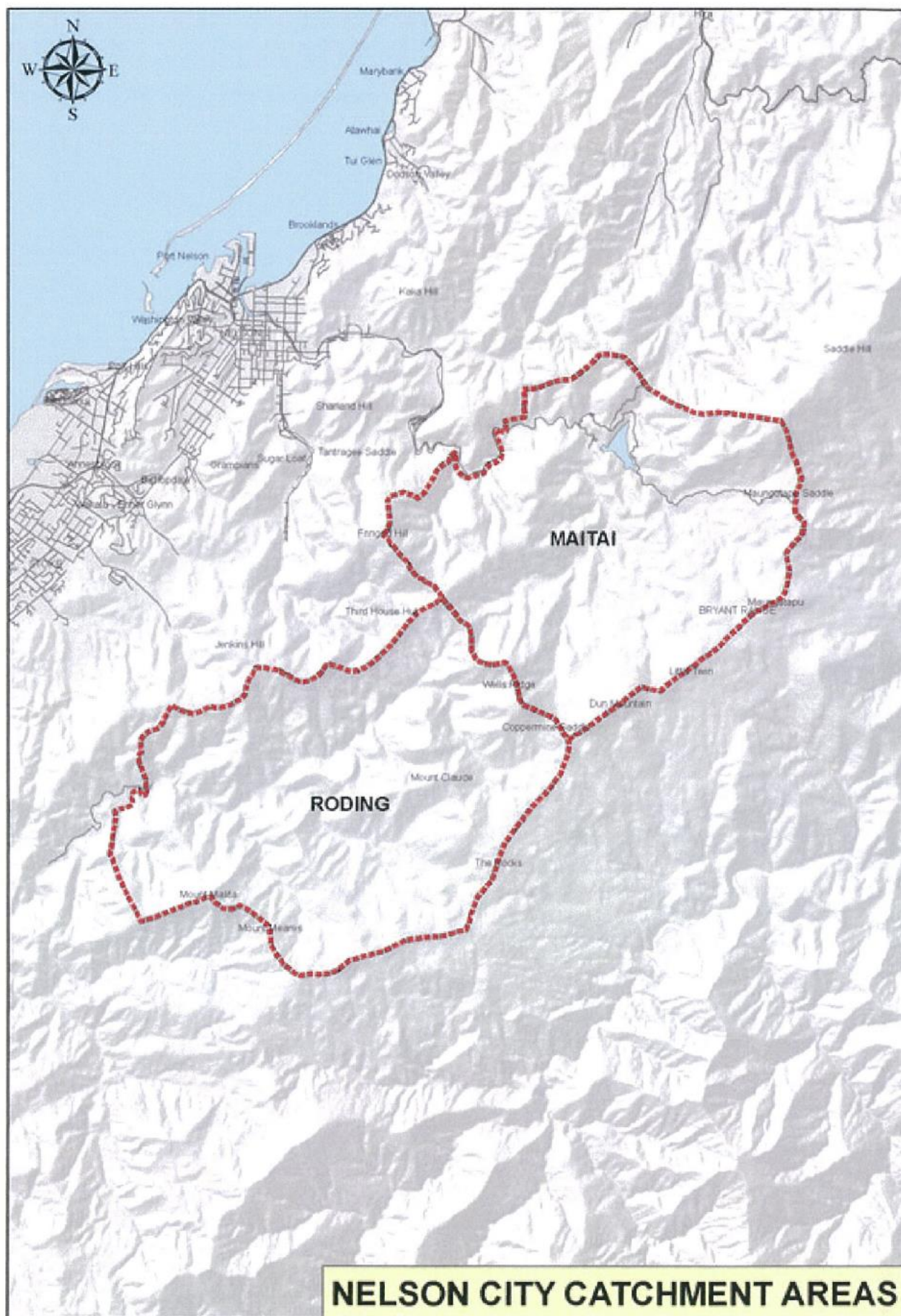
Date: 4 March 2015.

APPENDIX A
POINT OF SUPPLY and POINT OF METERING LOCATIONS
(SCHEMATIC ONLY)

SUPPLY AND POINT OF METERING



APPENDIX B
WATER SUPPLY CATCHMENTS



APPENDIX C

TERMS AND CONDITIONS OF CONNECTION TO THE WATER SUPPLY SYSTEM

1. CUSTOMER'S RESPONSIBILITY

Plumbing systems

The customer shall ensure that the plumbing system serving the premises is designed, installed and maintained, both in its component parts and its entirety, in compliance with the Building Act and the Building Code at the time applying to the system.

No quick-closing valve of any kind, or other equipment which may cause pressure surges to be transmitted, shall be used on any pipe work directly connected to the supply pipe, that is, in any position where it is required to close against mains pressure. The Council may approve the use of such valves subject to them being an integral part of a domestic appliance or where a suitable air chamber is fitted in the supply pipe.

Care of equipment

The customer shall take all appropriate steps to protect from damage all Council equipment including pipe work, valves, and meters.

Prevention of waste and leaks

The customer shall take all reasonable steps to prevent and shall not intentionally allow water to run to waste from any pipe, tap or other fitting.

The customer shall be responsible for the repair of all leaks on the pipeline and fittings from the point of supply, including reticulation on the customer's property. The customer is responsible for the cost of the water lost as a result of the leak.

Backflow prevention

It is the customer's responsibility under the Building Act 2004 and the Health Act 1956, and pursuant to these Bylaws, 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.

For premises covered in the Building Act 2004 this includes:

- i) Backflow prevention either by providing an adequate air gap, or by the use of a backflow prevention device which complies with the New Zealand Building Code;
- ii) The prohibiting of any direct cross connection between the Council water supply and
 - a) Any other water supply
 - 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.

Customers with supplies serving premises not covered by the Building Act and the New Zealand Building Code, e.g. stock or horticultural water supplies, shall at all times comply with the relevant sections of the Health Act 1956 regarding protection of the water supply system from pollution.

Each water supply point available to shipping, including fire connections pursuant to a fire protection supply, shall be equipped with an approved backflow prevention device located to prevent the flow of water from the ship to any supply and/or service pipe.

Notwithstanding the above all customers proposing to either: construct a new building, change the use of any existing building or activity, or substantially alter any existing building, shall fit a Council approved backflow prevention device on the Council side of the point of supply. Should the customer fail to carry out the necessary works prior to drawing water from the Council main the Council may (at the customer's cost) fit a backflow prevention device on the Council side of the point of supply.

Access to water meter

The Customer shall permit access by the Council or its approved contractors to the water meter for meter reading purposes.

Change of ownership

The outgoing customer or their legal representative shall notify the Council of the proposed change of ownership at least two working days prior to the change taking effect, whereupon the Council shall arrange for a final reading of the water meter. In addition to all water consumption and other charges up to the final reading of the water meter, an additional 'special reading' charge shall be levied and included in the outgoing customer's final account.

Unless the Council is otherwise notified, in the event of a change of ownership of any premises to which water is supplied the Council will automatically record the new owner as being the customer at those premises, and the supply of water to the premises shall continue on the same terms and conditions as the supply immediately prior to the change of ownership.

Disconnections

When for any reason a supply of water is no longer required by the customer, the customer, after giving notice to the Council of their requirement for termination of the supply shall arrange, at their cost, for the disconnection to be undertaken.

Replacement connection

Where the application is for a replacement connection the customer shall be responsible for arranging the disconnecting of the existing service pipe at the watermain, and to meet the cost of such work.

2. METERING

The Customer acknowledges that:

- i) Both ordinary and extraordinary supplies of water shall be metered and charged for.
- ii) All water meters required to meter the supply of water to any premises shall be owned and maintained by the Council.
- iii) Each water supply will be metered separately unless specifically agreed to in writing by Council.
- iv) Should any meter be faulty or cease to register, or be removed, the Council shall estimate the consumption for the period since the previous reading of such meter in a reasonable and fair manner with all available information, and the customer shall pay according to such an estimate. Where, by reason of a large variation of consumption due to seasonal or other causes the Council considers it would be an unreasonable estimate of the consumption to take an average consumption, the Council may take into consideration other evidence for the purpose of arriving at a reasonable estimate and the customer shall pay all charges according to such an estimate. The Council's decision on the appropriate estimate of consumption shall be final.
- v) Where the seal or dial of a meter is broken, or where there is evidence of tampering, the Council may declare the reading void and estimate consumption as provided in (iv) above.
- vi) The accuracy of meters shall be tested as and when required by the Council to ensure performance to within +/- 4% of its reading
- vii) A customer who disputes the accuracy of a meter may apply to the Council for it to be tested provided that it is not within 3 months of the most recent test.
- viii) Tests will be undertaken at an approved, recognised testing facility and a replacement meter will be installed. If the test shows non-compliance with the accuracy requirement above then the customer will not be charged for the test or for the installation of a replacement meter. If the test shows compliance then the customer shall pay for the removal, testing, and re-installation costs.
 - a) Meters shall be tested by running a measured quantity of not less than 400 litres through the meter in accordance with BS 5728: Part 3. A copy of an independent certification of the test result will be made available to the customer.
 - b) Should any meter, after being tested, be found to register a greater or lesser consumption than the quantity of water actually passed through such meter the Council shall make an adjustment in accordance with the results shown by such tests backdated for a period at the discretion of the Council but not exceeding 12 months, and the customer shall pay according to such adjustment.
- ix) The Council will retain ownership of and responsibility to maintain the:
 - The service pipe as well as all fittings between the watermain and the point of supply;
 - The water meter and its manifold whether or not such is sited at the point of supply or along the supply pipe.

Note: The water meter and manifold, irrespective of its position, remains the property of the Council.

3. CHARGING

Payment

The Customer agrees:

- i) To pay for the supply of water in accordance with the Council current schedule of rates and charges which will be reviewed, and set each year as part of the Council's Annual Plan Process
- ii) To meet all other fees or charges levied in respect of the services provided in relation to the water supply as may be set by the Council pursuant to Clause 12.6 of the bylaw.
- iii) In the case of Company Share/Block Schemes (Body Corporate) the customer will pay the amount invoiced and he/she will be responsible to claim from individual users in the scheme.
- iv) In the case of Unit Title where each owner cannot be invoiced separately, the payment will be as in (iii) above.
- v) Where a customer requests a special reading of the water meter serving his premises, being a reading which is taken at a time other than the 'normal reading time', for reasons including change of ownership, change of commercial tenants, etc, the outgoing consumer/owner will be charged a special reading fee, as set and published in the Annual Plan, or such other amount as the Council may, from time to time, resolve.
- vi) Where a customer's water supply has been restricted by the Council, for whatever reason, the consumer will be charged a fee as set and published in the Annual Plan. The fee will cover all the Council's costs for installing and subsequently removing the restrictor.
- vii) Where a customer's water supply is temporarily disconnected by the Council for whatever reasons, the customer will be charged a fee as set and published in the Annual Plan. The fee will cover all the Council's costs in disconnecting and where appropriate re-connecting the water supply.
- viii) All premises with an unmetered fire protection supply connection, including a connection to a fire sprinkler system, will be subject to a daily charge for that connection as set out in the Annual Plan.

Meter Reading

The Customer acknowledges and agrees that:

- i) Meters will be read and accounts rendered as set out in the Annual Plan. Where access to meters is not available for any reason an account will be provided, according to a scale of charges as set out in the Annual Plan.



Bylaw 229

Wastewater

**Including Trade Waste and
Domestic Wastewater**

XXXXXX 2021

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PART A – GENERAL

1. Introduction

- 1.1. Pursuant to sections 145 and 146 of the Local Government Act 2002, the Nelson City Council makes the following bylaw: Wastewater Bylaw (NO. 229) 2021.

2. Commencement

- 2.1. This Bylaw comes into effect on xxxx.

3. Revocation

- 3.1. The following bylaw is hereby revoked: Nelson City Council Wastewater Bylaw 224 (2014).

4. Purpose of Bylaw

- 4.1. The purpose of this bylaw is to:
- (a) Protect the health and safety of the public from potential adverse effects of harmful substances discharged to the wastewater system;
 - (b) Regulate trade wastes;
 - (c) Manage, and protect from damage, infrastructure associated with wastewater;
 - (d) Regulate the discharge of domestic wastewater into the wastewater system; and
 - (e) Regulate the discharge of trade waste into the wastewater system.
- 4.2. This bylaw provides for:
- (a) Connection to the wastewater system;
 - (b) Acceptance of long-term and intermittent discharge of trade waste and/or domestic wastewater to the wastewater system (in accordance with sections 195 and 196 of the Local Government Act 2002);
 - (c) Establishment of three grades of wastewater discharge: permitted, conditional and prohibited;
 - (d) Evaluation of individual trade waste discharges against specified criteria;
 - (e) Correct storage of materials in order to protect the wastewater system from receiving spillage (including requirement for contingency management plans as a condition of a trade waste permit);
 - (f) Installation of flow meters, samplers or other devices to measure flow and quality of the trade waste discharge;

- (g) Pre-treatment of wastewater before it is accepted for discharge to the wastewater system;
- (h) Sampling and monitoring of trade waste discharges to the wastewater system to ensure compliance with the bylaw;
- (i) The Council to accept or refuse a discharge to the wastewater network;
- (j) Charges to be set to cover the cost of connecting and discharging to the wastewater system including conveying, treating and disposing of, or reusing trade waste or domestic wastewater, and the associated costs of administration and monitoring;
- (k) Administrative mechanisms for the operation of the bylaw;
- (l) Encouragement of waste minimisation and cleaner production in the commercial and industrial sectors; and
- (m) Prevention of inflow and infiltration into the wastewater system.

5. Compliance with other Acts

- 5.1. The provisions of this Bylaw do not remove or replace the obligations or requirements set out in any legislation, including the Health Act 1956, the Health and Safety at Work Act 2015, the Local Government Act 1974, the Local Government Act 2002, the Plumbers Gasfitters and Drainlayers Act 2006, the Resource Management Act 1991, the Building Act 2004, the Hazardous Substances and New Organisms Act 1996, and any regulations made under these Acts.

6. Premises to which this Bylaw applies

- 6.1. This Bylaw shall apply to all premises within the City from which trade waste or domestic wastewater is discharged or likely to be discharged to a wastewater system operated by the Council or its agents. The Bylaw shall also apply to tankered wastes collected for the purpose of discharge to a wastewater system operated by the Council or its agents.
- 6.2. Pursuant to sections 195 and 196 of the Local Government Act 2002, the Council may refuse to accept any type of trade waste or domestic wastewater which is not in accordance with this Bylaw.

7. Interpretation and abbreviations

7.1. Interpretations

Analyst means a testing laboratory approved in writing by an Authorised Officer.

Approval means an approval in writing given by an Authorised Officer, and **Approved** has a corresponding meaning.

Authorised Officer means an officer appointed by the Council as an enforcement officer under section 177 of the Local Government Act 2002 in relation to any offences against this Bylaw.

Biosolids means wastewater sludge that has been treated and/or stabilised to the extent that it is able to be safely applied to land, and includes any products containing biosolids (e.g. composts), but does not include products derived from wastewater treatment plants which solely treat industrial waste.

Bylaw refers to this Nelson City Council Wastewater Bylaw (NO. 229) - 2021.

Characteristic means any of the physical or chemical characteristics of a trade waste or domestic wastewater.

City means the district of the Council, as defined in Part 2 of Schedule 2 to the Local Government Act 2002.

Cleaner production means the implementation on trade premises, of effective operations, methods, and processes appropriate to the goal of reducing or eliminating the quantity and toxicity of wastes by:

- (a) using energy and resources efficiently;
- (b) avoiding or reducing the amount of wastes produced; and
- (c) producing environmentally sound products and services.

Condensate 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 take up matter from the trade or commercial process or operation into solution or suspension.

Conditional discharge means a discharge as provided for in Part B clause 7.1(b) of this Bylaw.

Contaminant includes any substance (including gases, odorous compounds, liquids, solids and micro-organisms) or energy (excluding noise) or heat, that either by itself or in combination with the same, similar, or other substances, energy or heat:

- (a) when discharged into water, changes or is likely to change the physical, chemical, or biological condition of water; or
- (b) when discharged onto or into land or into air, changes or is likely to change the physical, chemical, or biological condition of the land or air onto or into which it is discharged.

Contingency management procedures means those procedures developed and used to avoid, remedy, or mitigate the actual and/or potential adverse effects on the environment of an unexpected or unscheduled event resulting in discharge, or potential discharge of contaminants of concern into the wastewater system.

Council means the Nelson City Council.

Discharge means the discharge of trade wastes or wastewater into a public wastewater system, whether directly or indirectly, by means of any private drain.

Disconnection or disconnect means the physical cutting and sealing of any private drain from the Council's water services, utilities, drains or wastewater system.

Domestic wastewater means wastewater (with or without matter in solution or suspension therein) discharged from premises used solely for residential purposes, or wastes of the same character discharged from other premises, provided that the characteristics of the wastewater are acceptable to the Council. Such activities may include the draining of domestic swimming and spa pools subject to Part B clause 5.

Flow metering means the measuring of flow for the purposes of assessing compliance with this Bylaw.

Foul water means the discharge from any sanitary fixtures (being any fixture which is intended to be used for washing and/or excretion carried out in a manner or condition such that the effect on health is minimised, with regard to dirt and infection) or sanitary appliance (being an appliance which is not a sanitary fixture, such as machines for washing dishes and clothes).

Grease trap means a device approved by the Council or an Authorised Officer that allows wastewater to cool and grease to separate from the wastewater.

Hazardous substance means any substance:

- a) with one or more of the following intrinsic properties:
 - (i) explosiveness;
 - (ii) flammability;
 - (iii) a capacity to oxidise;
 - (iv) corrosiveness;
 - (v) toxicity (including chronic toxicity);
 - (vi) Eco toxicity, with or without bioaccumulation; and
- b) which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased) generates a substance with any one or more of the properties specified in paragraph (a) of this definition.

Hazardous waste means a trade waste that contains any hazardous substances.

Infiltration means surface or ground water entering a sewer or foul water drain through defects such as, but not limited to, poor joints, and cracks in pipes or manholes, but excludes inflow.

Inflow means water discharged into a private drain from non-complying connections or other drainage faults, and includes stormwater entering through illegal downpipe connections or from low gulley traps.

NTLDM means the Nelson Tasman Land Development Manual 2019.

Liquid waste operator means any person who collects wastewater for disposal via the use of a vehicle. Refer also Tankered Waste.

Management plan means any plan for the management of operations of premises from which trade waste or domestic wastewater is discharged, and may include provision for cleaner production, waste minimisation, contingency management procedures, and any relevant industry Code of Practice.

Mass limit means the total mass of any characteristic that may be discharged to a wastewater system over any stated period from any single point of discharge or collectively from several points of discharge.

