

**REPORT 3**  
(1215/11/IM)**Report of the Strategy and Policy Committee**  
**Meeting of Thursday 15 February 2007**

**Members:** Mayor Prendergast, Councillors Armstrong (Chair), Ahipene-Mercer, Cook, Foster, Gill, Goulden, McKinnon, Morrison, Pepperell, Ritchie, Ruben, Shaw, Wade-Brown and Wain.

**THE COMMITTEE RECOMMENDS:**

1. **ITEM 024/07P REVIEW OF WATER BYLAWS**  
(1215/52/IM)(REPORT 4)

*THAT Council:*

1. *Agree that the proposals (Appendix A) proceed through the Special Consultative Procedure, as required by sections 86, 87 and 156 of the Local Government Act 2002.*
2. *Agree that the proposed Water Services Bylaw does not give rise to any implications under the New Zealand Bill of Rights Act 1990.*
3. *Agree that the proposed Water Services Bylaw is the most appropriate way of addressing the perceived problem of certain private fittings adversely affecting the public water supply network.*

2. **ITEM 026/07P ACCELERATING NOW! LOCAL ACTION:**  
**SUSTAINABILITY: ICLEI OCEANIA, MELBOURNE, 1 – 4 MAY**  
**2007**  
(1215/52/IM)(REPORT 6)

*THAT Council:*

1. *Approve the attendance of one elected member at 'Accelerating Now! Local Action; Sustainability; ICLEI Oceania' to be held in Melbourne 1 – 4 May and agree that the costs associated with attending the conference are met from the Elected Members Budget (GVEM01).*

**Robert Armstrong**  
**Chair**

**SUMMARY OF INFORMATION AND  
STATEMENT OF PROPOSAL  
ON THE  
REVIEW OF WATER BYLAWS IN THE  
WELLINGTON CONSOLIDATED BYLAW 1991**

## SUMMARY OF INFORMATION IN THE STATEMENT OF PROPOSAL WATER BYLAWS REVIEW

The Council has reviewed its Drainage and Plumbing, and Water Supply, bylaws in accordance with an ongoing review of the Consolidated Bylaw. The Council is reviewing the bylaws to meet the requirements of the Local Government Act (LGA) 2002.

In conducting the review, the Council has found that most matters relating to the management and protection of the public water supply, wastewater, drainage and sanitation are controlled by provisions in several enactments and that there was no need to duplicate these matters in a bylaw. The issues covered by a proposed new water services bylaw are confined to addressing perceived problems that are not effectively controlled by any statute.

A water charter has been developed to explain the rights and responsibilities of people who are connected to the public water, wastewater and stormwater system alongside the rights and responsibilities of the Council. This document will promote better understanding of the rules and the Council's management of the networks that service the three waters (drinking water, wastewater and stormwater).

The Council is keen to know what consumers, ratepayers and stakeholders think about the following proposed:

- revocation of the Drainage and Plumbing Bylaw
- revocation of the Water Supply Bylaw
- new Water Services Bylaw
- Water Charter.

Information, along with a submission, form can be obtained from the Council libraries, service centres and Contact Centre. They are also available online at [www.wellington.govt.nz](http://www.wellington.govt.nz)

**Submissions open Monday 5 March 2007 and close at 4pm Friday 6 April 2007.**

## STATEMENT OF PROPOSAL

### Wellington City Council Water Bylaws Review

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## 1. Introduction – Reasons for reviewing the water bylaws

This *Statement of Proposal*, relating to the review of the Wellington City Council's water bylaws is being published so we can hear the views of consumers, ratepayers and stakeholders on the outcome of a review of two bylaws concerning water. The objectives of the review are:

- to ensure that appropriate rules exist for the management and protection of the public network systems,
- to improve public understanding of the respective responsibilities for water users and the Council, as the supplier of public network services.

The bylaw review is aiming to:

- *streamline the rules that apply to the three water services<sup>1</sup> by not duplicating statutory provisions.* The existing bylaws<sup>2</sup> have been found to be unnecessary because some parts are obsolete and other parts duplicate controls that exist in statute. For these reasons they can be revoked. The bylaws that the Council proposes to revoke can be found in Appendix 3 and Appendix 4.
- *introduce rules that are needed to protect the wider community because alternative statutory controls do not exist.* Where a problem exists that cannot be managed without some regulatory tool, a bylaw is appropriate to protect the public network and the interests of the whole community. The proposed new bylaw, Part 2 Water Services can be found in Appendix 2.
- *provide information that will assist consumers to understand their rights and responsibilities.* The Water Charter (see Appendix 1) has been developed to explain the rights and responsibilities of consumers and the Council.

The Council is reviewing the bylaw to meet the requirements of the Local Government Act (LGA) 2002. The LGA 2002 requires the Council to periodically review all of its bylaws; otherwise they cease to be enforceable. The Council has an objective for its bylaws to be effective, efficient and relevant instruments.

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<sup>1</sup> The three waters refers to drinking water, waste water and storm water.

<sup>2</sup> Consolidated Bylaw Part 20 (Water Supply) and Part 7 (Drainage and Plumbing)

## 2. Have your say

Wellington City Council is keen to know what you think about the matters covered by this review. Anyone can make a submission on the issues covered by the review. If you wish to make a submission, please ensure you include the following information:

- your name, postal address, phone number, fax number and email address (if applicable)
- your submission, with reasons for your views
- any changes you would like made
- whether you wish to speak to the Council in support of your submission.

A submission form is attached to help you.

Councillors will consider all the submissions before making a decision on whether to adopt it. The process and timetable for conducting this review is shown in section five of this document.

Please fill in the attached submission form or make a submission on line at [www.wellington.govt.nz](http://www.wellington.govt.nz) or email your submission to [wayne.murphy@wcc.govt.nz](mailto:wayne.murphy@wcc.govt.nz)

Submissions can be sent to:

Freepost WCC  
Water Bylaws Review Consultation  
Policy Unit  
Wellington City Council  
P O Box 2199  
Wellington

Submissions open Monday 5 March 2007 and close at 4pm Friday 6 April 2007.

**3. Background**

**3.1 Legislation**

A number of Acts overlap in terms of scope and application as regulatory tools, especially for the protection of public health. By using these regulatory tools, the Council has recourse to prosecute people for offences and apply penalties. Table 1 indicates the relationship of a number of statutes that are relevant to the bylaw review.

Perceived Problem Issue	Regulatory Tools						Educational Tool
	Local Government Act 2002*	Local Government Act 1974*	Health Act 1956*	Building Act 2004 and Building Code	Resource Management Act 1991	Wellington Consolidated Bylaw	Wellington Water Charter
Health risks	◆		◆				
Protection of people and property	◆	◆					
Contamination of water supply	◆		◆				
Protecting the assets involved in the three water services	◆	◆					
Decision making processes and disclosures	◆						
Nuisances	◆		◆				
Design and performance of systems				◆			
Minimising negative effects such as harm to the environment					◆		
Managing a local problem that may be unique to this community	◆					◆	
Defining expectations of customers and the Council							◆

\* denotes the Council has bylaw making powers under these statutes.

## APPENDIX A

### *Local Government Act (LGA) 2002*

Part 8 of the LGA 2002 requires councils to periodically review all their bylaws using the process found in section 86. Section 293 of the LGA 2002 provides validation of bylaws that were made under repealed provisions of the Local Government Act 1974; however as this validation expires on 30 June 2008, old bylaws need to be reviewed if they are to continue to be enforceable.

Section 146 of the LGA 2002 enables the Council to make bylaws for the management and protection of infrastructure associated with water supplies, wastewater, drainage, sanitation and land drainage.

