

Waikato District Council
Water Supply Bylaw
2014

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WAIKATO DISTRICT COUNCIL

WATER SUPPLY BYLAW 2014

The Waikato District Council, in exercise of its powers and authorities conferred on it under the Local Government Act 2002 and the Health Act 1956 and their respective amendments, and all other relevant powers, makes the following bylaw.

1. SHORT TITLE, COMMENCEMENT AND APPLICATION

- 1.1** The bylaw shall be known as the “Waikato District Council Water Supply Bylaw 2014”.
- 1.2** The bylaw shall apply to the Waikato District.
- 1.3** The bylaw shall come into force on 1 October 2014.

2. REVOCATION

The Waikato District Council Water Supply Bylaw 2009 and the Franklin District Council Water Supply Bylaw 2008 are revoked from the day the new bylaw comes into force.

3. SCOPE

This bylaw shall apply to the Waikato District (within the boundaries of the Waikato District pursuant to the Local Government Act 2002 and any land, building, work, or property under the control of the Council, although situated beyond the Council’s district pursuant to the Health Act 1956.

4. PURPOSE

- 4.1** The purposes of this bylaw are:
- (a) Protecting, promoting and maintaining public health and safety;
 - (b) Promoting the efficient use of water and protect against waste or misuse of water from the water supply system;
 - (c) Protecting the water supply and water supply system from pollution and contamination;
 - (d) Managing and protecting from damage, misuse, or loss of land, structures and infrastructure associated with the water supply system; and

- (e) Preventing the unauthorised use of land, structures or infrastructure associated with the water supply system.

5. COMPLIANCE WITH OTHER ACTS AND CODES

5.1 This Bylaw is made under the authority of the Local Government Act 2002 for the supply of water to its customers in its capacity as a Water Supply Authority. The supply and sale of water by the Council is subject to:

- (a) Statutory Acts and Regulations
 - (i) Building Act 2004.
 - (ii) Fire Services Act 1975.
 - (iii) Health (Drinking Water) Amendment Act 2007.
 - (iv) Health Act 1956.
 - (v) Local Government (Rating) Act 2002.
 - (vi) Local Government Act 2002.
 - (vii) Resource Management Act 1991.
- (b) Relevant Codes and Standards, including:
 - (i) Drinking Water Standards for New Zealand 2005 (revised 2008).
 - (ii) OIML R49: Water meters intended for the metering of cold potable water and hot water. Part 1: Metrological and technical requirements; Part 2: Test methods and Part 3: Test report format.
 - (iii) SNZ PAS 4509: 2008 New Zealand Fire Service Fire Fighting Water Supplies Code of Practice.
 - (iv) NZS 4503:2005 Hand operated fire-fighting equipment.
 - (v) NZS 4517:2010 Fire sprinkler systems for houses.
 - (vi) Backflow Prevention for Drinking Water Suppliers Code of Practice 2006, Water New Zealand.
 - (vii) Water Meter Code of Practice 2003, Water New Zealand.
 - (viii) Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007.
 - (ix) Hamilton City Development Manual, or its successor, and any other codes of practice adopted by Council.

6. INTERPRETATION

- 6.1** When interpreting this Bylaw, use the definitions set out in clause 7 unless the context requires otherwise. Where reference is made in this Bylaw to any repealed enactment, such reference should be taken as a reference to its replacement.
- 6.2** For the purpose of this Bylaw, the word 'shall' refers to requirements that are mandatory for compliance with this Bylaw, while the word 'should' refers to practices that are advised or recommended.

7. DEFINITIONS

- 7.1** For the purposes of this Bylaw, unless inconsistent with the context, the following definitions apply:

Advisory Note	A note which further explains a bylaw clause but does not form part of the bylaw.
Air Gap	A 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.
Approved	Approved in writing by the Council, either by an authorised officer of the Council or by resolution of the Council.
Authorised Agent	Any person authorised or appointed by the Council to do anything in respect of the water supply system.
Authorised Officer	Any officer of the Council or other person authorised under the Local Government Act 2002 and authorised by the Council to administer and enforce its Bylaws.
Auxiliary Supply	A water supply, other than the Council's system, on or available to a Customer system. These auxiliary supplies may include water from another provider's public potable water supply or any natural source(s) such as a well, spring, river, stream, or "used waters" or "industrial fluids."