Maximum concentration means the instantaneous peak concentration that may be discharged to a wastewater system at any instant in time.

NRSBU means the Nelson Regional Sewerage Business Unit or its agents.

Occupier means the person occupying the premises connected to and discharging to the wastewater system.

Permit means a trade waste permit.

Permitted discharge means any discharge as provided for in Part B clause 7.1(a) of this Bylaw.

Permit holder means the holder of a trade waste permit and includes any person acting with the express or implied consent of the permit holder and any licensee (e.g. the occupier) of the permit holder, and **the person discharging** has a corresponding meaning.

Person includes a corporation sole and also a body of persons whether incorporated or unincorporated.

Point of discharge means the point where a private drain meets a public sewer pipe and marks the boundary of responsibility between the owner or occupier and the Council (even where this differs from property boundaries) and, in the event that a point of discharge is designated in a trade waste permit, shall be the point described in the permit.

Pre-treatment means any processing of trade waste or domestic wastewater designed to reduce or vary any characteristic in such waste before discharge to the wastewater system in order to comply with a trade waste permit.

Premises means any of 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 to which a building consent has been or may be issued; or
- (b) a building that has been defined as an individual unit by a cross-lease, unit title or company lease and for which a certificate of title is available; or
- (c) land held in public ownership (e.g. reserve) for a particular purpose; or
- (d) individual units in buildings which are separately leased or separately occupied.

Private drain means the section of drain between the premises and the point of discharge that is owned by, or is otherwise the responsibility of, the owner or occupier, and **private pipe** or **pipeline** has a corresponding meaning.

Prohibited discharge means any discharge as provided for in Part B clause 7.1(c) of this Bylaw.

Residential purposes means the use of land and buildings by people for living accommodation where the occupiers intend to live at the site for a period of one month or more, and will generally refer to the site as their home and permanent address. This excludes all commercial, trade or industrial activities.

Schedule of rates and charges means the fees, charges, rates, items, terms, and prices for services associated with the discharge of trade waste or wastewater to a Council wastewater system, which have been approved by Council.

Significant industry is a term to indicate the relative size of a given industry compared to the capacity of the sewerage system (including sewage treatment plant) which services that industry. Industry size relates to volume and/or loads discharging into the sewerage system. Loads can be the conventional loadings of BOD₅ and SS or some other particular contaminant (eg boron, chromium) which will have an effect on the propensity to have an effect on the sizing of the sewerage system, the on-going system operation and/or the quality of the treated effluent that is discharged.

Stormwater means surface water run-off resulting from precipitation.

Tankered waste is water or other liquid, including waste matter in solution or suspension, which is or will be conveyed by vehicle for disposal (excluding domestic wastewater being conveyed within house buses, caravans, buses and similar vehicles).

Temporary discharge means any discharge of an intermittent nature or of short duration. Such discharges include the short-term discharge of an unusual waste from premises subject to an existing permit.

Trade premises means:

- (a) any premises used or intended to be used for any industrial or trade purpose; or
- (b) any premises used or intended to be used for the storage, transfer, treatment, or disposal of waste materials or for other waste management purposes, or used for composting organic materials; or
- (c) any other premises from which a contaminant is discharged in connection with any industrial or trade process; or
- (d) any other premises from which a discharge of wastewater (other than domestic wastewater) occurs, including any land or premises wholly or mainly used 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 premise to a wastewater system in the course of any trade, commercial, educational or industrial process or operation, or in the course of any activity

or operation of a like nature; and by Council approval may include condensate or cooling waters and/or stormwater which cannot be practically separated, or domestic wastewater.

Trade waste permit means an approval in writing authorising the permit holder named in the permit to discharge trade waste to a wastewater system, which is issued by the Council under Part C clause 3 of this Bylaw, or is deemed to be a trade waste permit under Part A clause 13 of this Bylaw.

WasteTRACK is an internet based database which consolidates manifest, facility and carrier data to track liquid and hazardous wastes from generation, through transport to treatment or disposal.

Wastewater means foul water, and includes trade wastes and domestic wastewater.

Wastewater sludge means the material settled out and removed from wastewater during the treatment process.

Wastewater system means the collection, treatment and disposal of wastewater, including all wastewater pipes, pumping stations, storage tanks, wastewater treatment plants, outfalls, and other related structures owned and operated by the Council or its agents up to the point of discharge.

Working day means any day of the week other than:

- (a) a Saturday, a Sunday, Nelson Anniversary Day, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, Labour Day; and
- (b) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday; and
- (c) a day in the period commencing with the 25th day of December in a year and ending with the 2nd day of January in the following year, or an adjusted period as required to accommodate the observation days for New Year's day and New Year's Holiday.

7.2. In this Bylaw one gender includes all genders, the singular includes the plural, and the plural includes the singular.

7.3. The word "shall" or "must" identifies a mandatory requirement for compliance. The word "should" refers to practices which are advised or recommended.

7.4. Abbreviations

Note: For abbreviations involving Litres the capital "L" has been used in the place of (internationally accepted) lower case "l" to avoid confusion with the letter "I" (capital i) or the number "1"

\$/m ³	dollars per cubic metre
°C	degrees Celsius
BOD5	5-day Biochemical Oxygen Demand
COD	Chemical Oxygen Demand
g/m ³	grams per cubic metre

H ₂ S	hydrogen sulphide
HCN	hydrogen cyanide
kg/day	kilogram per day
L/s	litres per second
L/s/Ha	litres per second per hectare
m ³	cubic metre
mL/L	millilitre per litre
pH	measure of acidity/alkalinity
ppm	parts per million
SS	Suspended Solids

8. Review of decisions

- 8.1. If any person is dissatisfied with any decision made under this Bylaw by an Authorised Officer or a Council officer acting under delegated authority, that person may, by notice delivered to the Chief Executive of the Council not later than 20 working days after receipt of the decision, request the Chief Executive to review the decision.
- 8.2. On receipt of a request under Part A clause 8.1, the Chief Executive may review the matter and confirm or reverse the decision in question. Any review decision of the Chief Executive shall be final.

9. Accidents and non-compliance

- 9.1. Any person discharging into the wastewater system shall inform the Council immediately on discovery of any accident, including spills or process mishaps, which may be in breach of this Bylaw or the terms of a trade waste permit or other Council approval.
- 9.2. In the event of an accident under Part A clause 9.1 occurring on premises for which there is a trade waste permit, the Council may:
 - (a) Review any applicable trade waste permit under Part C clause 7, or
 - (b) Require the permit holder to review the contingency management procedures and re-submit the management plan to the Council for approval within 20 working days of the date of such requirement.
- 9.3. In the event of an accident under Part A clause 9.1 occurring on premises from which there is a permitted discharge, the Council may require the person discharging to apply for a trade waste permit.

10. Fees, charges and payments

- 10.1. Fees and charges payable will be set each year by the Council in its Annual Plan.

- 10.2. The permit holder shall be responsible to meet all fees and charges relating to the discharge of wastewater to the wastewater system from premises to which the trade waste permit applies, as may from time to time be imposed by the Council and set out in the Annual Plan.
- 10.3. All charges determined in accordance with Part A clause 10.1 shall be invoiced in accordance with the Council's practice. Each person discharging will be provided with a copy of the information and calculations used to determine the extent of any charges and fees due, in regard to a discharge.
- 10.4. The permit holder shall be deemed to be continuing the discharge of trade waste and shall be liable for all charges, until notice of disconnection is given to the Council by the permit holder.
- 10.5. All fees and charges payable under this Bylaw shall be recoverable as a debt in accordance with Councils Debt Management Policy. In the event of a failure to pay any fees and charges under this Bylaw, the Council may cancel the right to discharge in accordance with Part C clause 8.

11. Access and powers of entry

- 11.1. The owner, and any occupier, of premises shall allow an Authorised Officer or Council's agent access:
 - (a) At or about the point of discharge for the purposes of inspection, monitoring, testing, and planned maintenance work;
 - (b) Any area of a premises at any hour of the day where emergency conditions exist or for the purpose of ascertaining whether non complying connections or discharges to a wastewater system have been or are being made; and
 - (c) Any part of the wastewater system that is within private land, between 7.30am and 6.00pm on any day, unless circumstances justify other access times.
- 11.2. In exercising the powers of entry and access under Part A clause 11.1, the Council shall comply with any applicable requirements for the powers of entry in sections 171 to 173 and 181(4) of the Local Government Act 2002, including providing notice of entry to the owner and occupier where necessary.

12. Offences

- 12.1. Every person or permit holder or owner or occupier of premises who:
 - (a) Permits a prohibited discharge;
 - (b) Breaches the terms or conditions of any permit or approval to discharge granted pursuant to this Bylaw;
 - (c) Fails to comply with a notice served under this Bylaw; or
 - (d) Otherwise fails to comply with or acts in contravention of any provision of this Bylaw;

Breaches this Bylaw and commits an offence under section 239 of the Local Government Act and will be liable on conviction to a fine not exceeding \$200,000.

13. Transitional provisions

13.1. Applications

- 13.1.1. Any application for a permit to discharge trade waste made under this Bylaw for which a permit has not been granted at the time of this Bylaw first coming into force shall be deemed to be an application made under Part C clause 1 of this Bylaw.

13.2. Existing Trade Waste Permits

- 13.2.1. Every trade waste permit issued under a previous Council bylaw, and which is valid at the time this Bylaw comes into force, shall continue in force and is deemed to be a trade waste permit issued under this Bylaw, subject to Part A clause 13.3.

13.3. The Council may review and amend existing permits, including conditions imposed, when:

- (a) New information becomes available;
- (b) If the information made available during the application contained inaccuracies which materially influenced the setting of conditions of the permit;
- (c) The permitted discharge is found to have an adverse impact on the Council's wastewater network; or
- (d) The terms of the existing permit need to be changed to align with this Bylaw.

PART B – ACCEPTANCE AND CONTROL OF DISCHARGE

1. Compliance with the Bylaw

1.1. No person shall:

- (a) Discharge, or allow to be discharged, any trade waste or domestic wastewater to any wastewater system except in accordance with the provisions of this Bylaw;
- (b) Discharge, or allow to be discharged, prohibited wastewater into a wastewater system; or
- (c) Without specific approval from the Council, add, or allow the addition of, condensate or cooling water or stormwater to any trade waste or domestic wastewater that discharges into a wastewater system.

1.2. Where any trade waste or domestic wastewater is discharged from any premises to any wastewater system contrary to Part B clause 1.1, the Council may disconnect the premises from the wastewater system. Before making a disconnection, the Council may consider whether an agreement as to a reasonable alternative can be achieved with the occupier of the premises.

1.3. Any person discharging to any wastewater system shall also comply with the requirements of the Hazardous Substances and New Organisms Act 1996, the Resource Management Act 1991, and the Building Act 2004, and any other relevant legislation.

1.4. It is the responsibility of the person discharging to ensure they meet the requirements of the trade waste permit or the permitted conditions of this Bylaw.

2. Continuity of discharge

2.1. The Council will accept domestic wastewater and trade waste once an approved connection to the wastewater system has been made. However, the Council does not guarantee to receive domestic wastewater or trade waste without interruption.

2.2. The Council will use all reasonable endeavours to ensure that any disruption is kept to a minimum but shall not be liable for any loss, damage or inconvenience that any person may sustain because of deficiencies in the wastewater system.

2.3. In the event of a domestic premises changing ownership, the new owner shall automatically become responsible for any discharges from that premises.

2.4. The transfer of rights and responsibilities under a trade waste permit are covered under Part C clause 11.

3. Prevention of inflow and infiltration

3.1. The owner/occupier (of commercial properties subject to their terms of lease) or owner (in the case of residential properties) of premises that are connected to the wastewater system

shall prevent any stormwater or groundwater from entering the private drain for the premises or the wastewater system. This includes, but is not limited to, stormwater or groundwater from roof downpipes, surface water run-off, overland flow, and sub surface drainage.

- 3.2. The occupier (of commercial properties subject to their terms of lease) or owner (in the case of residential properties) of premises shall keep and maintain the private drain for the premises so as to ensure it does not allow inflow or infiltration into the wastewater system.
- 3.3. The occupier (of commercial properties subject to their terms of lease) or owner (in the case of residential properties) of premises is responsible for rectifying any situation on their property that allows inflow and infiltration to occur.

4. Disinfected/super chlorinated water

- 4.1. Any water used during the repair and construction of water mains shall be de-chlorinated to provide a residual chlorine level of less than 0.5ppm prior to discharge into the wastewater system.
- 4.2. Any chemical neutralisation of the chlorine shall not introduce any substances that exceed the limits specified in Schedule A of this Bylaw.

NOTE: No such water shall be disposed of to any stormwater drain or water course except in compliance with the Freshwater Rules of the Resource Management Plan.

5. Swimming pool and spa pool water

- 5.1. No person may discharge water from a swimming pool or spa pool into the wastewater system unless the discharge complies with all applicable requirements in this Part B Clause 5, in which case the discharge will be a permitted discharge acceptable to the Council.
- 5.2. The discharge of backwash water from a swimming pool or spa pool is permitted only if:
 - (a) The residual chlorine level of the backwash water is less than 0.5 ppm; and
 - (b) The quantity of the discharge is an amount associated with a standard backwash of filters.
- 5.3. If the reason for discharge of backwash water from a swimming pool or spa pool is due to a chemical imbalance (including pH<6 or >9) in the water, the person carrying out the discharge must consult the Council before the discharge occurs.
- 5.4. All discharges of water from a swimming pool or spa pool, other than backwash water, shall be made after 8pm and before 7am. Discharges outside these times shall only be with the approval of the Council. Council reserves the right to limit the rate and timing of the discharge and to impose any other conditions it considers appropriate. Discharges are not allowed less than 3 days after a rain event.
- 5.5. A flow limiting device must be fitted to any swimming pool or spa pool that is capable of discharging into the wastewater system and must be in use at the time of discharge to

ensure that the discharge does not exceed the maximum instantaneous flow requirement of 2.0l/sec.

6. Storage, transport, handling and use of hazardous substances or harmful materials

- 6.1. Any person who deals with any hazardous substance or any of the harmful materials listed in Part B clause 6.3 on a premises shall take all reasonable steps to prevent the accidental entry of any of these substances or materials into the wastewater system.
- 6.2. No person shall store, transport, handle, or use, or cause to be stored, transported, handled or used, any hazardous substance or any of the materials listed in Part B clause 6.3 in a manner that may cause the substance or material to enter the wastewater system.
- 6.3. Materials referred to in Part B clause 6.1 and 6.2 are:
 - (a) Products or wastes containing corrosive, toxic, biocidal, cytotoxic, radioactive, flammable or explosive materials;
 - (b) Materials that, when mixed with the wastewater stream, are likely to generate a toxic, flammable, explosive or corrosive substance in quantities likely to be hazardous;
 - (c) Materials that are likely to produce offensive odour; or
 - (d) Materials that are likely to be deleterious to the health and safety of the Council staff, its contractors, or members of the public, or to be harmful to the wastewater system.
- 6.4. The cost to Council of dealing with any discharge, whether intentional or unintentional, of a hazardous substance or harmful material will be charged to the person responsible for the discharge, and that person must pay the charge imposed.

7. Classification of wastewater discharges

- 7.1. Wastewater discharges shall be classified as one of the following types:
 - (a) Permitted discharge:
 - i) a discharge of domestic wastewater; or
 - ii) a discharge of trade waste that has been approved by, or is otherwise acceptable to, the Council, but only for so long as the trade waste continues to have physical and chemical characteristics that comply with Schedule A of this Bylaw.
 - (b) Conditional discharge: a discharge of trade waste that does not fall within Part B clause 7.1(a)(ii), and for which a trade waste permit has been granted.
 - (c) Prohibited discharge: a discharge of trade waste that does not fall within either Part B clause 7.1(a)(ii) or (b), being one that is not acceptable to, or otherwise approved

or permitted by, the Council, and includes a discharge of trade waste made in breach of conditions imposed on a trade waste permit.

- 7.2. The Council is not obliged to approve or accept, or grant a trade waste permit for, any trade waste.

8. Connection and disconnection must be authorised

- 8.1. No person (other than an authorised agent of the Council) shall, without Council approval, make any connection to, disconnection from, or otherwise interfere with, any part of the wastewater system.

9. Connections to wastewater system

- 9.1. Every application for a connection to the wastewater system shall be in writing on the prescribed form together with payment of such fees and charges as fixed by the Council.
- 9.2. Where a new wastewater pipe is required as part of a subdivision and/or development, this shall be subject to approval of the design and construction inspection of the works by the Council and at the developer's cost.
- 9.3. Where more than one connection to the wastewater system is required, approval shall be at the Council's discretion.
- 9.4. If an approved connection to the wastewater system is not made within six months of approval, then the approval is deemed to have lapsed and a new application shall be made, including the payment of a further application fee.
- 9.5. The connection of a private drain to the Point of Discharge, which is made in accordance with an approved connection, is subject to building consent under the Building Act and does not require further approval under this bylaw.

10. Private pump stations

- 10.1. Where a private pump station services more than one property:
- (a) there shall only be one point of discharge;
 - (b) a 'Common Pump Station Agreement' or easement shall be required between the parties and including provision for maintenance of the rising mains. The agreement and/or easement shall be registered against the Certificate of Title of each owner; and
 - (c) the combined rate of discharge to the wastewater system shall not exceed the rate specified by the Council.

11. Pressure wastewater reticulation

- 11.1. Pressure wastewater reticulation (PWR) systems (which may include private pump stations) are recognised as a future alternative solution for low lying/flat areas and where new gravity systems are otherwise impractical.
- 11.2. The design and operational framework for PWR shall be developed through the NTLDM and the appropriate Council policies.
- 11.3. Any proposals to use PWR systems will be solely at the Council's discretion.

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PART C – TRADE WASTE DISCHARGE

1. Application to discharge a trade waste

- 1.1. Any person who intends or otherwise expects to discharge a trade waste into the wastewater system must make an application to discharge trade waste to the Council by completing the prescribed form (available from: Council offices, 110 Trafalgar Street, Nelson; or Council website www.nelson.govt.nz).
- 1.2. Scenarios in which a person shall make an application under Part C clause 1.1. include:
 - (a) A new discharge from trade premises, or of any tankered waste, into the wastewater system; or
 - (b) Varying the characteristics of a trade waste for which a trade waste permit has previously been granted; or
 - (c) Varying the conditions of any trade waste permit that has previously been granted; or
 - (d) Significantly changing the method or means of pre-treatment of a trade waste for which a trade waste permit has previously been granted; or
 - (e) The permit holder or the owner or occupier of the trade premises changes, or there is a change in use of the trade premises.
- 1.3. While any person may make an application under Part C clause 1.1, the Council may deal with the owner or occupier of, or any person discharging from, the trade premises concerned, or otherwise require the involvement of any of these persons in the application process, if it considers this to be necessary or appropriate in the circumstances.
- 1.4. The Council may require an application to be supported by an independent report from a suitably experienced and external auditor to verify any or all information supplied by the applicant, and may also require the provision of a management plan.