Section 155 requires the Council to consider whether a bylaw is the most appropriate way of addressing a perceived problem. A principle we have applied under section 155 is that duplication of statutory controls in a bylaw is unnecessary and unhelpful. While duplication of statutory powers in a bylaw is permissible, such provisions become misleading and unhelpful when the original statute is amended or repealed. Therefore, when a perceived problem is identified for possible inclusion in a bylaw, where we have found that the problem can be addressed through exercise of a statutory power (see examples below), we have purposefully omitted the issue from the bylaw.

Water issues are controlled by a number of statutes, examples of which include the Local Government Act 2002, the Local Government Act 1974, the Building Act 2004 and the Health Act 1956. The Council's ability to exercise powers under these statutes means there are few problems it needs to address through a bylaw.

Subpart 1 of Part 7 of the LGA 2002 requires the Council to periodically assess water, wastewater and stormwater services. These assessments consider current and future demand and state the Council's intentions for its role in managing future demand. Subpart 2 of Part 7 of the LGA 2002 requires the Council to provide and maintain water services. Subpart 1 of Part 9 of the LGA 2002 provides controls and powers that enable the Council to manage and protect water services and associated infrastructure. Subpart 2 of Part 9 of the LGA 2002 provides penalties for offences against water services and associated infrastructure.

### *Local Government Act 1974*

Parts of the Local Government Act 1974 (LG 74) were not repealed with the enactment of the more recent Local Government Act 2002. Parts 26 and 29 of the LG 74 enable the Council to manage and protect sewerage, stormwater and land drainage services and associated infrastructure. Under part 31 of LG 74 the Council has a duty to promote efficient and effective waste management (including liquid wastes).

### *The Building Act 2004*

All building work must comply with the building code to the extent required by this Act, whether or not a building consent is required in respect of that building work. The Health Act 1956 and the Local Government Act 2002 state that a bylaw cannot require a standard of performance or compliance that is higher than the Building Act 2004 or the building code.

### *The Health Act 1956*

Under the Health Act 1956 the Council has a general duty to improve, protect, and promote public health. Part two of this Act provides powers to the Council to fulfil its duties, enabling it to act where it finds a potential threat to public health. The Government has presented a bill to Parliament, which if enacted, will extend the Council's powers and responsibilities for the protection of water services.

### **3.2** *The role of the Council*

The community recognises that the public's long term environmental health will be protected by well planned and well maintained infrastructure. The Council's role is to ensure that residents have access to safe and reliable water supplies and waste disposal systems that protect public health and ecosystems. The Council owns a substantial number of infrastructure assets for operation of the three water services, which are managed by Capacity (the trading name of Wellington Water Management Ltd), which is a Council Controlled Trading Organisation.

#### *Water Supply*

The water supply network is managed by the Council to ensure that under normal conditions high quality drinking water is available for household and business use and for fire fighting. The public water network includes 76 reservoirs, 34 water pumping stations, more than 7900 hydrants and more than 1,000km of underground pipes. Water conservation is promoted through public education efforts and by installing and reading water meters. Water meters allow trends in water consumption to be monitored and leaks to be detected. Commercial customers are charged for water used and the meters provide an incentive for them to not waste water.

#### *Wastewater and Stormwater*

The Council manages its wastewater and stormwater services in accordance with its Liquid Waste Management Plan, which was developed to meet requirements set out in the NZ Waste Strategy 2002 and Part 31 of the Local Government Act 1974. The goals of the Liquid Waste Management Plan are to:

- lower the social costs and risks of waste
- reduce damage to the environment from waste generation and disposal
- increase economic benefit by more efficient use of materials.

The two networks comprise a substantial asset base which is maintained in accordance with Asset Management Plans that ensure service level requirements such as network condition and criteria for renewals and upgrades are met. The wastewater network includes 1,000 km of wastewater pipes that each year carry more than 29 million cubic meters of liquid waste to treatment plants. The stormwater network includes 700 km of pipes and tunnels and carries about 80 million cubic meters of runoff to discharge points in streams and the harbour.

## 4 The Bylaw review

### 4.1 Local Government Act 2002 requirements

The Council is empowered to make a bylaw to manage and protect infrastructure associated with water and wastewater services by section 146 of the LGA 2002 (refer section 3.1 of this report).

The LGA 2002 has three specific sections that establish the steps to be taken in the bylaw making process:

- *section 155* requires that Council determine that a bylaw is the most appropriate way of addressing the perceived problem. If it is, then the Council must determine if a proposed bylaw is the most appropriate form of bylaw and whether it gives rise to any implications under the New Zealand Bill of Rights Act (BORA) 1990
- *section 156* requires a special consultative procedure contained in section 86 to be followed. This involves preparing a:
  - *statement of proposal* that covers the points outlined in section 155 and a draft of the proposed bylaw
  - *summary of the information* contained in the statement of proposal that must be a fair representation of the major matters in the statement of proposal and be distributed as widely as is reasonably practicable as a basis for general consultation
- *section 76* requires that when the Council is making a decision it considers and assesses practicable options, community views and whether the decision is inconsistent with or is likely to have effects that are inconsistent with the Council's policies.

### 4.2 The perceived problem

Specific problems related to the three water services include:

- health risks
- protection of people and property
- contamination of the water supply
- defining the expectations of customers and the Council
- equity and fairness for recouping the costs of differing levels of service for domestic and non domestic customers
- minimising negative effects such as harm to the environment
- managing a local problem that may be unique to this community
- protecting the substantial assets involved in the three water services

As already shown above, these problems are mostly addressed in statutes, which empower the Council to exercise controls to manage the perceived problems. Bylaws that duplicate statutes can create confusion, especially when the bylaw is inconsistent with the statute, which can occur due to reviews and updates of the statute.

One issue, where we found a problem that is not covered by statutes, was the potential for consumers to use equipment that can adversely affect other users by disrupting the flow pressure in the public network. The proposed new Water Services Bylaw addresses this problem by prohibiting the connection of such devices to the service pipe.

### 4.3 Is a bylaw is the most appropriate way to address the problem?

A bylaw can be a useful way of addressing a problem because people do not want to risk incurring the penalties that can be applied for breach of a bylaw. Therefore, where no controls exist and there is a perceived need to protect the public or to minimise offensive behaviour in public places or minimise a threat to the effective management and protection of public infrastructure, a bylaw can be the most effective way of addressing the problem. However a bylaw is not the most appropriate way to address the perceived problems listed above in 4.2 because alternative controls already exist.

### 4.4 Assessment of options for LGA decision making requirements

The Council has identified the following options that may be used to address the above problems.

*Option 1      Status quo*

The current bylaws will lapse on 1 July 2008 if not reviewed by 30 June 2008. Section 293 of the LGA 2002 provides only a temporary validation of bylaws that were made under the LG 74 and section 293 (3) terminates the temporary validation on 1 July 2008.

*Option 2      Review the current bylaws (recommended)*

The proposals contained within the review ensure that the Council's bylaws and policies are effective, efficient and relevant instruments that accurately communicate the Council's position and intentions. By not duplicating the controls and powers that are covered by statute it avoids risks of the bylaw being inconsistent with statutes and regulations.

Issues of concern that are not addressed in a statute or regulation can and are being addressed in a new bylaw.

A Water Charter informs the public of their rights and responsibilities alongside the Council's expectations.

*Option 3      Detailed prescriptive bylaws*

This is a variation of Options 1 and 2. This would involve renewing the current Water Supply and Drainage and Plumbing bylaws, so that they can continue to be operative after 30 June 2008.

*Option 4      Educational programmes (no bylaw)*

This option would use publications, such as the Charter, and media to educate users of their rights and responsibilities, but would deny the Council recourse to enforcement powers.