Backflow	The unplanned reversal of flow of water or mixtures of water and contaminants into the water supply system.
Backflow Device	Backflow device or air gap that is designed to prevent the return of flow into the Councils water supply system. These devices can include non-return valves, reduce pressure zone devices, and double check valves.
Boundary	Legal boundary of the site, or in the case of more than one premise on a site, it is defined by the notional boundary of a complying unit site area.
Catchment	An area of land which drains to a waterbody from where a public water supply is drawn.
Connection	The valve, meter and associated fittings installed and maintained by the Council on the service pipe or at the point of supply.
Council	The Waikato District Council and includes any officer authorised to exercise the authority of the Council.
Customer	A person who has obtained the right to use or direct the manner of use of water supplied by the Council to any premises.
Detector Check Valve	A check (non-return) valve which has a positive closing pressure and a metered bypass to measure flows typically associated with leakage or unauthorised use of a dedicated fire supply.
Domestic Purpose	Water taken and used for the purpose of providing for individual household use and for human drinking and sanitation needs and for individual household use which includes: (a) Washing down a vehicle; (b) Garden watering by hand using a hand held device;

- (c) Garden watering by any portable sprinkler device.

Development contribution

As defined in the Local Government Act 2002 and the relevant Waikato District Council Development Contributions Policy.

District

The Waikato District.

Extraordinary Supply

A category of on demand supply used for extraordinary use including all purposes for which water is supplied, other than an ordinary supply, and which may be subject to specific conditions and limitations.

Extraordinary Use

Extraordinary use is subject to water alert and emergency provisions and includes:

- (a) Domestic - spa or swimming pool in excess of 6 cubic metres capacity and fixed garden irrigation systems;
- (b) Commercial and business;
- (c) Industrial;
- (d) Agricultural;
- (e) Horticultural;
- (f) Viticultural;
- (g) Lifestyle blocks (rural supplies);
- (h) Fire protection systems other than sprinkler systems installed to comply with NZS 4517;
- (i) Outside of Waikato District (supply to, or within another local authority);
- (j) Temporary supply;
- (k) Water use above 15m³/day: a consent from the Regional Council is required;
- (l) Water carriers; and
- (m) Auxiliary supply.

Fees and Charges	The fees and charges for water supply set by the Council.
Fire Main Supply	A category of supply from pipework installed for the purpose of fire protection only.
Individual Customer Agreement	An agreement between the Council and a water user that outlines both parties' rights and responsibilities for the supply and use of water.
Industrial Activity	Any industrial activity and includes: (a) All types of processing, manufacturing, bulk storage, warehousing, service and repair activities. (b) Laboratories and research facilities. (c) Trade and industry facilities, being premises accommodating specialised education and training facilities where groups of people are given trade or industry tuition and training on a formal basis.
Level of Service	The measurable performance standards on the basis of which the Council undertakes to supply water to its Customers.
NZS	New Zealand Standard.
On Demand Supply	A supply which is available on demand direct from the point of supply, subject to the agreed level of service.
On Demand Water Supply Area	An area serviced by a Council owned reticulated water supply system as defined in Schedule 3: Water Supply Area Maps, that is intended to supply water to Customers via on demand supplies with firefighting capability.
Ordinary Supply	A category of on demand supply used solely for domestic purposes.

Owner	The person or entity having legal ownership of the premises receiving a supply of water from the Council.
Occupier	The person or legal entity having a legal right to occupy, use all or part of the premises receiving a supply of water from the Council that includes a tenant, lessee, licensee, manager, foreperson or any other person acting in the general management of any premises.
Permit	A permit or written authority issued by an authorised officer.
Person	An individual, corporation sole, or a body of persons whether corporate or otherwise.
Point of Supply	The point on the water pipe leading from the water main to the premises, which marks the boundary of responsibility between the Customer and the Council.
Potable Water	Water that does not contain or exhibit any determinants to any extent that exceeds the maximum acceptable values (other than aesthetic guideline values) specified in the New Zealand Drinking Water Standards applicable at the time.
Premises	<p>Premises include the following:</p> <ul style="list-style-type: none">(a) a property or allotment which is held in a separate certificate of title or for which a separate certificate of title may be issued, and in respect of which a building consent has been or may be issued; or(b) a building or part of a building which has been defined as an individual unit by a cross-lease, unit title or company lease and for which a certificate of title is available; or(c) a supplementary building or part of a building which can be defined as an individual unit with an area for food preparation, toilet and bathroom

facilities that can be used as a flat, granny flat or holiday home; or

- (d) land held in public ownership (e.g. reserve) for a particular purpose.

Allotment means the same as defined in the Land Transfer Act 1952.