2. Processing an application

- 2.1. On the receipt of any application under Part C clause 1.1, the Council may do any one or more of the following:
 - (a) Require the applicant to submit any additional information that it considers necessary to reach an informed decision;
 - (b) Require the applicant to submit a management plan to the satisfaction of the Council; or
 - (c) Require the applicant to undertake sampling and monitoring as provided for in Part C clauses 10.1, 10.3 and 10.4.

3. Consideration of an application

- 3.1. Within 15 working days (or extended period as determined by the Council) of receipt of an application or information required under Part C clause 4, whichever is the later, the Council shall, after considering the matters in part C clause 2, decide on one of the following options:
- (a) Grant the application as a permitted discharge, and inform the applicant of the decision in writing and provide a copy of the approval;
 - (b) Grant the application as a conditional discharge by issuing a trade waste permit, subject to any conditions permitted under Part C clause 5, and inform the applicant of the decision in writing and provide a copy of the trade waste permit and conditions; or
 - (c) Decline the application as a prohibited discharge, and inform the applicant of the decision in writing and provide a statement of the reasons for refusal.

4. Matters to take into account when considering an application to discharge a trade waste

- 4.1. In considering any application made under Part C clause 1.1, to discharge a trade waste, and in considering the imposition of any conditions on a trade waste permit, the Council shall take into account the quality, volume, and rate of discharge of the trade waste, having regard to all relevant factors including, but not limited to:
- (a) The health and safety of the Council's staff and agents and members of the public;
 - (b) The limits and/or maximum values for characteristics of trade waste as specified in Schedule A of this Bylaw;
 - (c) The extent to which the trade waste may react with other trade wastes, domestic wastewater or foul water 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 any sewer, or sewers and the material or construction of the sewer or sewers;
 - (e) The capacity of any sewer or sewers and the capacity of any wastewater treatment works, 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;
 - (i) The possible effect of the trade waste discharge on the ultimate receiving environment;

- (j) The conditions of any resource consents for the wastewater system and the disposal of residuals or discharges from it;
- (k) The possibility of unscheduled, unexpected or accidental events and the degree of risk to which humans, the wastewater system, and the environment could be exposed;
- (l) Consideration of existing or future discharges;
- (m) Amenability of the trade waste to pre-treatment;
- (n) Existing pre-treatment works on the trade premises;
- (o) Cleaner production techniques and waste minimization practices;
- (p) Requirements and limitations related to wastewater sludge disposal and reuse;
- (q) Control of stormwater on the trade premises;
- (r) Management plans relating to the trade premises;
- (s) Tankered waste being discharged at an approved location;
- (t) Any of the matters address in Part C clause 9 and 10 of this Bylaw that are relevant to the particular discharge; and
- (u) Any other matter that is relevant to consideration of the application.

5. Conditions of a trade waste permit

5.1. When granting an application under Part C clause 3.1(b) the Council may impose on a trade waste permit such conditions as the Council considers appropriate, including conditions relating to:

- (a) The particular wastewater system to which the discharge may be made;
- (b) The maximum daily volume of the discharge, the maximum rate of discharge, and the duration of maximum discharge;
- (c) The maximum limit or permissible range of any specified characteristics, including concentrations and/or mass limits determined in accordance with Part C clause 9;
- (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, or alkalinity of the trade waste at the time of discharge;
- (f) The temperature of the trade waste at the time of discharge;
- (g) The provision by the permit holder of screens, grease traps, silt traps or other pre-treatment works to control discharge characteristics to the permitted levels;

- (h) The provision and maintenance by the permit holder of inspection chambers, manholes or other apparatus or devices to provide reasonable access to drains for sampling and inspection;
- (i) The provision and maintenance by the permit holder of a sampling, analysis and testing programme and flow measurement requirements;
- (j) The method or methods to be used for measuring flow rates and/or volume and taking samples of the discharge for use in determining the amount of any rates or charges applicable to that discharge;
- (k) The provision and maintenance by, and at the expense of, the permit holder of such meters or devices as may be required to measure the volume or flow rate of any trade waste being discharged, and for the testing of such meters;
- (l) At the request of Council, in a Council approved format, the permit holder shall provide flow and/or volume records and results of analyses (including pre-treatment by-products e.g. wastewater sludge disposal);
- (m) The provision and implementation of a management plan;
- (n) The undertaking of a risk assessment of potential damage to the environment arising from an accidental discharge of a chemical into the wastewater system;
- (o) The introduction of waste minimisation and management;
- (p) The introduction of cleaner production techniques;
- (q) The remote control of discharges;
- (r) Third party treatment, carriage, discharge or disposal of by-products of pre-treatment of any trade waste (including wastewater sludge disposal);
- (s) The provision of a bond or insurance in favour of the Council where failure to comply with the permit could result in damage to any part of the wastewater system or could result in the Council being in breach of any statutory obligation or committing an offence;
- (t) The remote monitoring of discharges;
- (u) Any of the matters address in Part C clause 9 and 10 of this Bylaw that are relevant to the particular discharge; and
- (v) The need for the permit holder to notify the Council in writing in the event there is any material or noteworthy change to the discharge, the permit holder ceases to operate, or there is a change of ownership or occupation of the trade premises.

6. Duration of Council approvals and trade waste permits

- 6.1. The Council's approval of a permitted discharge under Part C clause 3.1(a), and a trade waste permit granted under Part C clause 3.1(b), shall remain in force until any one of the following events occurs:

- (a) Any fixed termination date or period of duration set by Council in the approval or permit is reached;
- (b) The Council cancels the trade waste permit under Part C clause 8;
- (c) The quantity and nature of the discharge changes significantly;
- (d) The Council forms the opinion that the nature of the trade waste being discharged has changed, or is likely to change, to such an extent that the discharge should more properly be treated as a conditional or prohibited discharge;
- (e) The Council significantly changes wastewater management procedures by implementation of changed Bylaw conditions or any amendment to, or replacement of, this Bylaw;
- (f) The conditions imposed on any resource consent for the wastewater system and the residuals or discharges from it are changed;
- (g) A fixed termination date, or duration if set by Council; or
- (h) The permit holder ceases to operate from the trade premises from which the discharge arises.

7. Technical review and variation

- 7.1. The Council may at any time require a person undertaking a permitted discharge to apply for a trade waste permit in accordance with Part C clause 1.1.
- 7.2. The Council may at any time during the term of a trade waste permit, by written notice to the permit holder, review and amend any condition as the Council considers necessary to give effect to any new information that has become available or to meet any new or amended resource consent relevant to the wastewater system, or to ensure compliance with any other legal and/or regulatory requirements imposed on the Council.
- 7.3. A permit holder may at any time during the term of a trade waste permit, by written application to the Council under Part C clause 1.1, request a variation of any condition imposed pursuant to Part C clause 1.4.

8. Cancellation of a trade waste permit

- 8.1. Suspension or cancellation on notice
 - 8.1.1. The Council may at any time, after giving 20 working days' notice to the permit holder, suspend or cancel any permit or right to discharge for one or more of the following reasons, unless the permit holder within that 20 days takes action, or commences action to remedy the situation to the satisfaction of the Council:
 - (a) For failure to comply with any condition of the permit;
 - (b) For failure to maintain effective control over the discharge;

- (c) For failure to limit in accordance with the requirements of any permit the volume, nature, or composition of trade waste being discharged;
- (d) For any negligent act or omission which, in the opinion of the Council, threatens the safety of, or threatens to cause damage to any part of the wastewater system or threatens the health or safety of any person;
- (e) If any occurrence happens that, in the opinion of the Council, poses a potential serious threat to the environment;
- (f) In the event that the discharge results in a breach of a resource consent held by the Council;
- (g) Failure to provide, and when appropriate update, a management plan that is required in conditions imposed on a permit;
- (h) Failure to follow the management plan provisions at the time of an unexpected, unscheduled or accidental occurrence;
- (i) Failure to pay any charges under this Bylaw; or
- (j) If any other circumstances arise which, in the opinion of the Council, render it necessary in the public interest to cancel the permit or right to discharge.

8.2. Summary cancellation

- 8.2.1. Notwithstanding Part C Clause 8.1, the Council may cancel any trade waste permit with immediate effect, by giving written notice of the cancellation to the permit holder, in the event that any one or more of the following occur:
- (a) The discharge contains any prohibited substance;
 - (b) The Council is lawfully directed to withdraw or otherwise to terminate the permit summarily;
 - (c) The permit holder discharges any trade waste without the appropriate approval;
 - (d) If the continuance of the discharge is, in the opinion of the Council, an immediate threat to the environment or public health; or
 - (e) If, in the opinion of the Council, the continuance of the discharge puts at risk the ability of the Council to comply with any conditions of a resource consent and/or requires identified additional treatment measures or costs to seek to avoid a breach of any such resource consent, or contractual obligation.

9. Wastewater discharge approval criteria

9.1. Pre-treatment

- 9.1.1. The Council may impose conditions on a trade waste permit concerning the provision, operation and maintenance by the permit holder of appropriate pre-treatment systems to enable the discharge to comply with the Bylaw.

9.1.2. No person may use a refuse or garbage grinder or macerator within any trade premises discharging to a wastewater system except with the express approval of the Council.

9.1.3. The person discharging shall not, except with the express approval of the Council, add or permit the addition of any potable, condensate, cooling water, or stormwater to any wastewater discharge.

9.2. Mass Limits

9.2.1. The Council may impose conditions on trade waste permit specifying mass limits for any characteristic of the discharge. Any characteristic permitted by mass limits shall also have its maximum concentration limited to the value specified in Schedule A of this Bylaw unless specified otherwise by the Council in the permit.

9.2.2. When specifying the mass limit for a particular characteristic under Part C clause 9.2.1 the Council shall consider:

- (a) The operational requirements of and risk to the wastewater system, and risks to occupational health and safety, public health, and the state of the ultimate receiving environment;
- (b) Whether or not the levels proposed pose a threat to the planned or actual beneficial reuse of bio solids or wastewater sludge;
- (c) Conditions in the wastewater system near the trade waste discharge point and elsewhere in the wastewater system;
- (d) The extent to which the available industrial capacity of the wastewater system was used in the last financial period and is expected to be used in the forthcoming period;
- (e) Whether or not the applicant will use cleaner production techniques within a period satisfactory to the Council;
- (f) Whether or not there is any net benefit to be gained by the increase of one characteristic concurrently with the decrease of another to justify any increased application for industrial capacity;
- (g) Any requirements on the Council to reduce the pollutant discharge from the wastewater system;
- (h) The proportion which the mass flow of the characteristic of the discharge will be of the total mass flow of that characteristic in the wastewater system;
- (i) The total mass of the characteristic allowable in the wastewater system, and the proportion (if any) to be reserved for future allocations; and
- (j) Whether or not the characteristic will interact with other characteristics and thereby increase or decrease the effect of either characteristic on the wastewater system, or on the receiving environment.

9.3. Tankered wastes

- 9.3.1. No person shall discharge any tankered wastes into any wastewater system unless the discharge:
- (a) Is in compliance with the latest edition of the Liquid and Hazardous Wastes Code of Practice;
 - (b) Is in accordance with any applicable trade waste permit or approval of the Council; and
 - (c) Complies with the requirements set out in Part C clause 9.3.2 below.
- 9.3.2. Any person responsible for a tankered wastes shall:
- (a) Ensure the tankered wastes are transported by a liquid waste operator with the necessary trade waste permit to discharge domestic septic tank or industrial wastes;
 - (b) If requested by the Council, provide material safety data sheets (MSDS) to the Council detailing the contents of a waste, free of charge;
 - (c) If requested by the Council, carry out or permit testing of the tankered waste to determine the characteristics of the waste. Specialist advice on pre-treatment or acceptance may be required. The cost of all testing and advice shall be borne by the Permit Holder;
 - (d) Ensure the tankered waste is not picked up and transported to the disposal site until appropriate arrangements and method for disposal have been determined by the Council;
 - (e) Ensure the tankered waste is transported in a tanker which has been thoroughly washed prior to collecting any load for disposal into the wastewater system;
 - (f) Ensure the tankered waste is disposed of after at least 24 hours' notice has been given to the Council for the disposal of wastes, other than those sourced from domestic septic tanks;
 - (g) Ensure the tankered waste is recorded by the liquid waste operator using WasteTRACK or a similar waste tracking system that has been approved by the Council; and
 - (h) If requested by the Council, provide details of tankered waste collections free of charge to the Council on request.
- 9.3.3. Any person illegally disposing of, or causing to be disposed, tankered waste either by incorrect disclosure of contents (characteristics and/or amount) or dumping into the Council's Wastewater system other than at an approved location in accordance with items Part C clause 9.3.2(a)-(h) above will be in breach of the Bylaw.
- 9.4. Discharges via traps or interceptors for fats, oils, grease, or sediment
- 9.4.1. No person may discharge any waste that is likely to include fats, oils, grease (FOGs), or sediment into the wastewater system unless:

- (a) An appropriate trap or interceptor, which complies with any applicable requirements in this Part C clause 9.4, has been installed at the premises from which the discharge is made; and
 - (b) The discharge is made in compliance with a trade waste permit.
- 9.4.2. Grease traps must be sized and installed in compliance with clause G13 of the New Zealand Building Code.
- 9.4.3. Any trap or interceptor for fats, oils, grease, or sediment must, prior to its installation, be approved by the Council as the network utility operator in accordance with clause G14/VM1 1.2 of the New Zealand Building Code. All traps and interceptors for fats, oils, grease, or sediment must be installed, maintained, and operated in accordance with the manufacturer's instructions and comply with the following conditions:
 - (a) All traps and interceptors shall be serviced at least once every three (3) months to remove all sediment, fat, oil, or grease;
 - (b) At no time may the sediment layer in any trap exceed 20 % of the depth or volume of the trap;
 - (c) At no time may the fat, oil, or grease layer exceed 20% of the depth or volume of the trap;
 - (d) Servicing additional to that required under Part C clause 9.4.3.(a) shall be undertaken whenever it is needed to maintain operational efficiency of the trap or interceptor;
 - (e) All servicing shall be conducted by an approved liquid waste operator or any other person or operator approved by Council for this purpose; and
 - (f) Sediment or oil interceptors for washdown bays must be roofed or suitably bunded with a first flush system installed and operating in accordance with the NTLDM.
- 9.5. Discharges via enzyme based grease converters
 - 9.5.1. The installation of an enzyme based grease converter is prohibited.
 - 9.5.2. Any enzyme based grease converter that was installed prior to this Bylaw coming into force will be permitted to remain provided all of the following criteria are met at all times:
 - (a) A trade waste permit is obtained for any discharge from the converter;
 - (b) The converter has previously been explicitly approved by a trade waste permit or building consent;
 - (c) The converter is fitted with an automatic enzyme dosing apparatus (whether or not this was required as part of any original permit or building consent);
 - (d) The permit holder is able to provide satisfactory records of purchase of enzymes of a type and quantity matching the manufacturer's recommendation;

- (e) The permit holder is able to provide records of regular (at a minimum, weekly) checks of the converter to ensure that it is operating correctly; and
- (f) The Council is satisfied that there is no risk to the wastewater system from the continued use of the converter.

10. Sampling, testing, and monitoring of discharges

10.1. Flow metering

- 10.1.1. The Council may at any time require a permit holder to undertake flow metering of any discharge (whether or not this is a condition of the trade waste permit).
- 10.1.2. The permit holder shall be responsible for the supply, installation, reading and maintenance of any flow metering equipment required to be installed under a trade waste permit or otherwise under Part C clause 10.1.1. All equipment shall require the approval of the Council, but shall remain the property of the permit holder.
- 10.1.3. The permit holder must ensure that records of flow and/or volume are available for viewing at any time required by the Council, and shall submit such records to the Council at intervals prescribed by the Council and in an approved format. For example, for high risk discharges, the Council may require real time electronic data.
- 10.1.4. All flow metering equipment shall be installed according to the manufacturer's installation instructions. It shall be located in a position which provides the required degree of accuracy and shall be readily accessible for reading.
- 10.1.5. The permit holder shall arrange for in situ calibration of the flow metering equipment and instrumentation by a person and a method approved by the Council upon installation and if required at Council's request thereafter to ensure its performance. The meter accuracy should be $\pm 5\%$. A copy of the independent certification of each calibration verification result shall be submitted to the Council as specified in the trade waste permit.
- 10.1.6. In the event that any flow metering equipment, after being calibrated, is found to have an error greater than that specified in Part C clause 10.1.5 as a repeatable measurement, the Council may make an adjustment in accordance with the results shown by such tests back-dated for a period at the discretion of the Council but not exceeding 12 months, and the permit holder shall pay or be credited a greater or lesser amount according to such adjustment.

10.2. Estimating discharge

- 10.2.1. Where no flow metering equipment is warranted in the Council's opinion, the Council may agree that a percentage of the water supplied to the premises (or other such basis as seems reasonable) be used for estimating the rate or quantity of discharge for the purposes of charging.
- 10.2.2. Where flow metering equipment is warranted in the Council's opinion, if on any reading it is found that any meter is out of repair or has ceased to register or been removed, the Council may estimate the discharge for the period since the previous reading of such meter, based on the average of the previous 12 months charged to the permit holder and charges shall be levied accordingly. Provided however that where by reason of a large

variation of discharge due to seasonal or other causes, the average of the previous 12 months would be an unreasonable estimate of the discharge, the Council may take into consideration other evidence for the purpose of arriving at a reasonable estimate, and the person discharging shall pay according to such estimate.

- 10.2.3. Where, in the opinion of the Council, a meter has been tampered with, the Council (without prejudice to the other remedies available) may declare the reading void and estimate the discharge on the basis provided for in Part C clause 10.2.2 above.

10.3. Sampling and analysis

- 10.3.1. The Council may at any time undertake sampling, testing and/or monitoring of any discharge for the purposes of determining whether:

- (a) A discharge complies with the provisions of any approval or permit or with this Bylaw;
- (b) A discharge is to be classified as a permitted, conditional, or prohibited discharge (refer to Part B clause 7);
- (c) A permitted discharge complies with the provisions of Schedule A;
- (d) Trade waste permit charges are applicable to that discharge; or
- (e) To audit sampling results provided by the permit holder.

- 10.3.2. The taking of a sample under Part C clause 10.3.1, and its preservation, transportation and analysis, shall be undertaken by an Authorised Officer or agent of the Council, or by the person discharging in accordance with accepted industry standard methods, or by a method specifically approved by the Council.