The advantages and disadvantages of each of the above options are summarised in Table 1. This illustrates that a bylaw in conjunction with a water charter is the most appropriate way of dealing with the perceived problems outlined in section 4.2 as they would sit alongside the other statutory mechanisms that are available for management and protection of infrastructure associated with water supply, wastewater, and stormwater.

## APPENDIX A

**Table 1: Advantages and disadvantages of each option**

Advantages	Disadvantages
<p><i>Option 1</i> <i>Status quo</i></p> <ul style="list-style-type: none"> <li>• Certainty around provisions of the current bylaw.</li> </ul>	<ul style="list-style-type: none"> <li>• Operation of the bylaw is due to expire and will be unenforceable.</li> </ul>
<p><i>Option 2</i> <i>Review the current bylaws</i></p> <ul style="list-style-type: none"> <li>• The proposed new bylaw streamlines the controls that apply to water services by recognising the effect of statutory provisions.</li> <li>• Local problems are identified and addressed in the proposed bylaw.</li> <li>• A water charter informs the community of consumers' rights and responsibilities in an easy to understand format.</li> <li>• The water charter can be easily and quickly updated – there is no statutorily prescribed process controlling the way the Council may choose to do this.</li> </ul>	<ul style="list-style-type: none"> <li>• Understanding the relationship and distinction between the Water Charter, a bylaw and statutory powers could be confusing to some people.</li> </ul>
<p><i>Option 3</i> <i>Detailed prescriptive bylaw</i></p> <ul style="list-style-type: none"> <li>• Certainty around provisions of the current bylaw.</li> </ul>	<ul style="list-style-type: none"> <li>• The bylaws contain some obsolete provisions, such as references to statutes or regulations that have been changed or repealed.</li> <li>• Duplication of statutes is unnecessary and unhelpful as the bylaw becomes obsolete when the statutory provisions change.</li> <li>• Including provisions that are already contained in statutes obscures the local problems that are not addressed in statutes.</li> </ul>
<p><i>Option 4</i> <i>Educational programmes (no bylaw)</i></p> <ul style="list-style-type: none"> <li>• People would be more knowledgeable about their rights and responsibilities and the Council's expectations.</li> </ul>	<ul style="list-style-type: none"> <li>• The Council would lack recourse to enforcement powers to control a perceived problem.</li> </ul>

## 4.5 *Most appropriate form of bylaw*

The proposed bylaw (attached as Appendix two) reflects Council’s current policies. While it affects private fittings, it does so in the interests of protecting the public network and the level of service to other users of the public network.

The proposed bylaw, attached at Appendix 2, is regarded as being in the most appropriate form to address the perceived problems outlined in section 4.2.

## 4.6 *Bill of Rights implications*

The Council must determine whether the proposed bylaw gives rise to any implications under the BORA and that it is consistent with BORA. The proposed Bylaw is very limited and arguably does not breach or restrict the BORA rights and freedoms as there is a specific empowering provision<sup>3</sup> that allows Council to make the proposed Bylaw and the controls in the bylaw do not impact on the freedom of expression or the freedom of movement rights.

## 4.7 *Relationship to the Council’s strategies*

<i>Community Outcomes</i>	Wellington’s environmental health will be protected by well-planned and well-maintained infrastructure.
<i>The Council’s Long Term Outcomes</i>	Wellington will have access to safe and reliable energy and water supplies, clean air and waste disposal systems that protect public health and ecosystems. Reliable supply and safer disposal will mean: <ul style="list-style-type: none"> <li>• continued access to quality water supply</li> <li>• sustainable stormwater management practices to prevent flooding</li> <li>• greater protection of receiving waters from polluted stormwater</li> <li>• high – quality treatment of sewage.</li> </ul>
<i>Why the activity is important</i>	<p>A safe, reliable supply of good –quality drinking water is essential for the health and wellbeing of residents and the city as a whole.</p> <p>The stormwater network protects property, human health, and well-being and makes the city viable by reducing the risk of flooding.</p> <p>Management and maintenance of the wastewater network is essential for public health, the environment and viability of the city as a whole.</p>

<sup>3</sup> Section 146 of the LGA 2002

## 5.0 Process and timeline

The proposed bylaw has been developed through internal consultation with Council officers from Building Consents & Licensing, Infrastructure and Capacity.

External consultation will be undertaken in terms of the special consultative procedure required under section 86 of the Local Government Act 2002.

The timeline for the bylaw review from this point is as follows:

15 – 21 February 2007	The Council considers the proposed bylaw and initiates the special consultative procedure as required under section 86 of the Local Government Act 2002.
5 March – 6 April 2007	Consultation period.
19 April 2007	Strategy and Policy Committee hears the oral submissions.
7 June 2007	Strategy & Policy Committee consider report on the special consultative procedure.
27 June 2007	The Council will consider confirmation of the special consultative procedure and the adoption of the proposed bylaw.

# APPENDIX A

## APPENDICES

- APPENDIX 1 The Wellington Water Charter
- APPENDIX 2 Proposed Bylaw: Wellington Consolidated Bylaw 1991:  
Part 2 (Water Services)
- APPENDIX 3 Bylaw to be revoked: Wellington Consolidated Bylaw 1991:  
Part 7 (Drainage and Plumbing)
- APPENDIX 4 Bylaw to be revoked: Wellington Consolidated Bylaw 1991:  
Part 20 (Water Supply)

# The Wellington Water Charter

### 1.0 What is the Water Charter?

This Charter outlines the mutual responsibilities of the Council as a service provider and water users, who are our customers. The Charter confirms the Council's commitment to provide a well-managed system that economically and practically delivers optimum performance of our infrastructural assets. This document tells you about this commitment. It defines the relationship and responsibilities between us (service provider) and you (customer users). In this charter, the words “we”, “our” and “us” refer to the Wellington City Council, its officers, employees and agents. “You” and “your” refers to the customer as consumers or users of water provided by the Council.

### 2.0 To whom does this charter apply?

Our customers are:

- **The owner / occupier:** A person who owns or occupies property or who has an interest in property provided with water supply, waste water or stormwater services.
- **The buyer:** Any person who is responsible for paying for the services that we provide.
- **The user:** Any person who uses the services that we provide.

### 3.0 How are the services delivered?

There are three distinctly different types of water covered by the Charter:

#### 3.1 Water

We purchase bulk water from Greater Wellington Regional Council, who also manage water quality and treatment. Water is delivered to properties through a network of pipes owned by the Council. Provision is also made for fire-fighting. The water supply service is managed by Capacity (the trading name of Wellington Water Management Ltd), which is a Council Controlled Trading Organisation.

#### 3.2 Wastewater

Wastewater from your private drains – that is toilets, bathrooms, laundries and kitchens – is collected and delivered, through a network of pipes owned by the Council to wastewater treatment plants at Karori, Moa Point and Porirua. Commercial and industrial waterborne waste is also collected and treated. This service is also managed by Capacity.

## APPENDIX A – appendix 1

### **3.3 Stormwater**

Stormwater services are provided to manage rain that has run off the land and impervious surfaces such as roof-tops, roads, footpaths and driveways. It is collected in channels, drains and pipes owned by the Council and runs into streams and the harbour. This service is managed by Capacity.

### **4.0 Our Objectives**

- 4.1 To provide effective and efficient water supply, wastewater and stormwater services.
- 4.2 To meet customer expectations for service, meeting all legal requirements and minimising negative impacts on the environment.

### **Mutual Obligations**

This Charter records the basis of the relationship between you as the customer and Wellington City Council, as the service provider.