Prescribed charges

Charges applicable at the time of connection may include:

- (a) Payment to the Council for the cost of the physical works required to provide the connection.
- (b) A development contribution determined in accordance with the Local Government Act 2002.
- (c) A financial contribution determined in accordance with the Resource Management Act 1991.
- (d) Bacteriological and chemical testing as per the Drinking Water Standards for New Zealand to ensure connection is safe.
- (e) Individual agreement charges.

Public Notice

A notice published in:

- (a) One or more daily newspapers circulated in the region or district of the Council; or
- (b) One or more other newspapers that have at least an equivalent circulation in that region or district to the daily newspapers circulating in that region or district; or

Includes any other public notice that the Council thinks desirable in the circumstances.

Restricted Flow Supply

A type of water supply connection where a small flow is supplied through a flow control device, and storage is provided by

the Customer to cater for demand fluctuations.

Restrictor

A flow control device installed within the connection to control the flow rate of water to a Customer's premises.

Restricted Water Supply Area

An area serviced by a Council owned reticulated water supply system outside on demand areas, and defined in Schedule 3: Water Supply Area Maps, for specified purposes via restricted flow supplies which do not have firefighting capability.

Service Pipe

The section of water pipe between a water main and the point of supply.

Service Valve

The valve at the Customer end of the service pipe used to control and/or isolate the supply.

Storage Tank

Any tank having a free water surface.

Supply Pipe

The section of pipe between the point of supply and the Customer's premises through which water is conveyed to the premises.

Water Alert Level

Classification system used for applying water conservation restrictions.

Water Carrier

Any individual drinking-water carrier or company registered with the Ministry of Health as a recognised carrier of drinking-water.

Water Supply System

All those components of the water supply network between the point of abstraction from the natural environment and the point of supply. This includes but is not limited to: catchments, wells, infiltration galleries, intake structures, open raw water storage ponds/lakes/reservoirs, falling and rising mains, treatment plants, treated water reservoirs, trunk mains, service mains, rider mains, pump stations and pumps, valves, hydrants, scour lines, service pipes, boundary assemblies,

meters, backflow prevention devices and tobies.

Water Unit

The basis of measurement for water supply as determined by the Council. One unit is equal to one cubic metre.

8. PROTECTION OF WATER SUPPLY SYSTEM

8.1 Water Supply System

8.1.1 General

Any person who owns or occupies premises in the District must ensure that water is used for and maintained in a manner that ensures no public health hazard or public health nuisance occurs that could affect the public water supply system.

8.1.2 No person to Connect to, or Interfere with a Water Supply System

Except as set out in clauses 8.1.1, 8.1.3 and 8.1.4, no person shall make any connection to, or otherwise interfere with, any part of the water supply system.

8.1.3 Access to System

No person other than the Council and its authorised agents and permit holders shall have access to any part of the water supply system, except to connect to the point of supply, and to operate the service valve.

8.1.4 Fire Hydrants

Only the attending Fire Service/s shall gain access to, and draw water from fire hydrants for the purpose of fighting fires, training, and testing.

8.1.5 Other Users

The right to gain access to, and draw water from the water supply system for uses other than firefighting (for example, flow testing or pipe flushing) shall be restricted to:

- (a) The Council or its authorised agents.
- (b) Permit holders, being those persons who after having submitted an application to the Council are subsequently approved to draw water from designated tanker filling points or a fire hydrant. Non compliance with any condition of a permit renders the permit invalid.
- (c) Without prejudice to other remedies available, the Council may seize and impound any equipment used by an offender to gain access to, or draw water from a fire hydrant, and assess and recover the value of water drawn without authorisation and any other associated costs.
- (d) Permit holders shall only use approved blue coloured metered standpipes to draw water from fire hydrants. Those standpipes could either be hired from the Council or permitted users can have their own standpipes approved by the Council.

8.1.6 Unauthorised Access

- (a) Without prejudice to any other remedies available, the Council may seize and impound any equipment used by an offender to gain access to, or draw water from a fire hydrant, and assess and recover the value of water drawn without authorisation and any other associated costs.
- (b) Where the water supply system becomes contaminated due to unauthorised access, the Council may recover cost of remediation of contamination.
- (c) Any person causing damage which occurs to a Council water supply system during unauthorised access shall be liable for the cost of repair and any other costs the Council incurs as a result for the incident.