- 10.3.3. Where the testing, sampling or monitoring carried out under Part C clause 10.3.1 indicates that a discharge does not comply with the Bylaw or trade waste permit, the person discharging shall be responsible for all reasonable costs associated with the testing, sampling, or monitoring. Where a dispute arises as to the validity of the methods or procedures used for sampling or analysis, the dispute may be submitted to a mutually agreed independent arbitrator.

- 10.3.4. Any Authorised Officer, authorised agent of the Council, or analyst may at any time enter any premises (other than a dwelling house) where there is reason to believe that a trade waste is being discharged to the wastewater system and, in order to determine any characteristics of any discharge, may:

- (a) Take readings and measurements of such discharge;
- (b) Carrying out an inspection;
- (c) Take samples for testing, of any solid, liquid, or gaseous material or any combination or mixture of such materials being discharged; or
- (d) Observe accidental occurrences and clean up.

10.4. Monitoring and auditing trade waste discharges

10.4.1. The Council may at any time undertake audit monitoring of any trade waste discharge. Such monitoring shall be carried out as follows:

- (a) The Council or its authorised agent will take the sample of the discharge and arrange for this sample to be analysed in an approved laboratory by accepted analytical methods;
- (b) The sampling procedure will be appropriate to the type of trade waste and the analysis required;
- (c) The Council may audit the sampling and analysis carried out by a self-monitoring trade waste permit holder by using the power in Part C clause 10.3.1(e) of this Bylaw; and
- (d) The Council may audit the trade waste permit conditions, including any management plans.

10.4.2. Where non-compliance is found, all costs of the audit monitoring shall be met by the permit holder.

10.5. Sampling methodology

10.5.1. Sampling shall be by way of best industry practice or as otherwise agreed between the permit holder and the council.

11. Transfer or termination of rights and responsibilities

11.1.1. A trade waste permit shall be issued in the name of the person given on the application form.

11.1.2. The permit holder shall not, unless written approval is obtained from the Council:

- (a) Transfer to any other party the rights and responsibilities provided for under this Bylaw or the permit;
- (b) Allow the point of discharge to which the permit relates to serve any other premises, or permit the private drain to which the permit relates to extend by pipe or any other means to serve another premises; or
- (c) Allow wastewater from any other party to be discharged at their point of discharge.

11.1.3. Council approval of a transfer of a trade waste permit, under Part C clause 11.1.2(a), on the change of ownership of premises shall not be unreasonably withheld if the characteristics of the wastewater remain unchanged.

11.1.4. A permit holder may request disconnection and/or termination of the discharge permit by giving written notice to the Council, in which case:

- (a) where demolition or relaying of the discharge drain is required, the notice period shall be no less than seven working days;

- (b) in any other case, the notice period shall be no less than 48 hours; and
 - (c) in any event, the permit holder shall notify the Council of the new address details for final invoicing in the written notice.
- 11.1.5. When a permit holder ceases to occupy premises from which trade wastes are discharged into the wastewater system, the relevant trade waste permit shall terminate immediately, but without relieving the permit holder from any obligations existing at the date of termination.

Council Resolution

This bylaw was made by Nelson City Council at a meeting of the Full Council on XX XXX 2021.

The common seal of the Nelson City Council is attached in the presence of:

Mayor

Chief Executive

Date:

SCHEDULE A: PERMITTED DISCHARGE CHARACTERISTICS

1. DISCHARGE CHARACTERISTICS

1.1. Acceptable criteria

- 1.1.1. The tables in this section and the contaminant concentrations shown are maximum limits of what is acceptable. The acceptance criteria/characteristics are generally sourced from guidelines for Wastewater systems – acceptance of Trade Waste (industrial waste).

1.2. Factors affecting acceptance conditions

- 1.2.1. The following factors may be considered by Council when assessing a permit application:
- (a) Volume, concentration, contaminant hazard assessment of the trade waste;
 - (b) Effectiveness and reliability of industry-based pre-treatment, if any. Reliability includes an industry's proven track record in operating a pre-treatment plant;
 - (c) Effectiveness and reliability of the Council's Wastewater collection, treatment and disposal of facilities in relation to the proposed discharge characteristics;
 - (d) Treated wastewater disposal location, e.g. high energy coastal outfall, inland waterways, irrigated land disposal system, wetland;
 - (e) Reuse of treated wastewater and/or bio solids;
 - (f) Sludge disposal method by both industry and the Council. Disposal to a Class A landfill will require less control over the resultant sludge than disposal to a Class B landfill or reuse as bio solids;
 - (g) Occupational health and safety requirements;
 - (h) Requirements of any legislation in force or as may be enacted from time to time.

2. PHYSICAL CHARACTERISTICS

2.1. Flow

- 2.1.1. The 24 hour flow volume shall be less than 5m³
- 2.1.2. The maximum instantaneous flow rate shall be less than 2.0L/s
- 2.1.3. The maximum flow rate shall be less than 0.54L/s/Ha

2.2. Temperature

- 2.2.1. The temperature shall not exceed 40°C

2.3. Solids

- 2.3.1. Non-faecal gross solids shall have a maximum dimension which shall not exceed 15mm
- 2.3.2. The suspended solids content of any Wastewater shall not exceed 1000g/m³
- 2.3.3. The settleable solids content of any Wastewater shall not exceed 50mL/L

- 2.3.4. The total dissolved solids in any wastewater shall not exceed 3000 g/m³
- 2.3.5. Fibrous, woven or sheet film or any other materials (including wet wipes) which may adversely interfere with the free flow of wastewater in the drainage system or treatment plant shall not be present.
- 2.3.6. Trade waste containing solids that have been processed through any in or under sink macerator type device (such as, but not limited to, "in-sink-erator") is prohibited.

2.4. Fat, oil and grease

- 2.4.1. There shall be no free or floating layer of fat, oil or grease.
- 2.4.2. A trade waste with mineral oil, fat or grease unavoidably emulsified, which in the opinion of the Council is not biodegradable, shall not exceed 100g/m³ as petroleum ether extractable matter when the emulsion is stable at a temperature of 15°C and when the emulsion is in contact with and diluted by a factor of 10 by raw wastewater, throughout the range of pH 6.0 to pH 9.0
- 2.4.3. A trade waste with oil, fat or grease unavoidably emulsified, which in the opinion of the Council is biodegradable shall not exceed 100g/m³ when the emulsion is stable at a temperature of 15°C and when the emulsion is in contact with, and diluted by, a factor of 10 by raw wastewater throughout the range pH 6.0 to pH 9.0
- 2.4.4. A trade waste emulsified oil, fat or grease shall not exceed 100g/m³ as petroleum ether extractable matter when the 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 wastewater throughout the range pH 6.0 to pH 9.0

2.5. Solvents and other organic liquids

- 2.5.1. There shall be no free layer (whether floating or settled) of solvents or organic liquids

2.6. Emulsions of paint, latex, adhesive, rubber, plastic or similar material

- 2.6.1. Where such emulsions are not treatable they may be discharged into the sewer subject to the total suspended solids not exceeding 1000g/m³
- 2.6.2. The Council may require pre-treatment of such emulsions if the emulsion wastewater is likely to unreasonably interfere with the operation of the Council's treatment plant, e.g. reduces % UVT (ultra violet transmission)
- 2.6.3. Such 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

2.7. Radioactivity

- 2.7.1. Radioactivity levels shall not exceed the National Radiation Laboratory Guidelines

2.8. Colour

- 2.8.1. No waste shall have colour or colouring substance that causes the discharge to be coloured to the extent that it impairs wastewater treatment processes or compromises the final effluent discharge consent.

2.9. Inhibitory substances

- 2.9.1. Should any characteristic of a discharge be found to inhibit the performance of the wastewater treatment process, such that the Council is significantly at risk or likely to be prevented from achieving its environmental statutory requirements, then the Council reserves the right to amend the corresponding permit or consent summarily

2.10. Chemical Characteristics

- 2.10.1. The pH shall be between 6.0 and 9.0 at all times

2.11. Organic strength

- 2.11.1. The Biochemical Oxygen Demand (BOD₅) of any waste may require to be restricted where the capacity for receiving and treating BOD₅ is limited. A BOD₅ restriction may be related to mass limits. All trade waste permits will be reviewed against the design and operating requirements of the receiving wastewater treatment plant and appropriate conditions may be set.
- 2.11.2. The maximum BOD₅ concentration in any trade waste discharge shall not exceed 1000g/m³. For significant industry this may be reduced to 600g/m³

2.12. Maximum concentrations

- 2.12.1. Introduction

The maximum concentrations permissible in respect of the chemical characteristics of an acceptable discharge are set out in the following tables:

Table A.1 – General chemical characteristics

Table A.2 – Metals

Table A.3 – Organic compounds and pesticides

Table A.4 – Antibiotics

TABLE A.1: GENERAL CHEMICAL CHARACTERISTICS

(Mass limits may be imposed, refer to Part C clause 9.2)	
Characteristic Maximum Concentration g/m³ (ppm)	
MBAS (Methylene blue active substances)	500
Ammonia (measured as N)	
- free ammonia	50
- ammonium salts	200
Kjeldahl nitrogen	150
Total phosphorus (as P)	50
Sulphate (measured as SO ₄)	200
Sulphite (measured as SO ₂)	15
Sulphide - as H ₂ S on acidification	1
Chlorine (measured as Cl ₂)	
- free chlorine	3
- hypochlorite	30
Dissolved aluminium	100
Dissolved iron	100
Boron (as B)	25
Bromine (as Br ₂)	5
Fluoride (as F)	5
Cyanide – weak acid dissociable (as CN)	5

TABLE A.2: METALS

(Mass limits may be imposed, refer to Part C clause 9.2)	
Metal Maximum Concentration g/m³ (ppm)	
Antimony	5
Arsenic	1
Barium	10
Beryllium	0.005
Cadmium	0.5
Chromium	5
Cobalt	5
Copper	5
Lead	5
Manganese	10
Mercury	0.05
Molybdenum	5
Nickel	5
Selenium	5
Silver	1
Thallium	5
Tin	10
Zinc	5

TABLE A.3: ORGANIC COMPOUNDS AND PESTICIDES

(Mass limits may be imposed, refer to Part C clause 9.2)	
Compound Maximum Concentration g/m³ (ppm)	
Formaldehyde (as HCHO)	50
Phenolic compounds (as phenols) excluding chlorinated phenols	50
Chlorinated phenols	0.02
Petroleum hydrocarbons	30
Halogenated aliphatic compounds	1
Monocyclic aromatic hydrocarbons	5
Polycyclic (or polynuclear) aromatic hydrocarbons (PAHs)	0.05
Halogenated aromatic hydrocarbons (HAHs)	0.002
Polychlorinated biphenyls (PCBs)	0.00
Polybrominated biphenyls (PBBs)	0.002 each
Pesticides (general). (Includes insecticides, herbicides, fungicides but excludes organophosphate, organochlorine and any pesticides not registered for use in New Zealand)	0.2 in total
Organophosphate pesticides	0.1

TABLE A.4: ANTIBIOTICS

VOLUME LIMIT	ACTIVE CONCENTRATION
10 Litres	125mg/5ml
5 Litres	250mg/5ml
3 Litres	Above 250mg/5ml

Item 8: Proposal for a new Wastewater Bylaw



Infrastructure Committee

25 February 2021

REPORT R21393

Proposal for a new Wastewater Bylaw

1. Purpose of Report

- 1.1 To approve that public consultation on the proposed Wastewater Bylaw 229 (2021) can commence.

2. Summary

- 2.1 Officers have completed their review of Council's existing wastewater and trade wastes bylaw, Wastewater Bylaw (224) 2014. The conclusion of the review is that it is appropriate to replace the existing bylaw with a new bylaw.
- 2.2 The proposed bylaw, Wastewater Bylaw (229) 2021, retains much of the substance of the existing bylaw, although with some improvements in relation to discharges from swimming pools, and also from grease, silt, and oil traps. There are, however, numerous changes in drafting and formatting, and the addition of six new clauses, to align the proposed bylaw with the Tasman District Council's Wastewater Bylaw.
- 2.3 The Council is required under the Local Government Act 2002 (**LGA**) to give public notice, and consult with the public and the Minister of Health, on the proposed bylaw before it can be made.

3. Recommendation

That the Infrastructure Committee

1. ***Receives the report Proposal for a new Wastewater Bylaw (R21393) and its attachments (A2539883, A2539886); and***
2. ***Determines that a bylaw is the most appropriate way to regulate, manage, and protect Council's wastewater system, and the draft Wastewater Bylaw in Attachment 1 (A2539883) of Report R21393 is the most appropriate form of bylaw and does not give rise to any implications under the New Zealand Bill of Rights Act 1990; and***

R21393

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Item 8: Proposal for a new Wastewater Bylaw

3. ***Approves the commencement of a special consultative procedure on a proposal to make the draft Wastewater Bylaw in Attachment 1 (A2539883) of Report R21393; and***
4. ***Adopts the draft statement of proposal in Attachment 2 (A2539886) of Report R21393 for use in this special consultative procedure; and***
5. ***Requests officers to give public notice of Council's intention to make the draft Wastewater Bylaw in Attachment 1 of Report R21393, and to subsequently send a copy of this bylaw to the Minister of Health, in accordance with section 148 of the Local Government Act 2002; and***
6. ***Approves the consultation approach (set out in Sections 7 and 8 of Report R21393) and agrees:***
 - (a) ***the approach includes sufficient steps to ensure the Statement of Proposal will be reasonably accessible to the public and will be publicised in a manner appropriate to its purpose and significance; and***
 - (b) ***the approach will result in the Statement of Proposal being as widely publicised as is reasonably practicable as a basis for consultation.***

4. Background

- 4.1 Council's existing wastewater bylaw (**Bylaw**) was made in December 2014. Under section 158 of the LGA, the Bylaw needed to be reviewed five years from the date on which it was made.
- 4.2 The review of the existing Bylaw by officers determined that the Bylaw was largely 'fit for purpose', in that no significant substantive changes were required, other than some changes to clarify the application of the Bylaw to discharges from swimming pools and to better align requirements for grease, silt, and oil traps in the Bylaw with the Building Act 2004 and Building Code.
- 4.3 In addition, the review determined that some aspects of the drafting of the bylaw could be improved, and that it would be desirable to reorder

Item 8: Proposal for a new Wastewater Bylaw

the bylaw so that it aligns with the Tasman District Council's Wastewater Bylaw as much as practicable. Six clauses from the Tasman District Council's bylaw, not in Council's existing bylaw, were identified as potentially worth including in a new bylaw.

- 4.4 On the basis of these review findings, it is appropriate to make a new bylaw that would replace the existing Bylaw.
- 4.5 Although the review of the existing wastewater bylaw was not completed within the timeframe set in section 158, section 160A of the LGA provides that this Bylaw will remain in force for a further two years, at which point it will be automatically revoked (unless revoked earlier). Essentially, Council has until December 2021 to make a new wastewater bylaw (and revoke its existing Bylaw), presuming it wishes to continue to have a bylaw.
- 4.6 On 15 September 2020 a workshop within the Infrastructure Committee discussed a draft of the proposed new wastewater bylaw.

5. Proposed Wastewater Bylaw

- 5.1 A copy of the draft wastewater bylaw that has been prepared by officers, Wastewater Bylaw (229) 2021 (**Draft Bylaw**), is set out in Attachment 1 to this report.
- 5.2 The purpose of the Draft Bylaw is to regulate, manage, and protect Council's wastewater system, including controlling discharges to the reticulated system. This is required to ensure Council's infrastructure is protected, wastewater treatment processes are not compromised, and public health is protected. The Draft Bylaw is a 'functional' tool that sets the regulatory framework to achieve that purpose.
- 5.3 The Draft Bylaw is largely the same in substance to the Council's existing bylaw. However, improved drafting and aligning the Draft Bylaw with Tasman District Council's Wastewater Bylaw has resulted in the Draft Bylaw being formatted and sequenced in a significantly different way.
- 5.4 Six clauses from the Tasman District Council's Wastewater Bylaw have been included in the Bylaw. These are:
 - 5.4.1 Clause 11, Part A, Access and powers of entry – this clause sets out Council's powers of access and entry where parts of the wastewater system are on private property, which supplements Council's powers in the LGA;
 - 5.4.2 Clause 2, Part B, Continuity of discharge – this clause provides that once a connection is approved, Council will typically accept wastewater and trade waste, but subject to some reasonable exceptions for unavoidable disruption;
 - 5.4.3 Clause 8, Part B, Connection and disconnection must be authorised – this clause provides that only an authorised agent,

Item 8: Proposal for a new Wastewater Bylaw

or someone who has Council approval, may make a connection or disconnection to the wastewater system;

- 5.4.4 Clause 9, Part B, Connections to wastewater system – this clause sets out some of the practical steps and requirements for applying for a connection to the wastewater system;
- 5.4.5 Clause 10, Part B, Private pump stations – this clause sets out requirements for private pump stations that service more than one property; and
- 5.4.6 Clause 11, Part B, Pressure wastewater reticulation – this clause recognises the possible use of pressure wastewater reticulation systems, and provides for Council approval of them when used as part of a connection to the wastewater system.

6. Section 155 of the LGA determinations

- 6.1 Before making any bylaw, section 155 of the LGA requires Council to determine that a bylaw is the most appropriate way of addressing the perceived problem, the proposed bylaw is the most appropriate form of bylaw, and the Draft Bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990.
- 6.2 A bylaw is the most appropriate way to regulate, manage, and protect Council's wastewater system. It is necessary to have controls in place for connections to, and discharges of wastewater and trade wastes into, the system. Doing so will assist in ensuring Council's infrastructure is protected, sewage treatment processes are not compromised, and public health is protected.
- 6.3 Other than through a bylaw, one way to impose controls on connections and discharges would be through contractual terms between Council and customers. Officers consider that a bylaw is the better option for the following reasons:
 - 6.3.1 A bylaw will likely ensure greater consistency, whereas there is greater scope for contractual terms to vary between customers and over time;
 - 6.3.2 Bylaws carry greater authority and have more meaningful enforcement (breaching a bylaw constitutes an offence), thereby increasing the likelihood of compliance;
 - 6.3.3 Sections 195 and 196 of the LGA expressly provide for bylaws to govern the discharge of domestic sewage and trade wastes, meaning that bylaws, rather than contractual terms, will better fit with the regime in the LGA;
 - 6.3.4 Most New Zealand councils control discharges to their wastewater systems through bylaws. Nelson City Council has had a wastewater bylaw since 2014, and had a trade waste bylaw prior to that.