### **Complaints**

If you are unhappy with the service, have a complaint or wish to notify a fault, please contact:

Wellington City Council  
101 Wakefield Street,  
P O Box 2199  
Wellington

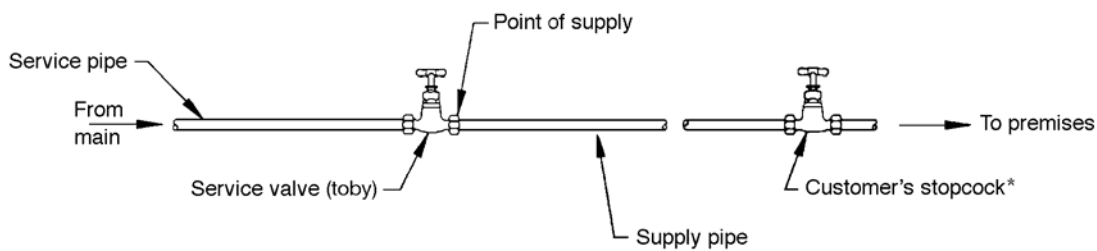
Phone (04) 499 4444  
Fax (04) 801 3138  
Email [info@wcc.govt.nz](mailto:info@wcc.govt.nz)

# APPENDIX A – appendix 1

## 5.0 Rights and Responsibilities

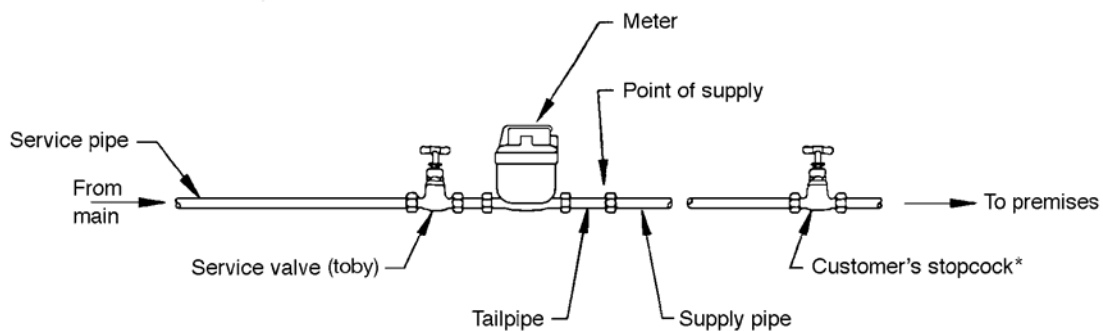
5.1	Who owns what? Water Supply	
	Our Ownership and Responsibilities	Your Ownership and Responsibilities
	<p>We own and are responsible for the water meter and all the water mains and pipes to the point of supply which is either after the service valve or, if fitted, the water meter.</p>	<p>Water supply pipes and associated fittings from the point of supply to your premises belong to the property owner and are the owner's responsibility.</p> <p>Water meters are provided at your cost to non residential customers and for residential customers who have a swimming pool with capacity in excess of 10m<sup>3</sup>.</p> <p>Residential customers may request a meter. Installation costs and water charges will be applicable.</p>

Example diagram 1, - unmetered supply



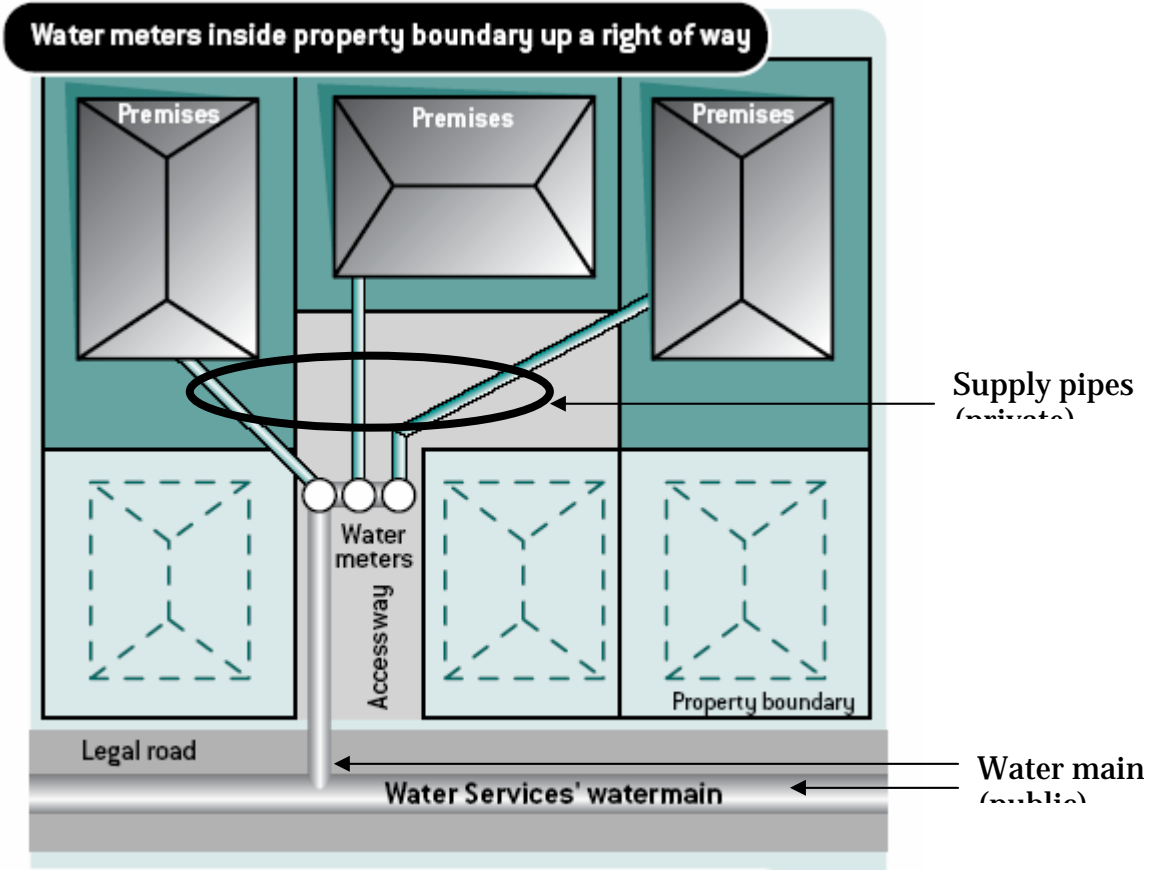
\* Provision of New Zealand Building Code Approved Document G12/AS1, (means of establishing compliance with the Code)



Example diagram 2, - metered supply



\* Provision of New Zealand Building Code Approved Document G12/AS1, (means of establishing compliance with the Code)

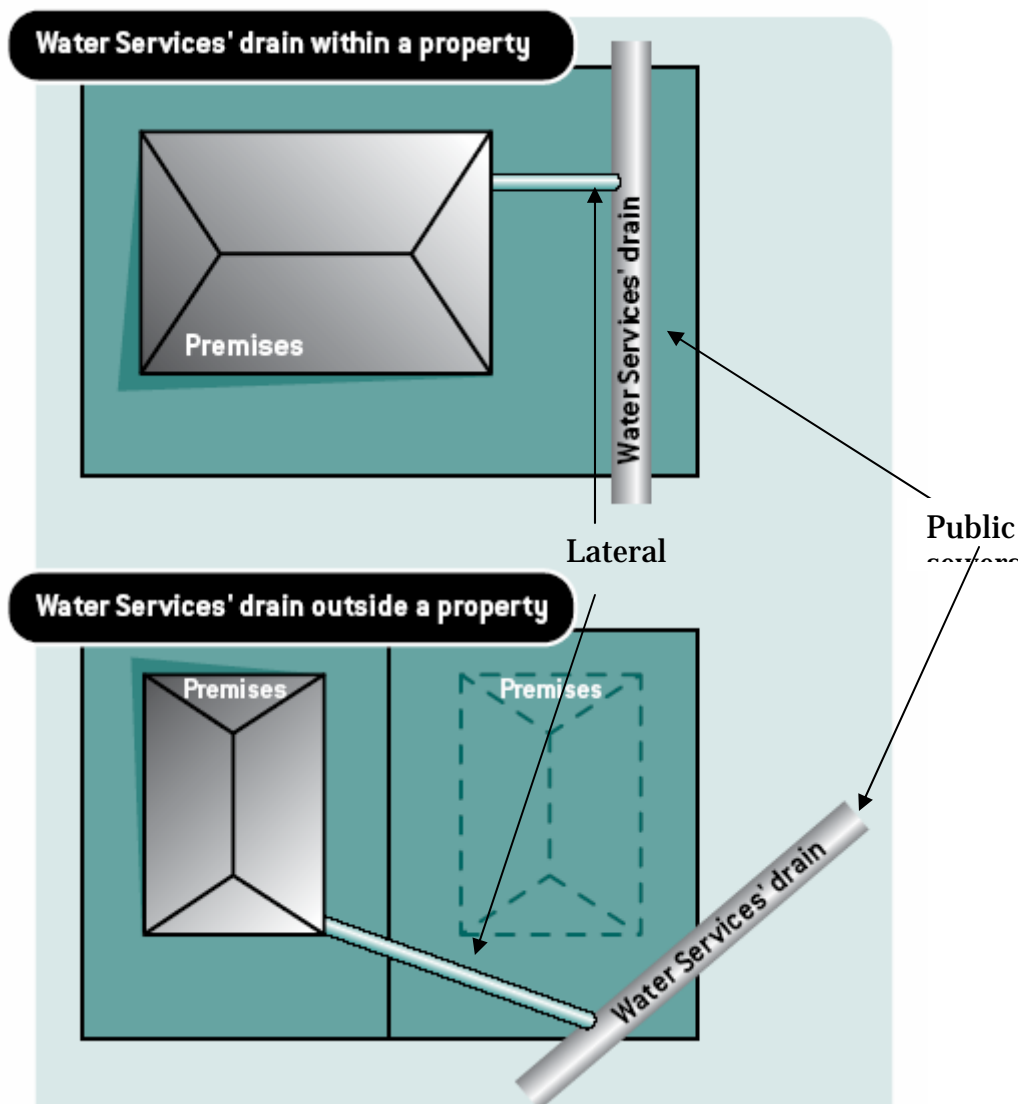
# APPENDIX A – appendix 1



-  = our responsibility
-  = your responsibility

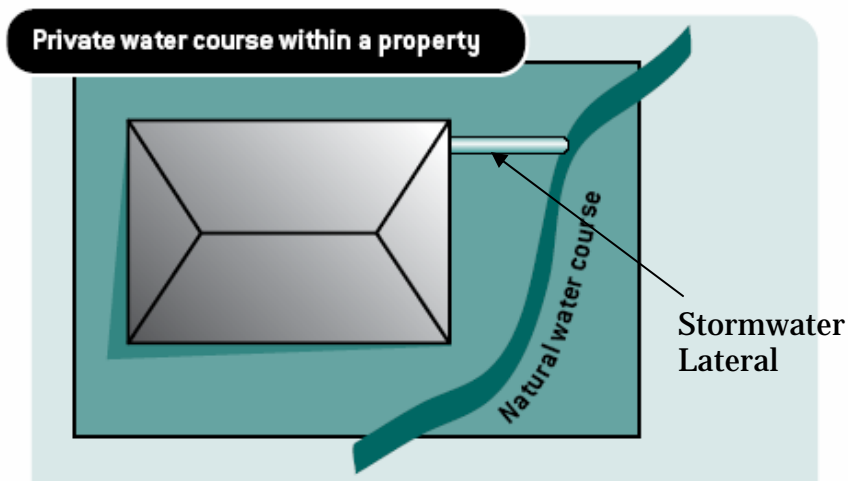
# APPENDIX A – appendix 1

5.2	Who owns what? Wastewater	
	Our Ownership and Responsibilities	Your Ownership and Responsibilities
	<p>We own and are responsible for the wastewater system downstream from your connection to the public drain.</p> <p>Public drains are recorded in the Council's asset register.</p>	<p>The wastewater pipe and drain from the customer's property to the public drain is called a lateral. The lateral often goes beyond the customer's property boundary before it connects to a public drain. It may cross neighbouring private or public land. You are responsible for obtaining any necessary permission when working on drains outside your property boundary. This includes permission to enter onto neighbouring private property and permits for opening roads, etc. You are responsible for costs and any risks in relation to maintaining your drains and laterals.</p>



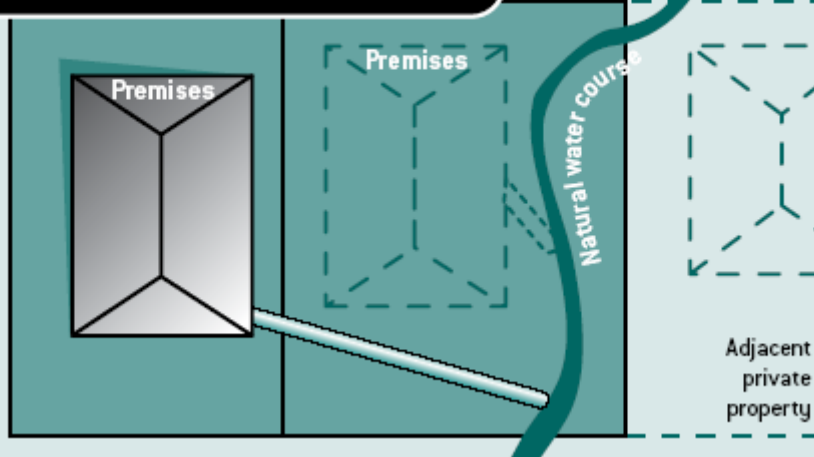
## APPENDIX A – appendix 1

5.3	Who owns what? Stormwater	
	Our Ownership and Responsibilities	Your Ownership and Responsibilities
	<p>We own and are responsible for any pipe, drain, or channel specifically constructed or modified to collect stormwater and any treatment devices, where such assets are situated in public land and service more than one property, where such assets are recorded in the Council's asset register.</p>	<p>Your drains include any stormwater pipe, drain, guttering, channel or treatment device that takes stormwater from your property through to its connection with the public stormwater network. This also applies to properties that hold more than one dwelling, such as cross lease or unit title properties.</p> <p>The property owner is responsible for maintaining the condition of their stormwater pipes.</p> <p>You are responsible for obtaining any necessary permission when working on stormwater drains outside your property boundary. This includes permission to enter onto neighbouring private property and permits for opening roads, etc. You are responsible for costs and any risks in relation to maintaining your stormwater drains and laterals.</p> <p>The property owner is also responsible for any risks or damage caused by their private stormwater drain.</p> <p>Maintaining natural watercourses running through your property are also your responsibility, even though they may receive stormwater from more than one property. This includes the stream bank and stream bed.</p>