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- 6.4 Officers consider that the Draft Bylaw is the most appropriate form of bylaw. It has been made under lawful authority included in the LGA, and overall it is reasonable, sufficiently certain, and not repugnant to any other laws.
- 6.5 It is considered that the Draft Bylaw does not give rise to any implications under the New Zealand Bill of Rights Act 1990, and so is not inconsistent with that Act. The Bylaw does not infringe or restrict any of the rights and freedoms protected in the Act.

7. Requirement to use the special consultative procedure

- 7.1 Before making a bylaw, section 156 of the LGA requires Council to use the special consultative procedure if the bylaw concerns a matter identified as being of significant interest to the public, or Council considers that there is likely to be a significant impact on the public due to the Draft Bylaw.
- 7.2 Although the Draft Bylaw is largely similar in substance to Council's existing Bylaw, it may nonetheless be of significant interest to at least some members of the public. In the circumstances, it is appropriate and safest for Council to use the special consultative procedure.
- 7.3 For this purpose, officers have prepared a draft statement of proposal, set out in Attachment 2 to this report. It complies with the requirements for bylaw-related statements of proposal in section 86 of the LGA.

8. Public notice requirement and consultation with the Minister of Health

- 8.1 Section 148 of the LGA sets out some special requirements that apply to trade waste bylaws. The Draft Bylaw deals with trade waste discharges, and so will be subject to these requirements.
- 8.2 First, before making a trade waste bylaw, Council must give public notice of its intention to make the bylaw, and ensure that a copy of that notice is sent to every registered owner of trade premises. Members of the public must be given at least 2 months in which to respond to the public notice, and Council is obliged to consider any responses received.
- 8.3 Council can comply with this requirement by combining it with the special consultative procedure. Section 148(7) expressly provides that Council may use a single consultation process to comply with both sections 148 and 156.
- 8.4 Second, having given public notice, Council must send a copy of the Draft Bylaw to the Minister of Health for his comments. It is open to the Minister to require Council to consult any representative of owners or occupiers of trade premises in the Nelson district. This is unlikely to occur given that Council will engage directly with all owners of trade premises as part of its public consultation process.

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9. Options

9.1 If the Committee accepts that a Bylaw is the most appropriate way forward, then it has two options to consider in this matter:

9.1.1 Commence consultation on the proposed Bylaw set out in Attachment 1 (A2539883);

9.1.2 Do not commence consultation and instead rely on the existing wastewater bylaw until it is automatically revoked (December 2021) with an ultimate net result that council will not have a wastewater bylaw.

Option 1: Commence consultation on the proposed Bylaw	
Advantages	<ul style="list-style-type: none"> A bylaw will provide a reasonable level of control over connections to, and discharges into, the wastewater system. Ensures a new bylaw will be in place when the existing Bylaw expires in December 2021. The Draft Bylaw is similar in substance to the existing bylaw, so customers will not experience major change, but the improved drafting and formatting should make the Bylaw more accessible to customers.
Risks and Disadvantages	<ul style="list-style-type: none"> No significant risks and disadvantages.
Option 2: Do not commence consultation and rely on the existing bylaw	
Advantages	<ul style="list-style-type: none"> The existing Bylaw will remain in operation for now.
Risks and Disadvantages	<ul style="list-style-type: none"> The existing Bylaw will be revoked in December 2021, after which there would be no control over discharges to the wastewater system, increasing the risk of infrastructure damage and public health issues.

9.2 Officers support Option 1

10. Conclusion

10.1 It is appropriate to make a new wastewater bylaw, replacing the existing Bylaw, to regulate, manage, and protect Council's wastewater system. Council should commence consultation on the Draft Bylaw using the

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special consultative procedure, and provide public notice and consult in accordance with section 148 of the LGA.

11. Next Steps

- 11.1 A Special Consultative Procedure will commence following Council approval of the Statement of Proposal to enable public feedback to be received on the Draft Bylaw. This feedback will help inform decision making on any changes to the Draft Bylaw prior to adoption by Council.

Author: Warren Biggs, Activity Engineer - Wastewater

Attachments

Attachment 1: A2539883 Final draft Nelson City Council Wastewater Bylaw No 229.

Attachment 2: A2539886 Final draft Statement of Proposal re new Wastewater Bylaw.

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Important considerations for decision making
<p>1. Fit with Purpose of Local Government</p> <p>The proposed Bylaw supports the social, economic and environmental wellbeing of the Nelson community by putting in place the regulatory controls for discharges to the wastewater system.</p> <p>The proposed Bylaw supports the social, economic and environmental wellbeing of the Nelson community by putting in place the regulatory controls for discharges to the wastewater system.</p> <p>The proposed Bylaw supports the social, economic and environmental wellbeing of the Nelson community by putting in place the regulatory controls for discharges to the wastewater system.</p> <p>The proposed Bylaw supports the social, economic and environmental wellbeing of the Nelson community by putting in place the regulatory controls for discharges to the wastewater system.</p> <p>The proposed Bylaw supports the social, economic and environmental wellbeing of the Nelson community by putting in place the regulatory controls for discharges to the wastewater system.</p> <p>The proposed Bylaw supports the social, economic and environmental wellbeing of the Nelson community by putting in place the regulatory controls for discharges to the wastewater system.</p>
<p>2. Consistency with Community Outcomes and Council Policy</p> <p>The Wastewater Bylaw supports the following community outcomes;</p> <p>The Wastewater Bylaw supports the following community outcomes;</p> <ul style="list-style-type: none"> • Our unique natural environment is healthy and protected. • Our urban and rural environments are people friendly, well planned and sustainably managed. • Our infrastructure is efficient, cost effective and meets current and future needs. • Our communities are healthy, safe, inclusive and resilient.
<p>3. Risk</p> <p>Not adopting the Bylaw would leave Council relying on its existing bylaw, which is due to expire in December 2021. If no new bylaw is made before then, Council would not have any enforceable controls over connections</p>

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<p>to, and discharges into, the wastewater system. This would likely create a risk to public health, and increase wastewater treatment costs and maintenance requirements of wastewater infrastructure.</p>
<p>4. Financial impact</p> <p>There are no immediate funding implications over and above current costs of administration and enforcement.</p> <p>There are no immediate funding implications over and above current costs of administration and enforcement.</p>
<p>5. Degree of significance and level of engagement</p> <p>This matter is of medium significance. Although the proposed Bylaw carries over much of the substance of the existing bylaw, it is still likely to generate some public interest. Consultation with the community will occur through the special consultative procedure, in accordance with both sections 156 and 148 of the LGA.</p> <p>This matter is of medium significance. Although the proposed Bylaw carries over much of the substance of the existing bylaw, it is still likely to generate some public interest. Consultation with the community will occur through the special consultative procedure, in accordance with both sections 156 and 148 of the LGA.</p>
<p>6. Climate Impact</p> <p>Climate change has not been considered directly in the Bylaw however the Bylaw contains incentives that will indirectly encourage discharge of better quality and lower volumes.</p> <p>Climate change has not been considered directly in the Bylaw however the Bylaw contains incentives that will indirectly encourage discharge of better quality and lower volumes.</p>
<p>7. Inclusion of Māori in the decision making process</p> <p>The process underway related to the Bylaw is to be discussed at the February Te Ohu Taiao forum.</p> <p>The process underway related to the Bylaw is to be discussed at the February Te Ohu Taiao forum.</p>
<p>8. Delegations</p> <p>The Infrastructure Committee has the following delegations to consider Bylaws.</p> <p>The Infrastructure Committee has the following delegations to consider Bylaws.</p> <p>The Infrastructure Committee has the following delegations to consider Bylaws.</p>

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Delegations:

- Bylaws, within the areas of responsibility.

Areas of responsibility:

- *The committee has all of the responsibilities, powers, functions and duties of Council in relation to governance matters within its areas of responsibility, except where they have been retained by Council, or have been referred to other committees, subcommittees or subordinate decision-making bodies.*
- *The exercise of Council's responsibilities, powers, functions and duties in relation to governance matters includes (but is not limited to):*

Reviewing and determining whether a bylaw or amendment, revocation or replacement of a bylaw is appropriate.

Undertaking community engagement, including all steps relating to Special Consultative Procedures or other formal consultation processes



Nelson City Council

Wastewater Bylaw

27 April 2021

For more information please contact:
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NMDHB Public Health Service
Email: jane.murray@nmdhb.govt.nz
Phone: (03) 543 7805

A2720764

Submitter details

1. Nelson Marlborough Health (Nelson Marlborough District Health Board) (NMH) is a key organisation involved in the health and wellbeing of the people within Te Tau Ihu. NMH appreciates the opportunity to comment from a public health perspective on the Nelson City Council's Wastewater Bylaw.
2. NMH makes this submission in recognition of its responsibilities to improve, promote and protect the health of people and communities under the New Zealand Public Health and Disability Act 2000 and the Health Act 1956.
3. This submission sets out particular matters of interest and concern to NMH.

Specific Comments

4. NMH supports the proposed changes to the Wastewater Bylaw. These changes will ensure that public health is protected from potential adverse effects of harmful substances discharged to the waste water system.
5. NMH supports the regulation of discharges from trade wastes and domestic wastewater into the wastewater system, including minor changes, being:
 - (a) Clarification of the application of the bylaw's requirements to discharges from swimming pools;
 - (b) The bylaw's requirements for grease, silt, and oil traps being aligned with those in the Building Act 2004 and the Building Code.
6. NMH supports the proposal to align the bylaw with Tasman District Council's bylaw as much as practicable. This will ensure consistency across councils in how wastewater, including trade waste and domestic wastewater, are being managed.

Conclusion

7. NMH thanks the Nelson City Council for the opportunity to comment on the Wastewater Bylaw.
8. NMH **does not wish to be heard** in support of its submission.

Yours sincerely


Lexie O'Shea
Chief Executive
Lexie.OShea@nmhs.govt.nz

Contemporary Kaitiakitanga Explained

INTRODUCTION

Whilst Māori continue with their cultural responsibilities and act - strive to act - as kaitiaki / practice kaitiakitanga¹ in 2021, there is an almost immeasurable gap between how the practice of kaitiakitanga took place, before colonization (read, before interference by the *sealers and whalers*), in the *Historic World*, and today. Whilst the holism of Tikanga Māori, under the korowai of Te Ao Māori, remains unchanged and the principles of kaitiakitanga are defensible and abiding, discharging responsibilities as Kaitiaki today confronts a completely different world – the **Contemporary World**, as opposed to the **Historic World**, when Māori were the sole representatives of the human species in Aotearoa / NZ.

THEN

In that Historic World, Māori were functionally / culturally embedded with the other species that they shared Aotearoa with; joined by whakapapa. The living world (Te Taiao), of which Māori were an inextricable part, reflected the physical and metaphysical expression of the gods / the atua and their progeny – ancestors of the Māori people. All relationships were clearly interdependent and interrelated. That state of being was culturally understood and that pervasive subtle (and at times, not so subtle) interrelationship was known and carried forward intergenerationally by oral and other traditions, with the aim that the people would live responsibly in Te Taiao for their own good. After Māori had come to grips with the idiosyncrasies of living in Aotearoa, this state of things was further understood / progressively refined, ever the more subtly.

In that Historic Aotearoa World, kaitiakitanga was part of an inherent Māori living consciousness. Natural world stability and changes small and large by the moment and / or over time were all observed by the Māori of the day in their rohe. Each observed state signalled a continuum of necessary responses, from inaction to clearly necessary human behavioural responses of a minor or significant nature, from **Noa** to **Tapū**. In this scheme of things, kaitiakitanga was automatically discharged, inherently and inextricably in daily life. Other species also played a culturally understood and acknowledged part in delivering this tikanga, e.g., as spiritual custodians / guides.

NOW

In 2021, in our Contemporary World, gone is the relative natural world stability of the Historic World, the Mauri of Te Taiao is in a parlous state and progressively declining. No longer do Maori (humans in Aotearoa) experience the Historic World situation, when expected change arose from relatively stable seasons, weather and the like, and when a range of minor human misbehaviour was administered to by tribal elders; we are literally fighting for survival (climate change outcomes are merely a symptom of our present situation). The situation is calamitous. Māori of today are certainly not subtly applying kaitiakitanga automatically, inherently and inextricably in daily life, BUT, our relationship with Te Taiao is ever more obviously interdependent and interrelated. **Urgent action is required to heal Te Taiao.**

¹ **Kaitiaki** – guardians

Tiaki

The word tiaki is the basis of the longer word kaitiakitanga. Tiaki means to guard. It also means to preserve, foster, protect and shelter. So, notions of care and protection are at the heart of **kaitiakitanga**, and give it its conservation ethic.

Role of kaitiaki

The prefix kai means someone who carries out an action. A kaitiaki is a person, group or being that acts as a carer, guardian, protector and conserver. The gods of the natural world were considered to be the original kaitiaki – for instance, Tāne, god of the forest, was the kaitiaki of the forest. All other kaitiaki emulate those original ones. (teara.govt.nz)

Although, in 2021, Māori are mostly rebounding post-Settlement, they inevitably remain in relative disarray and of limited capacity, with the world of Aotearoa largely being run - not governed - on a platform of Western ideological thinking; economics'-first (read GDP) and related resource exploitation – largely unfettered exploitation of Te Taiao, which includes the majority of the people (evidence abounds). Unfortunately, this is the pervading Global state of our Contemporary World, and it is unimaginably different from the state of Te Taiao in Aotearoa prior to the arrival of the sealers and the whalers.

As things currently stand, as Mātauranga Māori and Western Science clearly advise us, there is no option other than to challenge the failing status quo. A transition is required, involving a return to knowledgeable responsibility, from the present economics'-first focus and reductionism, coupled with anthropocentrism (humans first and central), to informed holistic thinking and responsible action. The status quo can be effectively countered – explained away and transcended - by the holistic approach offered by Tikanga Māori / Kaitiakitanga (read Contemporary Kaitiakitanga).

AND SO, TO CONTEMPORARY KAITIAKITANGA

In 2021. The Kaitiaki o Te Taiao Team (the KT Team), working for Te Ātiawa Trust, is inevitably faced with responsibly adapting the traditional precepts of kaitiakitanga to the current circumstances. The stakes are high, the resources are few and the forces opposing the necessary change are significant / powerful. Pleasingly, there is an increasing understanding, in Aotearoa and Globally, that the traditional knowledge of the indigenous peoples (read Māori) has a message for all of us in how we can live responsibly together in a way to enable positive change, with a view to urgent restorative action and a goal of achieving a *Regenerative State*².

These outcomes are by no means guaranteed and the prevailing circumstances must be intelligently and vigilantly confronted and challenged with a view to succeeding. **There is no choice.** This is where Contemporary Kaitiakitanga has a significant role to play in leadership, through adapting the principles of kaitiakitanga to the present Contemporary World challenge by:

1. Stating the principles of kaitiakitanga, founded upon an Atua Framework (Appendix 1), in clear Contemporary World terms, so that everyone in Aotearoa / NZ is able to understand them and help apply them in their daily lives (an example follows – Appendix 2);
2. Interpreting the principles of Kaitiakitanga, so they can be practically applied to gaining an understanding of the implications of all present circumstances promoting change;
3. Providing and applying explanatory and analysis tools (e.g., *NERO* – Appendix 3) that can be vehicles for ensuring that decision-making involving prospective change is responsibly addressed;
4. By using the forgoing mechanisms to assist with re-enlivening post-Settlement Te Ātiawa (Māori) hapū and whānau, progressively supporting the proactive practical application of kaitiakitanga, anew – rohe-wide - in the context of our current challenges and thus lead by cultural example (importantly, consolidating mana);
5. Reviewing pre-Settlement Iwi Management Plans to enable their substance and direction to roundly address 21st Century challenges to Te Taiao in both Te Ao Māori and in Te Ao Pākehā.
6. Taking opportunities to stimulate and challenge the current formal education system, thereby infusing Contemporary Kaitiakitanga concepts into the general curriculum, viz. via the hard

1. ² **A REGENERATIVE STATE:** A continuing/ stable REGENERATIVE STATE is a state of *healthful self-renewal*, a self-perpetuating harmonious balance – theoretical only. A Regenerative State is an aspiration rather than a target point and, in consequence, it is the guiding motivator for the hikoi that takes that direction (KT Office October 2020).

sciences / social sciences (vitally important to nurture / support the tamariki and rangatahi and to equip them to capably assume the korowai of responsibility, sooner rather than later);

7. Proactively sharing the breadth of Contemporary Kaitiakitanga through the opportunities arising from the various kaupapa shared with Central Government Agencies, Local Government and NGOs;
8. Actively involving, sharing with and recruiting as many other members of the community as can be reached, to provide informed support for the urgent, responsible, proactive delivery of Contemporary Kaitiakitanga in the rohe.
9. Confronting anthropocentric (human-focused) language, as a means of encouraging transformative critical thinking about the place of the human species in the overall scheme of things; and.
10. Crafting an easily understood interpretation of the way in which the precepts of Mātauranga Māori and Western Science knowledge (importantly including social science) can together, and at a complementary level, provide a uniquely valuable taonga of culturally-combined-knowledge to support / guide the responsible management of Te Taiao in Aotearoa (read the Rohe).

Important notes:

1. Whilst anyone can apply the principles of kaitiakitanga, in how they go about their work and daily living practices, and it is extremely desirable that everyone does, in the pure sense it is only Maori who can actually act as kaitiaki (cultural kaitiaki), in meeting long-standing Maori Cultural Responsibilities within Te Ao Māori - The Māori World.
2. In a similar vein, although the K T Team applies the principles of kaitiakitanga, by the moment in its daily duties, the underlying role of the KT Team is supporting Te Ātiawa Hapū and Whānau, who are the actual kaitiaki. This mahi is enabled by Settlement derived resources and, increasingly, by cost-recovery.

Whakataukī³

Toitū te marae a Tāne-Mahuta, Toitū te
marae a Tangaroa, Toitū te tangata.

*If the land is well and the sea is well, the
people will thrive.*

This Maori Proverb embraces the truth of the matter and speaks, powerfully and elegantly, of the holism of our Earth Life, our *oneness*.

Everything is inter-reliant⁴.

The successful delivery of kaitiakitanga (Contemporary Kaitiakitanga) embraces holistic-care / nurturing, eventuating in a self-sustaining state of elevated mauri (a *regenerative state*).