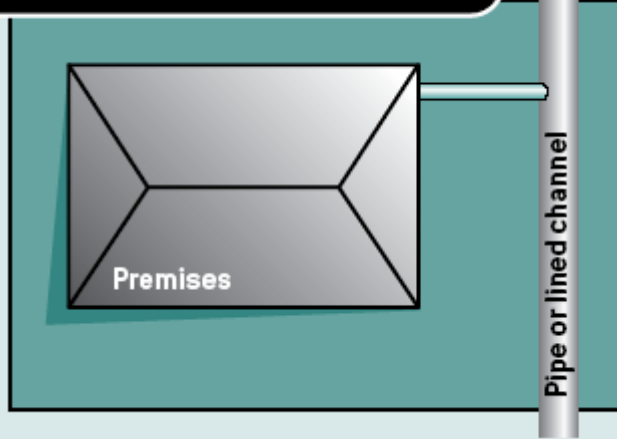


# APPENDIX A – appendix 1

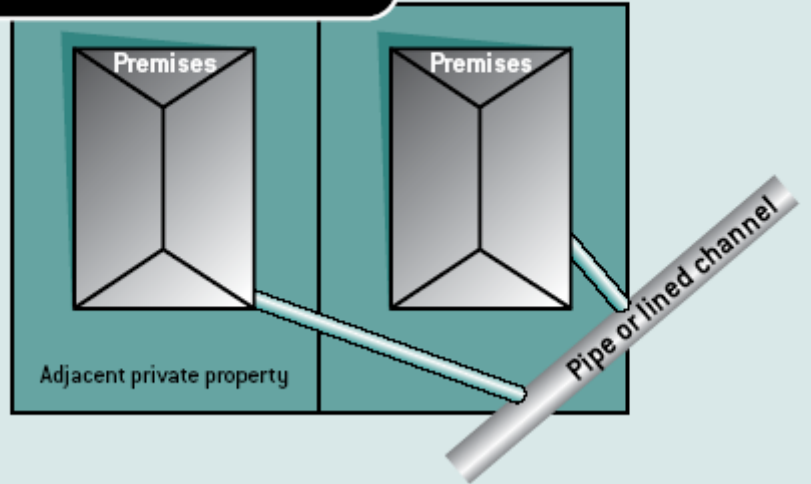
**Private water course outside a property**



**Public drain within a property**



**Public drain outside a property**



## APPENDIX A – appendix 1

### 6.0 Service Delivery – Water Supply

	Our Rights and Responsibilities	Your Rights and Responsibilities
6.1	<p><b>Standards</b> We will provide a safe and reliable water supply service and high quality drinking water that meets the latest Ministry of Health drinking water standards.</p> <p>We will not be liable for damage to any of your equipment or processes.</p>	<p>You are entitled to receive water meeting the latest Ministry of Health Drinking Water Standards. If you require water quality exceeding these standards for individual use or sensitive equipment, or processes, it is your responsibility to provide on site quality management.</p>
6.2	<p><b>Water Testing</b> We regularly monitor the standard of drinking water.</p> <p>We may provide additional tests upon request.</p>	<p>If you have concerns about the quality of water or believe it is affecting your health, we will investigate and conduct tests, if required. If the water quality complies with the Drinking Water Standards, you will be charged for any subsequent tests that you request.</p>
6.3	<p><b>Location of buried services</b> At your request we will provide plans that show the location of the Council's water assets.</p>	<p>You agree to check our plans for any underground services before commencing any excavations and pay the charges applicable for this service.</p> <p>You agree to complete any reinstatement work on public land to our specifications.</p>
6.4	<p><b>Firefighting</b> We will not charge for water used for firefighting; however Council is not required to provide fire-fighting water at any particular flow or pressure.</p>	<p>It is illegal to take water from a fire main or sprinkler system without obtaining the necessary permits.</p>
6.5	<p><b>Special Needs</b> If you have special needs, in an emergency water supply shutdown we will give you priority in the restoration of water supply. Special needs customers such as schools, hospitals, industry, dialysis patients, hairdressers and commercial properties will be notified at least one day before a <u>scheduled</u> water supply interruption. We will also notify registered special needs customers immediately prior to an <u>unscheduled</u> water supply interruption.</p>	<p>An ordinary supply is water supplied to residential properties for household use. An extraordinary supply is a category used for non household use and may be subject to special conditions. Examples include, domestic pools, commercial, industrial and business use and fire protection systems.</p> <p>If you require water for a special need, please register with us for priority service.</p>

## APPENDIX A – appendix 1

	<b>Our Rights and Responsibilities</b>	<b>Your Rights and Responsibilities</b>
6.6	<p><b>Water Wastage</b> We are committed to reducing water loss from the network through leak detection programmes, usage monitoring and metering.</p>	<p>Wilfully wasting water is an offence under the Local Government Act and offenders may be prosecuted.</p> <p>To help reduce demand on this natural resource and our supply network, you agree to conserve water where possible.</p>
6.7	<p><b>Water Delivery</b> The size and complexity of the water supply network means that we cannot guarantee your water supply will be uninterrupted or your existing pressure will be maintained at all times.</p> <p>We will only turn off your water for planned maintenance or shutdowns or for events beyond our control. This may include third party damage, bad weather, power failure, drought or emergency work.</p> <p>We are committed to providing a minimum of one day's notice to customers for planned water supply interruptions. We will not be liable for damage to any of your sensitive equipment or processes or for any loss, damage or inconvenience that you or any person using the supply may sustain as a result of a water supply shutdown.</p>	<p>If you require an uninterrupted supply, it is your responsibility to provide your own water storage facilities or an alternative supply. You must also protect any equipment or functions that are sensitive to interruption, pressure or quality fluctuations.</p>
6.8	<p><b>Water Conservation and Droughts</b> In times of drought, high demand periods and extreme circumstances, we may need to suspend some of the terms of this charter.</p> <p>We will publicly notify any water restrictions to help manage demand at peak times.</p>	<p>For the benefit of the community you agree to comply with water restrictions imposed in times of drought, high demand and extreme circumstances. You will be notified of any variation to the water supply or the charter through local media.</p>

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### 7.0 Service Delivery – Wastewater

	Our Rights and Responsibilities	Your Rights and Responsibilities
7.1	<p><b>Protecting the Environment</b> We will maintain, operate and improve the wastewater system to minimise environmental adverse effects such as wastewater discharges and odours.</p>	<p>Commercial food premises will discharge kitchen waste into grease traps.</p>
7.2	<p><b>Wastewater collection</b> We agree to collect your normal bathroom, kitchen, laundry and toilet wastewater from your connection to the public drain and transport it to one of our treatment plants where it will be treated before being discharged to the environment.</p>	<p>You agree to dispose of domestic wastewater from your bathroom, toilet, kitchen and laundry into our wastewater system.</p> <p>You agree not to dispose of harmful substances such as oils, paints, solvents and pesticides into our wastewater system.</p> <p>It is illegal to drain wastewater into the stormwater network.</p>
7.3	<p><b>Location of drains: drainage plans</b> At your request we will provide drainage plans that show the location of public wastewater and stormwater services on your property.</p>	<p>You agree to check our plans for any drains before commencing any excavations and pay the charges applicable for this service.</p> <p>You agree to complete any reinstatement work on public land to our specifications.</p> <p>You will obtain approval from the Council before building, altering or diverting your wastewater system.</p>
7.4	<p><b>Access to property</b> We sometimes need to enter private property to complete routine inspections and maintenance of the public network.</p>	<p>You agree to allow our staff and contractors access during work hours for routine inspection and maintenance of the public wastewater network.</p> <p>You agree to ensure that manhole covers and other wastewater structures are kept visible and accessible at all times.</p>
7.5	<p><b>Trade waste</b> Trade waste is any liquid waste that is discharged from commercial or industrial premises. We will inspect all trade waste consent holders' premises at least annually.</p> <p>We can provide advice on how to safely dispose of toxic materials.</p>	<p>You must apply for a separate trade waste consent and agreement to dispose of liquid waste from trade premises into the sewer.</p>

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### 8.0 Service Delivery – Stormwater