Healthy Planet – Healthy People: *iwi hauora ao hauora*

(KT Team – February 2021)

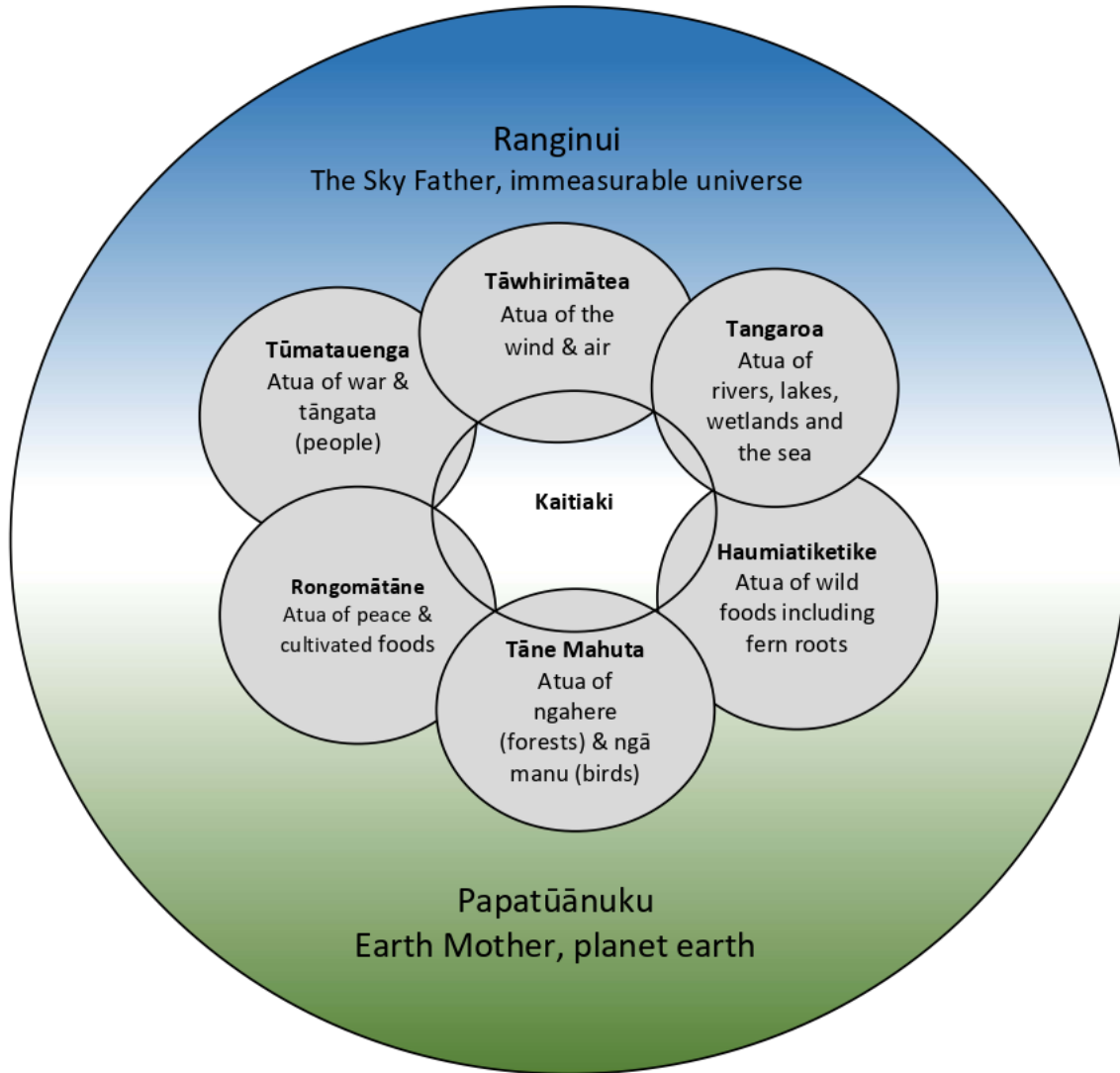
³ (noun) proverb, significant saying, formulaic saying, aphorism - particularly those urging a type of behaviour. Like *whakataukī* and *pepeha* they are essential ingredients in *whaikōrero*.

<https://maoridictionary.co.nz/search?idiom=&phrase=&proverb=&loan=&histLoanWords=&keywords=proverb>

⁴ The **Gaia Paradigm** [/qaz.a/](https://qaz.a/), also known as the **Gaia theory** or the **Gaia principle**, proposes that living [organisms](#) interact with their [inorganic](#) surroundings on [Earth](#) to form a [synergistic](#) and [self-regulating, complex system](#) that helps to maintain and perpetuate the conditions for [life](#) on the planet. https://en.wikipedia.org/wiki/Gaia_hypothesis

Appendix 1

Tikanga Māori – Atua⁵ Framework (KT Team – February 2021)



⁵ A significant creation story concerns Rangi and Papa. Ranginui (sky father) and Papatūānuku (earth mother) were locked in an eternal embrace. Their children, the departmental gods, were trapped between them in eternal darkness, and decided to try and separate their parents. The children (except Tāwhirimātea) tried and failed to separate them. Then Tāne used his legs to push the sky apart from the earth.

Other significant gods were the war gods, Maru, Uenuku and Kahukura. <https://teara.govt.nz/en/traditional-maori-religion-nga-karakia-a-te-maori/page-1>

Appendix 2

Contemporary Kaitiakitanga in Rohe Management

- **Te Ao Māori** - The Māori World
- **Acknowledging / respecting the Atua** - Acknowledging and respecting the deities of the natural world / ancestors
- **Tikanga Based** - Based on the customary system of values and practices that have developed over time and are deeply embedded in the social context
- **All whakaaro tested against Mātauranga Māori** - All ideas tested against Māori cultural knowledge
- **Implemented through Kaitiakitanga** - Through responsible stewardship
- **Focused on Mauri** - Life force, vital essence
- **All mahi to result in: *Net Enduring Restorative Outcomes (elevating / strengthening Mauri)*** - All work to result in Net Enduring Restorative Outcomes to restore the health of the natural world
- **Mana before Money** - Authority and status come before money
- **Ecology before Economy** - The natural world takes precedence over the economy
- **Acknowledging our Global context** – Our place in and impact on the World at large

Healthy Planet – Healthy People: *iwi hauora ao hauora*

A healthy balanced natural world (which includes the human species), people with a quality sustainable lifestyle, which is underpinned by socio-cultural equity and justice.

(KT Team, March 2021)

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Appendix 3

Net Enduring Restorative Outcomes (NERO) defined

The Kaitiaki o te Taiao Team (the KT Team) for Te Ātiawa Manawhenua Ki Te Tau Ihu Trust understands/is advised, from the current findings of Mātauranga Māori and Western Science, that the natural world, which includes the socio-cultural world of the human species, is being progressively degraded by unwise human activity/behaviour. (Climate change impacts are an overt expression/symptom of this continuing process, as is the widening gap in wealth-equity between *Haves* and *Have-nots* in Aotearoa.).

This situation, which adversely confronts the exercise of kaitiakitanga (the role of the KT Team in supporting the cultural responsibilities of Te Ātiawa Whānau), has arisen as a consequence of a long sequence of human decisions/actions that have enabled collective, unsustainable change. We have reached a point at which it is clear that human survival is at stake (also noting that this outcome has meant the extinction of many other species).

To halt and attempt to reverse this unacceptable outcome, all decisions/actions that deliver change⁶ must improve our current situation – be **restorative**. The changes must also **endure** if they are to be meaningfully contributory. Change is mostly multi-factorial in its implications. So, for the aggregated elements of any particular change, e.g., housing development, the **net outcome** of those collective elements of change must be positive/restorative.

Accordingly, the KT Team, in undertaking its day-to-day mahi, in evaluating and responding responsibly to proposals for change and their related implications for Te Taiao, is seeking that resulting change(s) delivers:

Net Enduring Restorative Outcomes – (elevating / strengthening Mauri).

Incremental Definitions

(Lexico on-line Dictionary: <https://www.lexico.com/>)

NET: Remaining after all factors have been taken into account; overall.

ENDURING: Lasting over a period of time; durable.

RESTORATIVE: Having the ability to restore health, strength, or well-being.

OUTCOME(S): The way a thing turns out; a consequence.

(KT Team – February 2021)

⁶ A proposal for prospective *change* is not about *growth, development, progress* or any other inherently flawed and deceptively positive notion, it is simply about a proposal for 'change' and needs to be exhaustively evaluated and progressed in that context, with precaution consciously applied to decision-making, where there is inadequate information/doubt.

What sort of change might there be, negative, positive or no change at all? In today's known collapsing natural / social world, there is no defensible choice other than supporting action that enables 'Net Enduring Restorative Outcomes', with a view to ultimately achieving a *regenerative state*. (KT Team – 2020)



WASTEWATER BYLAW (NO. 224) - 2014

Including Trade Waste and Domestic Wastewater

A1181535
A1584235

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1. INTRODUCTION

The purpose of this Bylaw is to provide for the acceptance and control of Wastewater including Trade Waste to a Wastewater System operated by Council.

1.1. Commencement and Application

- 1.1.1. This Bylaw comes into effect on the date the Bylaw is signed and sealed and will be reviewed by December 2019.

1.2. Revocation

- 1.2.1 The following bylaw is hereby revoked: Nelson City Council Tradewaste Bylaw 214 (2007).

1.3. Scope of Bylaw

- 1.3.1. The Bylaw provides for the:

- (a) Acceptance of long term, intermittent, or temporary discharge of Trade Waste or Domestic Wastewater to the Wastewater system;
- (b) Establishment of three grades of Wastewater Discharge: Permitted, Conditional and Prohibited;
- (c) Evaluation of individual Wastewater discharges against specified criteria;
- (d) Correct storage of materials in order to protect the Wastewater system from receiving spillage;
- (e) Installation of flow meters, samplers or other devices to measure flow and quality of the Wastewater discharge;
- (f) Pre-treatment of waste before it is accepted for discharge to the Wastewater system;
- (g) Sampling and monitoring of Wastewater discharges to a wastewater system to ensure compliance with the Bylaw;
- (h) Council to accept or refuse a Wastewater discharge;
- (i) Charges to be set to cover the cost of conveying, treating and disposing of, or reusing Tradewaste or Domestic Wastewater, and the associated costs of administration and monitoring;
- (j) Administrative mechanisms for the operation of the Bylaw; and
- (k) Encouragement of waste minimisation and cleaner production in the commercial and industrial sectors.

- 1.3.2. Compliance with other Acts

The provisions of this Bylaw do not remove or replace the obligations or requirements set out in the Health Act, the Health and Safety in Employment Act, the Local Government Act, The Plumbers Gasfitters and Drainlayers Act, the Resource Management Act, the Building Act, the Hazardous Substances and New Organisms Act and its regulations or any other relevant statutory or regulatory requirements.

1.3.3. Trade Premises and other Users to which this Bylaw Applies

This Bylaw shall apply to all Premises within the City where Trade Waste or Domestic Wastewater is discharged or likely to be discharged to a Wastewater system operated by the Council or its agents. The Bylaw shall also apply to tankered wastes collected for the purpose of discharge to a Wastewater system operated by the Council or its agents.

Pursuant to Section 195 and 196 of the Local Government 2002 the Council may refuse to accept any type of Trade Waste or Domestic Wastewater which is not in accordance with this Bylaw.

1.4. Interpretation

Act means the Local Government Act.

Analyst means a testing laboratory approved in writing by an Authorised Officer.

Approval or **Approved** means Approval or Approved in writing by an Authorised Officer.

Authorised Officer means any officer appointed by the Council as an enforcement officer under Section 177 of the Local Government Act 2002.

Biosolids means Wastewater sludge that has been treated and/or stabilised to the extent that it is able to be safely applied to land and includes any products containing Biosolids (e.g. composts) but does not include products derived from Wastewater treatment plants which solely treat Industrial Waste.

Bylaw refers to this Nelson City Council Wastewater Bylaw.

Characteristic means any of the physical or chemical Characteristics of a Trade Waste or Domestic Wastewater.

City means the territory contained within the City of Nelson as defined in Part 2 of Schedule 2 to the Local Government Act 2002.

Cleaner Production means the implementation on trade premises, of effective operations, methods and processes appropriate to the goal of reducing or eliminating the quantity and toxicity of wastes by:

- (a) Using energy and resources efficiently,
- (b) avoiding or reducing the amount of wastes produced;
- (c) Producing environmentally sound products and services;

Condensate 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 take up matter from the trade or commercial process or operation into solution or suspension.

Conditional Discharge means Trade Waste which is accepted for discharge to a Wastewater system subject to conditions placed upon the Permit Holder by the Council.

Consent refer to Trade Waste Permit.

Contaminant includes any substance (including gases, odorous compounds, liquids, solids and micro-organisms) or energy (excluding noise) or heat, that either by itself or in combination with the same, similar, or other substances, energy or heat:

- (a) When discharged into water, changes or is likely to change the physical, chemical, or biological condition of water; or
- (b) When discharged onto or into land or into air, changes or is likely to change the physical, chemical, or biological condition of the land or air onto or into which it is discharged.

Contingency Management Procedures means those procedures developed and used to avoid, remedy, or mitigate the actual and/or potential adverse effects on the environment of an unexpected or unscheduled event resulting in discharge, or potential discharge of Contaminants of concern into the Wastewater system.

Council means the Nelson City Council.

Discharge means the discharge of Trade Wastes or Wastewater to, or into a public Wastewater System whether directly or indirectly by means of any private drain and 'the discharge' has a corresponding meaning.

Disconnection or Disconnect means the physical cutting and sealing of any private drain from the Council's water services, utilities, drains or Wastewater System.

Domestic Wastewater means wastewater (with or without matter in solution or suspension therein) discharged from premises used solely for residential purposes, or wastes of the same character discharged from other premises, provided that the characteristics of the wastewater are an acceptable discharge. Such activities may include the draining of domestic swimming and spa pools subject to clause 4.2.5.

Flow Metering means the measuring of flow for the purposes of assessing compliance with this bylaw.

Foul Water means the discharge from any sanitary fixtures (any fixture which is intended to be used for washing and/or excretion carried out in a manner or condition such that the effect on health is minimised, with regard to dirt and infection) or sanitary appliance (an appliance which is not a sanitary fixture such as machines for washing dishes and clothes).

Grease Trap means device approved by the Council or an authorised officer that allows wastewater to cool and the grease to separate from the wastewater.

Hazardous Substance means any substance –

- a) With one or more of the following intrinsic properties:
 - (i) Explosiveness:
 - (ii) Flammability:
 - (iii) A capacity to oxidise:
 - (iv) Corrosiveness:
 - (v) Toxicity (including chronic toxicity):
 - (vi) Ecotoxicity, with or without biocaccumulation; or

- b) Which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased) generates a substance with any one or more of the properties specified in paragraph (a) of this definition.

Hazardous Wastes means Trade Waste which contains any hazardous substances.

LGA means the Local Government Act.

Liquid Waste Operator means any person who collects for disposal Wastewater via the use of a vehicle. Refer also Tankered Waste.

Management Plan means any plan for the management of operations of Premises from which Trade Waste or Domestic Wastewater is discharged, and may include provision for Cleaner Production, waste minimisation, Contingency Management Procedures, and any relevant industry Code of Practice.

Mass Limit means the total mass of any characteristic that may be discharged to a Wastewater System over any stated period from any single point of discharge or collectively from several points of discharge.

Maximum Concentration means the instantaneous peak concentration that may be discharged to a Wastewater system at any instant in time.

NRSBU means the Nelson Regional Sewerage Business Unit or its agents.

Occupier means the person occupying the trade premises connected to and discharging to the Wastewater system.

Permit refer to Trade Waste Permit

Permitted Discharge means any discharge of Domestic Wastewater or any discharge of Trade Waste that complies with this bylaw and has been approved by, or is acceptable to, the Council without conditions.

Permit Holder means the holder of a Trade Waste permit and includes any person acting with the express or implied consent of the Permit Holder and any licensee (eg the occupier) of the Permit Holder. 'The person discharging' has a corresponding meaning.

Person includes a corporation sole and also a body of Persons whether incorporated or unincorporated.

Point of Discharge means the point where a Private Drain meets a public sewer pipe and marks the boundary of responsibility between the owner or occupier and the Council and may differ from property boundaries and shall be as designated in the Trade Waste permit.

Pre-Treatment means any processing of Trade Waste or Domestic Wastewater designed to reduce or vary any characteristic in such waste before discharge to the Wastewater system in order to comply with a Trade Waste permit.

Premises means either:

- (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 to which a building consent has been or may be issued; or
- (b) A building that has been defined as an individual unit by a cross-lease, unit title or company lease and for which a certificate of title is available; or

- (c) Land held in public ownership (e.g. reserve) for a particular purpose; or
- (d) Individual units in buildings which are separately leased or separately occupied.

Private Drain means the section of drain owned and maintained by the owner or occupier, between the premises and the point of discharge. Private pipe or pipeline has a corresponding meaning.

Prohibited Waste Discharge means any discharge of Trade Waste or Wastewater that does not comply with this bylaw or has not been approved by the Council. This includes any discharge of stormwater (except that which cannot be practically separated) or cytotoxins to the Wastewater system.

Residential Purposes means the use of land and buildings by people for living accommodation where the occupiers intend to live at the site for a period of one month or more, and will generally refer to the site as their home and permanent address; and includes accessory buildings and leisure activities. This excludes all commercial, trade or industrial activities.

RMA means the Resource Management Act.

Schedule of Rates and Charges means the list approved by Council, of items, terms and prices for services associated with the discharge of Trade Waste or Wastewater to a Council Wastewater System.

Significant Industry is a term to indicate the relative size of a given industry compared to the capacity of the sewerage system (including sewage treatment plant) which services that industry. Industry size relates to volume and/or loads discharging into the sewerage system. Loads can be the conventional loadings of BOD₅ and SS or some other particular contaminant (eg boron, chromium) which will have an effect or the propensity to have an effect on the sizing of the sewerage system, the on-going system operation and/or the quality of the treated effluent that is discharged.

Stormwater means surface water run-off resulting from precipitation.

Tankered Waste is water or other liquid, including waste matter in solution or suspension, which is conveyed by vehicle for disposal (excluding Domestic Wastewater being conveyed within house buses, caravans, buses and similar vehicles).

Temporary Discharge means any discharge of an intermittent nature or of short duration. Such discharges include the short-term discharge of an unusual waste from premises subject to an existing permit.

Trade Premises means:

- (a) Any premises used or intended to be used for any industrial or trade purpose; or
- (b) Any premises used or intended to be used for the storage, transfer, treatment, or disposal of waste materials or for other waste management purposes, or used for composting organic materials; or
- (c) Any other premises from which a contaminant is discharged in connection with any industrial or trade process;
- (d) Any other premises discharging other than Domestic Wastewater, and includes any land or premises wholly or mainly used 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 premise to a Wastewater system in the course of any

trade, commercial, educational or industrial process or operation, or in the course of any activity or operation of a like nature; and may include by special approval condensate or cooling waters and/or stormwater which cannot be practically separated, or Domestic Wastewater.