	Our Rights and Responsibilities	Your Rights and Responsibilities
8.1	<p>Protecting the environment We provide a stormwater system that aims to protect people and property by safely and efficiently collecting, transporting, and disposing of stormwater. We take a holistic approach that takes the quality of stormwater as well as the risk of flooding into consideration.</p> <p>We work to increase public awareness about stormwater quality, flooding, and erosion effects by working closely with others, preparing public information and offering advice so that you can take informed actions to improve water quality and help restore the natural environment.</p>	<p>You agree to keep pollutants from entering the public stormwater network. Such actions will lessen the amount of pollutants entering streams and the sea and will protect the health of all the living things that have contact with these waters.</p>
8.2	<p>Protecting the Stormwater network We will operate an inspection programme to identify illegal stormwater connections into the wastewater system and enforce compliance with the relevant legislation.</p>	<p>You must ensure that your private wastewater drains are well maintained and that stormwater does not enter wastewater drains.</p> <p>It is illegal to drain stormwater into the wastewater network.</p>
8.3	<p>Maintenance of the Stormwater System We will build, maintain and operate the public stormwater system to minimise the harmful effects of pollution, flooding and erosion. The size and complexity of the stormwater system means the system cannot always cope with stormwater flows.</p>	<p>You will maintain the down pipes, gutters; stormwater drains, catch pits, soakage system and any other components of your private stormwater system in good operating condition so that rainwater is taken to approved drains.</p> <p>You will not permit garden waste, building materials or other rubbish to be washed into a stormwater drain where it could cause a blockage.</p> <p>You will maintain natural watercourses running through your property. You will prevent or clear obstructions without causing excess erosion or sedimentation to the streambed or banks.</p> <p>You will allow our staff and contractors access during working hours for routine inspection and maintenance of the public stormwater system.</p> <p>You agree to ensure that manhole covers and other wastewater structures are kept visible and accessible at all times.</p>

## APPENDIX A – appendix 1

	Our Rights and Responsibilities	Your Rights and Responsibilities
8.4	<p><b>Flooding and Development</b>            We may use statutory powers to develop drainage systems to collect and dispose of stormwater, to minimise the harmful effects of stormwater on people and property.</p> <p>We encourage you to install a rainwater tank to collect rainwater from your roof for outdoor use, in the laundry and for flushing toilets.</p>	<p>You will:</p> <ul style="list-style-type: none"> <li>• obtain approval from the Council before building, altering or diverting your stormwater system.</li> <li>• design culverts or bridges over natural watercourses to allow for flows from a one-in-a-hundred year storm without flooding your neighbours' property.</li> </ul> <p>Landscaping and paving of your property will ensure that:</p> <ul style="list-style-type: none"> <li>• gardens and grassed areas are maximised to reduce stormwater runoff</li> <li>• stormwater runoff is directed away from buildings and does not cause a nuisance to neighbours</li> <li>• stormwater does not drain into the wastewater (sewerage) network or overflow into wastewater gully traps</li> <li>• stormwater is not concentrated or directed onto your neighbours' property</li> <li>• barriers, building structures or landscaping features should not redirect a stormwater overland flow path so as to cause a nuisance to others.</li> </ul>

## 9.0 Maintenance and Improvement Works

	Our Rights and Responsibilities	Your Rights and Responsibilities
9.1	<p><b>Repairs and Maintenance</b> When we undertake any works, we will leave your street in a condition as good as or better than before the work started. Reinstatement work will be completed within two days of the work being finished, subject to weather and access to the work site.</p> <p>During work we will minimise disruption to traffic and pedestrians, protect public health and safety and comply with environmental standards.</p> <p>Our responsibilities in this Charter will be subject to the Council's operating budget and policies.</p>	<p>You agree to keep manhole covers visible and safely accessible for our staff and contractors at all times.</p>
9.2	<p><b>Faults</b> We will efficiently operate and maintain the public water supply, wastewater and stormwater networks.</p> <p>If your system presents a significant backflow risk to our water supply network, we may require you to fit a suitable backflow prevention device.</p>	<p>Your private fittings should be compatible with the pressure and flow of the public network system.</p> <p>You will maintain your pipes, drains and other parts of your private water, wastewater and stormwater systems in a safe and good working condition. This includes no leakage, no stormwater entering sewer drains and effective operation of stormwater systems.</p> <p>You will repair any defect in your wastewater systems as soon as possible, or within a timeframe required by the Council. In general ten days is considered an appropriate period of time to rectify a defect, unless the situation requires immediate rectification.</p>
9.3	<p><b>Access to your property</b> We aim to provide you with not less than twenty four hours written notice.</p> <p>Notice will not generally be given for reading or maintaining water meters.</p> <p>In the case of an emergency, we are permitted by statute to enter your property at any time, without notice.</p>	<p>You agree to allow our staff and contractors access to your property for the purpose of maintaining public networks and systems, or to inspect the property owner's pipes and drains, if necessary.</p> <p>You agree to keep your water meter free from obstruction to allow our meter readers easy access.</p> <p>You agree to allow our staff and contractors access to your property at all times for necessary emergency work.</p>

## APPENDIX A – appendix 1

	<b>Our Rights and Responsibilities</b>	<b>Your Rights and Responsibilities</b>
9.4	<p><b>Identification</b> The Council’s staff and contractors will carry identification.</p>	<p>You may ask to see identification before approving access to your property. If anyone claims to be working for the Council but cannot show identification, please contact the Council.</p>
9.5	<p><b>Privacy</b> We will keep accurate records relating to your property including all correspondence we have with you.</p> <p>If any information on your property file is incorrect, we will update the file when you supply us with the correct information.</p> <p>We understand your privacy is important and will comply with the Privacy Act at all times.</p>	<p>You agree to disclose all relevant information to us and our contractors. Information we may require includes your current contact details. We require to collect information:</p> <ul style="list-style-type: none"> <li>• for billing purposes</li> <li>• to keep you informed of changes to services</li> <li>• to undertake necessary maintenance</li> <li>• other reasons related to the supply of water, wastewater and stormwater services.</li> </ul> <p>You may access your information to check that it is correct. Customers may only access their own personal information.</p>
9.6	<p><b>Liability and loss</b> The water supply, wastewater and stormwater systems are essential public services so we must protect them from damage or theft.</p> <p>We will not hold you responsible for tampering that occurs before you occupy a property.</p>	<p>You are responsible for damage that you cause to the networks and for damage done by other people using our services on your property. This includes family, friends, visitors, contractors and tenants (if your property is tenanted).</p> <p>You agree to not misuse, tamper or interfere in any way with the water meter or Water Services pipes, drains, and equipment and to not allow any other person(s) to do so, unless authorised by us.</p>

## APPENDIX A – appendix 1

	Our Rights and Responsibilities	Your Rights and Responsibilities
9.7	<p><b>Response times</b>            The time required for responding to a complaint or a request for service can vary due to the priority that is assigned and usually services can be restored within six hours. The table below shows the expected response times according to the priority that is assigned. We will do our best to meet your expectations and will advise if this timeframe cannot be met.</p>	

Priority	Criteria	Response		
		Initial	On Site	Restore Service
1	<ul style="list-style-type: none"> <li>• Health and safety issue</li> <li>• Damage is occurring to property</li> <li>• Public safety is compromised</li> <li>• Potential for public health nuisance</li> <li>• Potential for distress to a number of customers</li> <li>• Residential customer affected by loss of water service or waste water service</li> </ul>	60 minutes	60 minutes	3 hours
2	Potential for distress to a customer or other circumstance that make non urgent response time appropriate		2 hours	6 hours
3	Repairs can be carried out without any significant customer impact or where customer notification procedures must be met		48 hours	

If you notify us of a water quality problem, we will endeavour to provide a written response within five days.

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### 10.0 Penalties

To be fair to all customers, it is important that you meet your responsibilities

	Service	Target
10.1	Payment for services	<p>Most customers pay for their water, wastewater and stormwater services as part of their Council rates. If these customers fail to pay their accounts, penalties are imposed in accordance with the Local Government (Rating) Act 2002.</p> <p>Some specific services, such as permit fees, are charged directly to the customer.</p> <p>If you are billed separately from your rates charges and fail to pay the charges that are due, we will send you a reminder requesting prompt payment. If payment is still not received, we may commence debt collection proceedings, which may adversely affect your credit rating. Non payment could result in your water supply being restricted or delays in releasing permits.</p>
10.2	Water meters	<p>Water meters are provided to non residential users at your cost. A meter will be regarded as faulty if it has a margin of error greater than 4%. Where a meter is found either to be inaccurate or is not functioning for whatever reason, water consumption will be estimated based on the four previous readings, unless due to significant seasonal consumption variances such a method would be unreasonable. If we have overcharged you, we will credit your account with the appropriate amount and if we have undercharged you, we will bill you for the additional consumption.</p>
10.3	Denying access for planned maintenance or emergency work	<p>This is an offence for which you may be prosecuted.</p> <p>The Council may obtain a court order to allow its staff and contractors to access your property.</p> <p>Preventing or denying access to or having uncontrolled animals that prevent access to the water meter is an offence for which you may be prosecuted. Additional charges may be imposed for special readings.</p>
10.4	Failure to carry out work or repairs	<p>If you fail to comply with a notice to repair your private water supply network or private drains, we may perform the work using our contractor and charge the cost to you. We may also take other legal action against you under any relevant statutes or regulations.</p>
10.5	Interference, tampering or misuse	<p>Interference, tampering with or misuse of the networks is an offence for which you may be prosecuted.</p>
10.6	Contamination of Public Water Supply	<p>Any person who causes or allows something that can cause harm by polluting or contaminating a public water supply commits an offence and is liable to prosecution.</p>
10.7	Approved Connections	<p>Private connections to public networks must be approved by the Council. We issue permits and licences on receipt of an application. An illegal connection is any connection that does not have the necessary consent or approval or does not comply with Council's rules. This includes unpermitted connections, stormwater piped into the wastewater network, and low gully traps that allow stormwater to flow into the wastewater network. Having unapproved connections is an offence for which you may be prosecuted.</p>

### **11. Compensation**

We will provide our services with reasonable care and skill. If the Council is responsible for damage we should first be given the opportunity to repair or replace the damaged property. If this is not an option, compensation may be appropriate.

We may, under certain circumstances, make payments or provide services if we have failed to comply with our responsibilities set out in this charter.

Requests for compensation from us should be made in writing. If you are not satisfied with our response, you can:

- Contact the Council's Disputes Resolutions Office
- Lodge a complaint with the Ombudsman
- Pursue remedies through legal avenues, such as the Disputes Tribunal or the courts.

### **12. How to connect to our services**

All connections and renewals are to be done by a Council approved contractor. It is your responsibility to engage an approved contractor. We charge a fee for inspecting private connections to public networks.

Buildings should be located a minimum of 300mm clear of any sewer or stormwater pipe. We may require an existing sewer or stormwater drain to be diverted to provide for this. Building over the existing sewer or stormwater pipe will only be permitted in special circumstances.

## APPENDIX A – appendix 1

### Glossary of Terms

Term	Definition
Backflow	When the pressure in the public main water supply system drops below the pressure of the private plumbing, contaminated water can flow back into the public system. For example, a washing machine pumping water to waste after a wash cycle may backflow into the water supply system if the pressure drops unexpectedly.  Liquid or contaminant that can flow back into the water supply. This can be caused by a drop in pressure in the mains or a back pressure situation.
Backflow prevention device	A mechanical means to prevent pollutants (water or gas) contaminating the water supply.
Capacity	The trading name of Wellington Water Management Ltd, which is a Council Controlled Trading Organisation.
Laterals	Pipes that connect the property with the public wastewater and stormwater network. Property owners are responsible for maintaining their laterals.
Meter	Used to measure the volume of water supplied by us to your property.
Point of Supply	The point of supply to an individual customer is the point on the service pipe that marks the boundary of responsibility between the Council as a service provider and water users. The point of supply occurs after the service valve or, if fitted, the water meter. For multiple ownership properties using a cross lease, or strata title and unit title or block scheme, each owner shall have an individual supply with the point of supply determined by agreement with the Council and the user or, where applicable, the body corporate.
Swales	Grassed or planted channels, often adjacent to the road that collect, convey and filter stormwater to improve water quality discharged to the environment.
Trade waste	Any liquid, with or without matter in suspension or solution therein, that is or may be discharged from trade premises in the course of any trade or industrial process.
Waste water	Water with matter in solution or suspension, domestic wastewater, or liquid trade waste, including Sewage.
Residential user	Any customer who is connected at their place of residence.
Extreme circumstances	Any event that is beyond reasonable control, such as storms, drought, civil emergency or unforeseeable defects in the network.

Types of Supply	
On demand	A supply that is available on demand directly from the point of supply.
Ordinary (on demand)	Supply of water to residential properties for ordinary household use. Excludes uses covered under extraordinary (on demand) supply.
Extraordinary (on demand)	All purposes for which water is supplied other than ordinary (on demand) and which may be subject to special conditions and limitations. Extraordinary supplies include but are not limited to: <ul style="list-style-type: none"> <li>• Domestic pools in excess of 10m<sup>3</sup></li> <li>• Business, commercial and industrial users</li> <li>• Fire protection systems</li> <li>• Temporary supplies.</li> </ul>
Restricted Flow	A supply where a small continual flow is supplied by a flow control device and the customer provides on-site storage to cater for their demand fluctuations.

### **Wellington City Council Consolidated Bylaw – Part 2 (Water Services)**

#### **2.1 Introduction**

The Local Government Act 2002 (the Act) enables the Council to make bylaws for the management and protection of water supplies, waste water, drainage and sanitation. These matters are also subject to statutory controls in the Act and other enactments. The need for a bylaw covering these matters is founded upon addressing perceived problems that are not effectively controlled by statute or regulation.

This bylaw is made pursuant to Part 8 of the Local Government Act 2002.

#### **2.2 Title**

The title of this bylaw is the Wellington City Council Consolidated Bylaw 1991 Part 2 (Water Services).

#### **2.3 Commencement**

The bylaw shall be operative from **1 July 2007**

#### **2.4 Bylaws revoked**

From the 1 July 2007 the following parts of the consolidated bylaw are repealed:

- Part 7 (Drainage and Plumbing)
- Part 20 (Water Supply)

#### **2.5 Certain Private Fittings not to be used**

Quick-closing valves, pumps, or any other equipment that may cause pressure surges to be transmitted within the water supply system, or compromise the ability of the public water network to maintain its stated levels of service, shall not be used on any piping directly connected to the Service Pipe.

In special circumstances such equipment may be approved by the Council.

## APPENDIX A – appendix 3

**PLEASE SEE**

**[HTTP://WWW.WELLINGTON.GOVT.NZ/PLANS/BYLAWS/PART7.HTML](http://www.wellington.govt.nz/plans/bylaws/part7.html)**

## APPENDIX A – appendix 4

PLEASE SEE

[HTTP://WWW.WELLINGTON.GOVT.NZ/PLANS/BYLAWS/PART20.HTML](http://www.wellington.govt.nz/plans/bylaws/part20.html)

AND

[HTTP://WWW.WELLINGTON.GOVT.NZ/PLANS/BYLAWS/PART20PG2.HTML](http://www.wellington.govt.nz/plans/bylaws/part20pg2.html)