Trade Waste Permit means an approval in writing authorising the person named in the permit to discharge Trade Waste to a Wastewater system.

WasteTRACK is an internet based database which consolidates manifest, facility and carrier data to track liquid and hazardous wastes from generation, through transport to treatment or disposal.

Wastewater means foul water and may include Trade Wastes.

Wastewater Sludge means the material settled out and removed from Wastewater during the treatment process.

Wastewater System means the collection, treatment and disposal of Wastewater, which includes Domestic Wastewater and Trade Wastes, including all wastewater pipes, pumping stations, storage tanks, Wastewater treatment plants, outfalls, and other related structures owned and operated by the Council up to the point of discharge.

Working Day means any day of the week other than:

- (a) A Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, Labour Day; and
- (b) If Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday; and
- (c) A day in the period commencing with the 25th day of December in a year and ending with the 2nd day of January in the following year, or an adjusted period as required to accommodate the observation days for New Years day and New Year's Holiday.

1.5. Abbreviations

Note: For abbreviations involving Litres the capital "L" has been used in the place of (internationally accepted) lower case "l" to avoid confusion with the letter "I" (capital i) or the number "1"

\$/m ³	dollars per cubic metre
°C	degrees Celsius
BOD5	5-day Biochemical Oxygen Demand
COD	Chemical Oxygen Demand
g/m ³	grams per cubic metre
H ₂ S	hydrogen sulphide
kg/day	kilogram per day
L/s	litres per second
L/s/Ha	litres per second per hectare
m ³	cubic metre
mL/L	millilitre per litre
NRSBU	Nelson Regional Sewerage Business Unit
pH	measure of acidity/alkalinity

ppm parts per million

1.6. General

- 1.6.1. In this Bylaw one gender includes all genders, the singular includes the plural, and the plural includes the singular.
- 1.6.2. The word "shall" identifies a mandatory requirement for compliance with the Standard. The word "should" refers to practices which are advised or recommended.

2. COMPLIANCE WITH THE BYLAW

2.1. Control of Discharges

- 2.1.1. No person shall:
- (a) Discharge, or allow to be discharged, any Trade Waste or Domestic Wastewater to any Wastewater system except in accordance with the provisions of this Bylaw;
 - (b) Discharge, or allow to be discharged, a Prohibited Wastewater into a Wastewater system;
 - (c) Without specific approval add or permit the addition of condensate or cooling water or stormwater to any Trade Waste or Domestic Wastewater which discharges into a Wastewater system;
- 2.1.2. Where any person discharges any Trade Waste or Domestic Wastewater from any premises to any Wastewater system contrary to Clause 2.1.1, the Council may disconnect the premises from the said Wastewater system if no agreement as to a reasonable alternative can be achieved with the occupier of the premises.
- 2.1.3. Any person discharging to any Wastewater system shall also comply with the requirements of the Hazardous Substances and New Organisms Act 1996, the Resource Management Act 1991, and the Building Act 2004.
- 2.1.4 It is the responsibility of the person discharging to ensure they meet the requirements of the Trade Waste permit or the permitted conditions of this bylaw.

2.2. Storage, Transport, Handling and use of Hazardous or Harmful Materials

- 2.2.1. All persons on all premises shall take all reasonable steps to prevent the accidental entry of any of the materials listed in 2.2.3 of this Bylaw into the Wastewater system.
- 2.2.2. No person shall store, transport, handle or use, or cause to be stored, transported, handled or used any hazardous substance or any of the materials listed in 2.2.3 in a manner that may cause the material to enter the Wastewater system.
- 2.2.3. Materials referred to in 2.2.1 and 2.2.2 include those:
- (a) Products or wastes containing corrosive, toxic, biocidal, cytotoxic, radioactive, flammable or explosive materials;
 - (b) Likely to generate toxic, flammable, explosive or corrosive materials in quantities likely to be hazardous, when mixed with the Wastewater stream;
 - (c) Likely to be deleterious to the health and safety of the Council staff, or its contractors or the public or be harmful to the Wastewater system.

3. WASTEWATER DISCHARGES AND TRADE WASTE PERMITS

3.1. Classification of Wastewater Discharges

3.1.1. Wastewater discharges shall be classified as one of the following types:

- (a) Permitted: a Domestic Wastewater discharge; or a Trade Waste discharge that has been approved by, or is acceptable to, the Council and as long as it continues to have physical and chemical characteristics which comply with Schedule A of this Bylaw.
- (b) Conditional: Trade Waste permit required.
- (c) Prohibited Waste Discharge: No Trade Waste Permit will be issued.

3.1.2. The Council is not obliged to accept any Trade Waste.

No application for a Trade Waste permit for the discharge of a prohibited Waste shall be approved.

3.2. Application for a Trade Waste Permit

3.2.1. Formal Application

Every person who does, proposes to, or is likely to:

- (a) Discharge into the Wastewater system any Trade Waste; or
- (b) Vary the characteristics of a Trade Waste for which a permit to discharge has previously been granted; or
- (c) Vary the conditions of any permit to discharge that has previously been granted; or
- (d) Significantly change the method or means of pre-treatment of a Trade Waste for which a permit has previously been granted:

shall complete an application in the prescribed form (available from: Council offices, 110 Trafalgar Street, Nelson; or Council website www.nelson.govt.nz).

The Council reserves the right to deal with the owner as well as the occupier of, or any person discharging from, trade premises.

3.2.2. The Council may require an application to be supported by an independent report from a suitably experienced and external auditor to verify any or all information supplied by the applicant, and may also require the provision of a management plan.

3.3. Processing an Application

3.3.1. On the receipt of any application the Council may:

- (a) Require the applicant to submit any additional information which it considers necessary to reach an informed decision;
- (b) Require the applicant to submit a management plan to the satisfaction of the Council;
- (c) Require the applicant to undertake sampling and monitoring as provided for in Clauses 5.1 and 5.3.

3.3.2 Consideration of an Application:

Within 15 working days (or extended as necessary by the Council) of receipt of an application complying with this bylaw and/or requirements under 3.4, whichever is the later, the Council shall, after considering the matters in 3.6 action one of the following in writing:

- (a) Grant the application as a Permitted Trade Waste and inform the applicant of the decision by issuing the appropriate notice
- (b) Grant the application as a conditional trade waste discharge consent and inform the applicant of the decision and the conditions imposed on the discharge by issuing the appropriate notice of consent to the discharge; or
- (c) Decline the application and notify the applicant of the decision giving a statement of the reasons for refusal.

3.4. Consideration Criteria for a Trade Waste Permit

3.4.1. In considering any application for a Trade Waste permit to discharge from any trade premises or to discharge any tankered waste into the Wastewater system, and in imposing any conditions on such permit, the Council shall give consideration to the quality, volume, and rate of discharge of the Trade Waste from such premises or tanker having regard to:

- (a) The health and safety of the Council staff, its agents and the public;
- (b) The limits and/or maximum values for characteristics of Trade Waste as specified in Schedule A of this Bylaw;
- (c) The extent to which the Trade Waste may react with other Trade Waste, Domestic Wastewater or foul water 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 any sewer, or sewers and the material or construction of the sewer or sewers;
- (e) The capacity of any sewer or sewers and the capacity of any Wastewater treatment works, 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;
- (i) The possible effect of the Trade Waste discharge on the ultimate receiving environment;
- (j) The conditions of any resource consents for the Wastewater system and the disposal of residuals or discharges from it;
- (k) The possibility of unscheduled, unexpected or accidental events and the degree of risk to which humans, the Wastewater system and the environment could be exposed;

- (l) Consideration for other existing or future discharges;
- (m) Amenability of the Trade Waste to pre-treatment;
- (n) Existing pre-treatment works on the trade premises;
- (o) Cleaner production techniques and waste minimization practices;
- (p) Requirements and limitations related to Wastewater sludge disposal and reuse;
- (q) Control of stormwater on the trade premises;
- (r) Management plans relating to the trade premises; and
- (s) Tankered waste being discharged at an approved location(s).

3.5. Conditions of Trade Waste Permit

3.5.1. Any Trade Waste permit to discharge may be granted subject to such conditions that the Council considers appropriate, including but not limited to:

- (a) The particular Wastewater System to which the discharge will be made;
- (b) The maximum daily volume of the discharge, the maximum rate of discharge, and the duration of maximum discharge;
- (c) The maximum limit or permissible range of any specified characteristics, including concentrations and/or mass limits determined in accordance with Clause 4.2;
- (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, or alkalinity of the Trade Waste at the time of discharge;
- (f) The temperature of the Trade Waste at the time of discharge;
- (g) The provision by the permit holder of screens, grease traps, silt traps or other pre-treatment works to control discharge characteristics to the permitted levels;
- (h) The provision and maintenance by the permit holder of inspection chambers, manholes or other apparatus or devices to provide reasonable access to drains for sampling and inspection;
- (i) The provision and maintenance by the permit holder of a sampling, analysis and testing programme and flow measurement requirements;
- (j) The method or methods to be used for measuring flow rates and/or volume and taking samples of the discharge for use in determining the amount of any rates or charges applicable to that discharge;
- (k) The provision and maintenance by and at the expense of, the Permit Holder of such meters or devices as may be required to measure the volume or flow rate of any Trade Waste being discharged from the premises, and for the testing of such meters;
- (l) At the request of Council, in a Council approved format, the permit holder shall provide flow and/or volume records and results of analyses (including pre-treatment by-products e.g. Wastewater sludge disposal);

- (m) The provision and implementation of a management plan;
- (n) The undertaking of a risk assessment of potential damage to the environment arising from an accidental discharge of a chemical into the Wastewater system;
- (o) The introduction of Waste minimisation and management;
- (p) The introduction of Cleaner production techniques;
- (q) Remote control of discharges;
- (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 the Council where failure to comply with the permit could result in damage to any part of the Wastewater system or could result in the Council being in breach of any statutory obligation;
- (t) Remote monitoring of discharges.

3.6. Duration

3.6.1. Permitted Discharges and Conditional Discharges

Permitted Discharges and Conditional discharge permits shall remain in force until either:

- (a) The permit is cancelled under Clause 2.1.2 or Clause 3.8;
- (b) The quantity and nature of the discharge changes significantly.
- (c) If in the opinion of the Council the nature of the Trade Waste or Domestic Wastewater being discharged changes or is likely to change to such an extent that it becomes a conditional or prohibited Trade Waste;
- (d) The Council changes the Wastewater management procedures by implementation of changed Wastewater Bylaw conditions or any amendment to, or replacement of, its Wastewater Bylaw; or
- (e) The conditions imposed on any resource consent for the Wastewater system and the residuals or discharges from it are changed.
- (f) A fixed termination date, or duration if set by Council
- (g) The permit holder ceases to operate from the trade premises from which the discharge arises. In the situation where the Permit Holder or the owner of the premises changes, or there is a change of use, a new application for a conditional Trade Waste permit shall be made.

In all cases, after appropriate consultation with the Council, the holder of any permit terminated pursuant to this clause shall within 10 working days of the event occurring apply for a conditional permit in accordance with Clause 3.2. No new discharge shall take place until such time as this application has been approved.

3.7. Technical Review and Variation

- 3.7.1. The Council may at any time require a person undertaking a permitted discharge to apply for a permit in accordance with Clause 3.2.

3.7.2. The Council may at any time during the term of a Trade Waste permit, by written notice to the Permit Holder, review any condition as the Council considers necessary to give effect to any new information which may become available or to meet any new resource consent imposed on the discharge from the Wastewater treatment plant, or to ensure compliance with any other legal requirements imposed on the Council.

3.7.3. A Permit Holder may at any time during the term of a permit, by written application to the Council, request a variation of any condition of such permit, imposed pursuant to Clause 3.5.

3.8. Cancellation of a Trade Waste Permit

3.8.1. Suspension or Cancellation on Notice

The Council may at any time following 20 working days notice to the Permit Holder suspend or cancel any consent, permit or right to discharge for one or more of the following reasons unless the permit holder within that 20 days takes action, or commences action to remedy the situation. :

- (a) For failure to comply with any condition of the permit;
- (b) For failure to maintain effective control over the discharge;
- (c) For failure to limit in accordance with the requirements of any permit the volume, nature, or composition of Trade Waste being discharged;
- (d) For any negligent act or omission which, in the opinion of the Council, threatens the safety of, or threatens to cause damage to any part of the Wastewater System or threatens the health or safety of any person;
- (e) If any occurrence happens that, in the opinion of the Council, poses a potential serious threat to the environment;
- (f) In the event that the discharge results in a breach of a resource consent held by the Council issued under the Resource Management Act 1991;
- (g) Failure to provide and when appropriate update a Management Plan as required for a conditional permit;
- (h) Failure to follow the Management Plan provisions at the time of an unexpected, unscheduled or accidental occurrence;
- (i) Failure to pay any charges under this Bylaw; or
- (j) If any other circumstances arise which, in the opinion of the Council, render it necessary in the public interest to cancel the right to discharge.

3.8.2. Summary Cancellation

Notwithstanding Clause 3.8.1 above the Council may on giving to the Permit Holder written notice cancel any Trade Waste permit where:

- (a) The discharge contains any prohibited substance;
- (b) The Council is lawfully directed to withdraw or otherwise to terminate the permit summarily;
- (c) The Permit Holder discharges any Trade Waste without the appropriate consent;

- (d) If the continuance of the discharge is, in the opinion of the Council, an immediate threat to the environment or public health;
- (e) If in the opinion of the Council the continuance of the discharge puts at risk the ability of the Council to comply with any conditions of a resource consent and/or requires identified additional treatment measures or costs to seek to avoid a breach of any such resource consent, or contractual obligation.

4. WASTEWATER DISCHARGE APPROVAL CRITERIA

4.1. Pre-treatment

- 4.1.1. The Council may approve a Trade Waste discharge subject to the provision, operation and maintenance by the Permit Holder of appropriate pre-treatment systems to enable the person discharging to comply with the Bylaw.
- 4.1.2. No refuse or garbage grinder or macerator shall be used within any trade premises discharging to a Wastewater system except with the express approval of the Council.
- 4.1.3. The person discharging shall not, except with the express approval of the Council, add or permit the addition of any potable, condensate, cooling water or stormwater to any Wastewater stream.

Note: Condensate and cooling water shall not be discharged to a stormwater drain or natural waterway without the express approval of the Council.

4.2. Mass Limits

- 4.2.1. A conditional Trade Waste permit to discharge may impose controls on a Trade Waste discharge by specifying mass limits for any characteristic. Any characteristic permitted by mass limit shall also have its maximum concentration limited to the value specified in Schedule A of this bylaw unless approved otherwise.
- 4.2.2. When setting the mass limit for a particular characteristic the Council shall consider:
 - (a) The operational requirements of and risk to the Wastewater system, and risks to occupational health and safety, public health, and the state of 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 extent to which the available industrial capacity of the Wastewater system was used in the last financial period and is expected to be used in the forthcoming period;
 - (e) Whether or not the applicant uses cleaner production techniques within a period satisfactory to the Council;
 - (f) Whether or not there is any net benefit to be gained by the increase of one characteristic concurrently with the decrease of another to justify any increased application for industrial capacity;
 - (g) Any requirements on the Council to reduce the pollutant discharge from the Wastewater system;

- (h) The proportion which the mass flow of the characteristic of the discharge will be of the total mass flow of that characteristic in the Wastewater system;
- (i) The total mass of the characteristic allowable in the Wastewater system, and the proportion (if any) to be reserved for future allocations; and
- (j) Whether or not the characteristic will interact with other characteristics and thereby increase or decrease the effect of either characteristic on the Wastewater system, or on the receiving environment.

4.2.3. Tankered Wastes

No person shall discharge any tankered wastes into any Wastewater system other than in compliance with the Liquid and Hazardous Wastes Code of Practice and with the written approval of the Council.

Tankered wastes shall:

- (a) Be transported by a Liquid Waste Operator with the necessary Trade Waste Permit to discharge domestic septic tank or industrial wastes;
- (b) If requested, have material safety data sheets (MSDS) supplied to the Council detailing the contents of a waste;
- (c) Be tested to determine their character if the contents of the waste are not known. Specialist advice on pre-treatment or acceptance may be required. The cost of all testing and advice shall be borne by the Permit Holder;
- (d) Not be picked up and transported to the disposal site until appropriate arrangements and method for disposal have been determined by the Council;
- (e) Only be transported in a tanker which has been thoroughly washed prior to collecting any load for disposal into the Wastewater system; and
- (f) Only be disposed after at least 24 hours notice has been given for the disposal of wastes, other than those sourced from domestic septic tanks.
- (g) Be recorded by the liquid waste operator using WasteTRACK or similar waste tracking system approved by Council.

Any person illegally disposing of, or causing to be disposed, tankered waste either by incorrect disclosure of contents (characteristics and/or amount) or dumping into the Council's Wastewater system other than at an approved location in accordance with items (a)-(g) above will be in breach of the Bylaw.

4.2.4. Disinfected/Super Chlorinated Water

Any water used during the repair and construction of water mains shall be de-chlorinated to provide a residual chlorine level of less than 0.5ppm prior to discharge into the Wastewater system. Any chemical neutralisation of the chlorine shall not introduce any substances that exceed the limits specified in Schedule A of this bylaw.

NOTE: No such water shall be disposed of to any stormwater drain or water course except in compliance with the Freshwater Rules of the Resource Management Plan.

4.2.5. Swimming Pool and Spa Pool Water

No water, other than backwash water, from a swimming pool or spa pool draining facility shall be discharged to the sewer and such shall only be discharged once the residual chlorine level is less than 0.5 ppm and only in quantities associated with a standard backwash of filters. If the reason for discharge is due to a chemical imbalance (including pH<6 or >9) then Council must be consulted before the discharge occurs. All discharges other than backwash shall be made after 8pm and before 7am. Discharges outside these times shall only be with the approval of the Council. Council reserves the right to limit the rate and timing of the discharge. Discharges are not allowed less than 3 days after a rain event.

4.2.6. Discharges via Grease Traps or Sediment and Oil Traps

Any premise that discharges fats, oils, grease (FOGs), or sediment shall have an appropriate grease trap or sediment and oil interceptor and shall obtain a Trade Waste Permit.

Acceptable grease traps include:

- NZ Building Code-G13 Acceptable Solution 2 type in ground grease trap
- Any other type of grease trap or sediment and oil interceptor will require the approval of the Council prior to installation. Any grease trap shall have a minimum capacity of 500L.

All grease traps and silt and oil traps shall be maintained in an operable condition in accordance with the following criteria:

- (a) All traps shall be serviced at least once every three (3) months to remove all sediment, fat oil and grease
- (b) At no time shall the sediment layer in any trap exceed 20 % of the depth or volume of the trap
- (c) At no time shall the fat/oil/grease layer exceed 20% of the depth or volume of the trap
- (d) Servicing shall be also undertaken at any time as necessary to maintain operational efficiency of the trap
- (e) All servicing shall be conducted by an approved liquid waste operator who complies with Clause 4.2.3 above.
- (f) Silt/ oil interceptors for washdown bays must be roofed or suitably bunded with a first flush system installed and operating in accordance with the Land Development Manual.

4.2.7. Discharges via Enzyme Based Grease Converters.

The installation of an Enzyme based grease converter is prohibited.

Existing enzyme based grease converters will be permitted to remain provided all of the following criteria are met at all times:

- (a) A Trade Waste permit is obtained for any discharge from the converter
- (b) The converter has previously been explicitly approved by a Trade Waste consent or permit or building consent
- (c) The converter is fitted with an automatic enzyme dosing apparatus (whether or not this was required as part of any original consent (or permit))

- (d) The trade operator is able to provide satisfactory records of purchase of enzymes of a type and quantity matching the manufacturer's recommendation
- (e) The operator is able to provide records of regular (at a minimum weekly) checks of the system to ensure that it is operating correctly, and
- (f) The Council is satisfied that there is no risk to the Wastewater system by the continued use of the converter.

5. SAMPLING, TESTING AND MONITORING

5.1. Flow Metering

- 5.1.1. The Council may as a condition of any permit or at any time that it considers necessary require a permit holder to undertake flow metering of any discharge.
- 5.1.2. The Permit Holder shall be responsible for the supply, installation, reading and maintenance of any flow metering equipment required to be installed. All equipment shall be subject to the approval of the Council, but shall remain the property of the Permit Holder.
- 5.1.3. Records of flow and/or volume shall be available for viewing at any time by the Council, and shall be submitted to the Council at prescribed intervals by the Permit Holder in a format approved by the Council. For example, high risk discharges, Council may require real time electronic data.
- 5.1.4. The equipment shall be installed according to the manufacturer's installation instructions. It shall be located in a position which provides the required degree of accuracy and shall be readily accessible for reading.
- 5.1.5. The Permit Holder shall arrange for in situ calibration of the flow metering equipment and instrumentation by a person and a method approved by the Council upon installation and if required at Council's request thereafter to ensure its performance. The meter accuracy should be $\pm 5\%$. A copy of the independent certification of each calibration verification result shall be submitted to the Council as specified in the Trade Waste Permit.
- 5.1.6. Should any meter, after being calibrated, be found to have an error greater than that specified in 5.1.5 as a repeatable measurement, the Council may make an adjustment in accordance with the results shown by such tests back-dated for a period at the discretion of the Council but not exceeding 12 months, and the Permit Holder shall pay or be credited a greater or lesser amount according to such adjustment.

5.2. Estimating Discharge

- 5.2.1. Where no meter or similar apparatus is warranted, the Council may agree that a percentage of the water supplied to the premises (or other such basis as seems reasonable) be used for estimating the rate or quantity of discharge for the purposes of charging.
- 5.2.2. If on any reading it is found that any meter is out of repair or has ceased to register, or been removed, the Council may estimate the discharge for the period since the previous reading of such meter, based on the average of the previous 12 months charged to the person discharging and charges shall be levied accordingly. Provided however that where by reason of a large variation of discharge due to seasonal or other causes, the average of the previous 12 months would be an unreasonable estimate of the discharge, the Council may take into consideration other evidence for the purpose of arriving at a reasonable estimate, and the person discharging shall pay according to such estimate.

- 5.2.3. Where in the opinion of the Council, a meter has been tampered with, the Council (without prejudice to the other remedies available) may declare the reading void and estimate the discharge on the basis provided for in Clause 5.2.2 above.

5.3. Sampling and Analysis

- 5.3.1. The Council may at any time undertake sampling, testing and/or monitoring of any discharge for the purposes of determining whether:

- (a) A discharge complies with the provisions of any permit or of this Bylaw;
- (b) A discharge is to be classified as a permitted, conditional, or prohibited discharge (refer to Clause 3.1);
- (c) A permitted discharge complies with the provisions of Schedule A and
- (d) Trade Waste permit charges are applicable to that discharge.

- 5.3.2. The taking, preservation, transportation and analysis of the sample shall be undertaken by an authorised officer or agent of the Council, or the person discharging in accordance with accepted industry standard methods, or by a method specifically approved by the Council. Where a discharge does not comply with the Bylaw or conditional Trade Waste Permit the person discharging shall be responsible for all reasonable costs. Where a dispute arises as to the validity of the methods or procedures used for sampling or analysis, the dispute may be submitted to a mutually agreed independent arbitrator.

- 5.3.3. Any authorised officer or authorised agent of the Council, or any analyst may enter any premises believed to be discharging Trade Waste at any time in order to determine any characteristics of any actual or potential discharge by:

- (a) Taking readings and measurements of such discharge;
- (b) Carrying out an inspection;
- (c) Taking samples for testing, of any solid, liquid, or gaseous material or any combination or mixture of such materials being discharged;
- (d) Observing accidental occurrences and clean up.

5.4. Monitoring

- 5.4.1. Auditing Trade Waste Discharges

The Council may at any time undertake audit monitoring of any Trade Waste discharge. Such monitoring shall be carried out as follows:

- (a) The Council or its authorised agent will take the sample of the discharge and arrange for this sample to be analysed in an approved laboratory by accepted analytical methods;
- (b) The sampling procedure will be appropriate to the type of Trade Waste and the analysis required;
- (c) The Council may audit the sampling and analysis carried out by a self-monitoring Trade Waste Permit Holder;
- (d) The Council may audit the Trade Waste permit conditions including any management plans. Where non compliance is found, all costs of monitoring shall be met by the Permit Holder.

5.4.2. Sampling Methodology

Sampling shall be by way of a single grab sample which will be split equally into two parts to be dealt with as follows:

- (a) One portion of the sample will be provided to the Trade Waste discharger for analysis and/or storage;
- (b) The other portion of the sample shall be analysed at a laboratory approved by the Council;

Due consideration will be applied to any changes that could occur in retained Trade Waste samples and provisions to mitigate against changes will be adopted where practicable.

In all cases the samples shall be handled in an appropriate manner such that the characteristics being tested for are, as far as reasonably possible, preserved.

All samples shall be preserved, handled, transported and delivered to an approved laboratory according to best possible practice and approved standards.

6. BYLAW ADMINISTRATION

6.1. Review of Decisions

- 6.1.1. If any person is dissatisfied with any decision by an authorised officer made under this Bylaw, that person may, by notice delivered to the Chief Executive Officer of the Council not later than 20 working days after receipt of the decision request the Chief Executive to review the decision. The decision of the Chief Executive Officer shall be final.

6.2. Accidents and Non-compliance

- 6.2.1. The Permit Holder shall inform the Council immediately on discovery of any accident including spills or process mishaps which may cause a breach of this bylaw.
- 6.2.2. In the event of any accident occurring when the person holds a conditional permit, the Council may review the permit under Clause 3.7 or may require the Permit Holder, within 20 working days of the date of such requirement to review the contingency management procedures and re-submit for approval the management plan with the Council.
- 6.2.3. In the event of an accident occurring on the premises of a permitted discharge, the Council may require the person discharging to apply for a conditional permit.

6.3. Charges and Payments

- 6.3.1. Fees and charges payable will be set each year by the Council in its Annual Plan.
- 6.3.2. Fees and Charges

The Permit Holder shall be responsible to meet all fees and charges relating to the discharge of Wastewater from their premises to the Wastewater system, as may from time to time be imposed by the Council and set out in the Annual Plan.

- 6.3.3. Invoicing

All charges determined in accordance with 6.3.1 shall be invoiced in accordance with the Council's practice. The invoice shall provide each person discharging with a copy of the information and calculations used to determine the extent of any charges and fees due, in regard to a discharge.

6.3.4. Cessation of Discharge

The Permit Holder shall be deemed to be continuing the discharge of Trade Waste and shall be liable for all charges, until notice of disconnection is given to the Council by the Permit Holder.

6.3.5. Failure to Pay

All fees and charges payable under this Bylaw shall be recoverable as a debt. 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 3.8.

6.4. Transfer or Termination of Rights and Responsibilities

6.4.1. A Trade Waste permit to discharge shall be issued in the name given on the application form. With the exception of Permitted Discharges the Permit Holder shall not, unless written approval is obtained from the Council:

- (a) Transfer to any other party the rights and responsibilities provided for under this Bylaw, and under the permit;
- (b) Allow a point of discharge to serve any other premises, or the private drain to that point to extend by pipe or any other means to serve another premises; or
- (c) Allow Wastewater from any other party to be discharged at their point of discharge.

6.4.2. Renewal of a Trade Waste permit on change of ownership of premises shall not be unreasonably withheld if the characteristics of the Wastewater remain unchanged.

6.4.3. The Permit Holder shall give 48 hours notice in writing to the Council of their requirement for disconnection of the discharge connection and/or termination of the discharge permit, except where demolition or relaying of the discharge drain is required, in which case the notice shall be within seven working days. The person discharging shall notify the Council of the new address details for final invoicing.

6.4.4. When a Permit Holder ceases to occupy premises from which Trade Wastes are discharged into the Wastewater system any permit granted shall terminate but without relieving the person discharging from any obligations existing at the date of termination.

6.5. Offences

6.5.1. Every person or Permit Holder or owner or occupier of Premises who:

- (a) Fails to comply with or acts in contravention of any provision of this Bylaw;
- (b) Breaches the conditions of any permit to discharge granted pursuant to this Bylaw, or
- (c) Fails to comply with a notice served under this Bylaw;

commits an offence under section 239 of the Local Government Act and is liable to a fine not exceeding \$200,000.

6.6. Transitional Provisions

6.6.1. Applications

Any application for a permit to discharge Trade Waste made under this NCC Wastewater Bylaw 224 (2014) for which a permit has not been granted at the time of this new Bylaw coming into force shall be deemed to be an application made under Clause 3.2 of this Bylaw.

6.6.2. Existing Trade Waste Consents

Every existing Trade Waste consent (or permit) shall continue in force as if it were a permit issued under this Bylaw subject to 6.6.3. Provided that the Council may review and amend any conditions of any existing consent (or permit) to ensure such align with this Bylaw.

6.6.3 The Council can review conditions of existing consents when:

- a) new information becomes available;
- b) if the information made available during the application contained inaccuracies which materially influenced the setting of conditions of the consent;
- c) the consented discharge is found to have an adverse impact on the Council's Wastewater network.

The foregoing bylaw was duly made by the Nelson City Council at the ordinary meeting of the Council held on the 9th day of October 2014.

**The COMMON SEAL of the
NELSON CITY COUNCIL
was hereto affixed in the
presence of:**

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Mayor

Chief Executive



Date: 23 November 2015

SCHEDULE A: PERMITTED DISCHARGE CHARACTERISTICS

1. DISCHARGE CHARACTERISTICS

1.1. Acceptable Criteria

1.1.1. The tables in this section and the contaminant concentrations shown are maximum limits of what is acceptable. The acceptance criteria/characteristics are generally sourced from the guidelines for Wastewater systems – acceptance of Trade Waste (industrial waste).

1.2. Factors affecting acceptance conditions

1.2.1. The following factors may be considered by Council when assessing an permit application:

- (a) Volume, concentration, contaminant hazard assessment of the Trade Waste;
- (b) Effectiveness and reliability of industry-based pre-treatment, if any. Reliability includes an industry's proven track record in operating a pre-treatment plant;
- (c) Effectiveness and reliability of the Council's Wastewater collection, treatment and disposal of facilities in relation to the proposed discharge characteristics;
- (d) Treated Wastewater disposal location, e.g. high energy coastal outfall, inland waterways, irrigated land disposal system, wetland;
- (e) Reuse of treated Wastewater and/or biosolids;
- (f) Sludge disposal method by both industry and the Council. Disposal to a Class A landfill will require less control over the resultant sludge than disposal to a Class B landfill or reuse as biosolids;
- (g) Occupational health and safety requirements;
- (h) Requirements of any legislation in force or as may be enacted from time to time.

2. PHYSICAL CHARACTERISTICS

2.1. Flow

- 2.1.1. The 24 hour flow volume shall be less than 5m³
- 2.1.2. The maximum instantaneous flow rate shall be less than 2.0L/s
- 2.1.3. The maximum flow rate shall be less than 0.54L/s/Ha

2.2. Temperature

- 2.2.1. The temperature shall not exceed 40°C

2.3. Solids

- 2.3.1. Non-faecal gross solids shall have a maximum dimension which shall not exceed 15mm
- 2.3.2. The suspended solids content of any Wastewater shall not exceed 1000g/m³
- 2.3.3. The settleable solids content of any Wastewater shall not exceed 50mL/L

- 2.3.4. The total dissolved solids in any Wastewater shall not exceed 3000 g/m³
- 2.3.5. Fibrous, woven, or sheet film or any other materials which may adversely interfere with the free flow of Wastewater in the drainage system or treatment plant shall not be present.
- 2.3.6. Trade waste containing solids that have been processed through any in or under sink macerator type device (such as, but not limited to, "in-sink-erator") is prohibited.

2.4. Fat, Oil and Grease

- 2.4.1. There shall be no free or floating layer of fat, oil or grease.
- 2.4.2. A Trade Waste with mineral oil, fat or grease unavoidably emulsified, which in the opinion of the Council is not biodegradable shall not exceed 100g/m³ as petroleum ether extractable matter when the emulsion is stable at a temperature of 15°C and when the emulsion is in contact with and diluted by a factor of 10 by raw Wastewater, throughout the range of pH 6.0 to pH 9.0
- 2.4.3. A Trade Waste with oil, fat or grease unavoidably emulsified, which in the opinion of the Council is biodegradable shall not exceed 100g/m³ when the emulsion is stable at a temperature of 15°C and when the emulsion is in contact with, and diluted by, a factor of 10 by raw Wastewater throughout the range pH 6.0 to pH 9.0
- 2.4.4. A Trade Waste emulsified oil, fat or grease shall not exceed 100g/m³ as petroleum ether extractable matter when the 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 Wastewater throughout the range pH 6.0 to pH 9.0

2.5. Solvents and Other Organic Liquids

- 2.5.1. There shall be no free layer (whether floating or settled) of solvents or organic liquids

2.6. Emulsions of Paint, Latex, Adhesive, Rubber, Plastic or Similar Material

- 2.6.1. Where such emulsions are not treatable they may be discharged into the sewer subject to the total suspended solids not exceeding 1000g/m³
- 2.6.2. The Council may require pre-treatment of such emulsions if the emulsion Wastewater is likely to unreasonably interfere with the operation of the Council's treatment plant, e.g. reduces % UVT (ultra violet transmission)
- 2.6.3. Such 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

2.7. Radioactivity

- 2.7.1. Radioactivity levels shall not exceed the National Radiation Laboratory Guidelines

2.8. Colour

- 2.8.1. No waste shall have colour or colouring substance that causes the discharge to be coloured to the extent that it impairs Wastewater treatment processes or compromises the final effluent discharge consent

2.9. Inhibitory Substances

- 2.9.1. Should any characteristic of a discharge be found to inhibit the performance of the Wastewater treatment process, such that the Council is significantly at risk or likely to

be prevented from achieving its environmental statutory requirements, then the Council reserves the right to amend the corresponding permit or consent summarily

2.10. Chemical Characteristics

2.10.1. The pH shall be between 6.0 and 9.0 at all times

2.11. Organic Strength

2.11.1. The Biochemical Oxygen Demand (BOD₅) of any waste may require to be restricted where the capacity for receiving and treating BOD₅ is limited. A BOD₅ restriction may be related to mass limits. All Trade Waste Permits will be reviewed against the design and operating requirements of the receiving wastewater treatment plant and appropriate conditions may be set.

2.11.2. The maximum BOD₅ concentration in any Trade Waste Discharge shall not exceed 1000g/m³. For significant industry this may be reduced to 600g/m³

2.12. Maximum Concentrations

2.12.1. Introduction

The maximum concentrations permissible in respect of the chemical characteristics of an acceptable discharge are set out in the following tables:

Table A.1 – General chemical characteristics

Table A.2 –Metals

Table A.3 – Organic compounds and pesticides

Table A.4 – Antibiotics

TABLE A.1: GENERAL CHEMICAL CHARACTERISTICS

(Mass limits may be imposed, refer to 4.2)	
Characteristic Maximum Concentration g/m³ (ppm)	
MBAS (Methylene blue active substances)	500
Ammonia (measured as N)	
- free ammonia	50
- ammonium salts	200
Kjeldahl nitrogen	150
Total phosphorus (as P)	50
Sulphate (measured as SO ₄)	200
Sulphite (measured as SO ₂)	15
Sulphide - as H ₂ S on acidification	1
Chlorine (measured as Cl ₂)	
- free chlorine	3
- hypochlorite	30
Dissolved aluminium	100
Dissolved iron	100
Boron (as B)	25
Bromine (as Br ₂)	5
Fluoride (as F)	5
Cyanide - weak acid dissociable (as CN)	5

TABLE A.2: METALS

(Mass limits may be imposed, refer to 4.2)	
Metal Maximum Concentration g/m³ (ppm)	
Antimony	5
Arsenic	1
Barium	10
Beryllium	0.005
Cadmium	0.5
Chromium	5
Cobalt	5
Copper	5
Lead	5
Manganese	10
Mercury	0.05
Molybdenum	5
Nickel	5
Selenium	5
Silver	1
Thallium	5
Tin	10
Zinc	5

TABLE A.3: ORGANIC COMPOUNDS AND PESTICIDES

(Mass limits may be imposed, refer to 4.2)	
Compound Maximum Concentration g/m³ (ppm)	
Formaldehyde (as HCHO)	50
Phenolic compounds (as phenols) excluding chlorinated phenols	50
Chlorinated phenols	0.02
Petroleum hydrocarbons	30
Halogenated aliphatic compounds	1
Monocyclic aromatic hydrocarbons	5
Polycyclic (or polynuclear) aromatic hydrocarbons (PAHs)	0.05
Halogenated aromatic hydrocarbons (HAHs)	0.002
Polychlorinated biphenyls (PCBs)	0.00
Polybrominated biphenyls (PBBs)	0.002 each
Pesticides (general). (Includes insecticides, herbicides, fungicides but excludes organophosphate, organochlorine and any pesticides not registered for use in New Zealand)	0.2 in total
Organophosphate pesticides	0.1

TABLE A.4: ANTIBIOTICS

VOLUME LIMIT	ACTIVE CONCENTRATION
10 Litres	125mg/5ml
5 Litres	250mg/5ml
3 Litres	Above 250mg/5ml