8.1.7 Working around Buried Services

- (a) No person shall carry out any excavation without first reviewing the Council's records of the location of its services.
- (b) Where appropriate the Council may in its absolute discretion mark out to within $\pm 0.5\text{m}$ on the ground the location of its services, and nominate in writing any restrictions on the work it considers necessary to protect the integrity of the water supply system. The Council shall charge for this service.
- (c) The Council may require the independent supervision of works.
- (d) Every person excavating or working around the Council's buried water supply services shall take due care to ensure that the excavation or work is carried out in a manner that does not damage and/or compromise the integrity of the water supply system and in a manner that does not risk public safety.
- (e) Every person who fails to reinstate excavation work in accordance with Council specifications shall be liable for the costs incurred by the Council in completing such work.
- (f) Any damage which occurs to the Council services shall be reported to the Council immediately. The person causing the damage shall be liable for the cost of repair and any other costs the Council incurs as a result of the damage.

Advisory Note: All excavation and trenching work carried out within the road corridor must be carried out in accordance with the National Code of Practice for Utility Operators' Access to the Transport Corridor.

8.2 Protection of Water Sources

8.2.1 Catchment Classes

Surface water and groundwater catchment areas from which untreated water is drawn for the purposes of water supply may be designated as:

- (a) Controlled;
- (b) Restricted; or
- (c) Open.

These catchments are also subject to National Environmental Standards for Sources of Human Drinking Water.

8.2.2 Controlled Catchments

The following conditions apply:

- (a) Entry

Catchment areas which are designated as controlled, or any area held by the Council as a water reserve, shall not be entered by any person except those persons specifically authorised or holding a permit issued by the Council. Within such areas no person shall:

- (i) Camp.
- (ii) Take or allow to stray any livestock.
- (iii) Bathe or wash anything.
- (iv) Deposit any dirt, rubbish, or foul material of any kind.
- (v) Defecate.

- (b) Permits to enter Controlled Catchment Areas

Entry permits shall forbid or control the following activities:

- (i) Hunting, trapping, shooting, or fishing.
- (ii) Lighting or maintaining any fire.
- (iii) Taking any dog or other animal.
- (iv) Damaging or destroying any trees, shrubs, or other existing vegetation cover, or interfering with any property.

- (v) Carrying of any firearm or weapon of any kind, any trap or any fishing gear which may be used for the hunting or catching of birds, fish or other animals.
- (vi) Use of any pesticide or toxic substance for any purpose whatsoever.

(c) Permits to be presented

Unless the Council permits:

- (i) No person to whom any permit has been issued shall enter or leave any controlled catchment area or land held by the Council as a water reserve without presenting such a permit for inspection by an authorised officer.
- (ii) No permit issued by the Council shall be transferable.
- (iii) The Council may at any time, by notice in writing sent by mail to the permit holder, revoke or suspend any permit for such time as stated in the notice.

(d) Interference and obstruction

In any controlled catchment area or any land held by the Council as a water reserve:

- (i) Every person shall upon the request of an authorised officer of the Council immediately leave the controlled catchment area or land held by the Council as a water reserve.
- (ii) No person shall obstruct or hinder any duly appointed officer of the Council in the exercise of any powers vested in that officer under this bylaw.

8.2.3 Restricted Catchments

Catchment areas which are designated as restricted shall be allowed for certain activities, but shall be as for controlled catchments for other activities. Those activities may include unrestricted entry for:

- (a) Tramping;
- (b) Hunting;
- (c) Trapping;
- (d) Shooting;
- (e) Fishing.

8.2.4 Open Catchments

In open catchment areas whether designated or not, there will generally be no restriction on activities other than the provisions of the Regional or the District Plan and the National Environmental Standards.

8.2.5 Spillages and Adverse Events

- (a) In the event of a spillage, or any event which may compromise potable water or the water supply system, the person responsible for the event shall advise the Council immediately. This requirement shall be in addition to those other notification procedures which are required for other authorities.
- (b) Where the owner or occupier of a premise allows or permits any item or items on the premises that may potentially contaminate or leach into the water supply and to accumulate on the premises contained within the catchment, the Council may request the owner or occupier to contain and remove the item or items using a Council approved method and location.
- (c) If the item(s) are not removed within the period specified, the Council or its authorised agents may remove the items and recover the costs from the Customer associated with containment, removal and disposal.

9. CONDITIONS OF SUPPLY

9.1 Application for Supply

- (a) Any person wishing to:
 - (i) establish a point of supply,
 - (ii) seek a change in the level of service,
 - (iii) change the use of an existing supply,
 - (iv) make a change to backflow requirements,
 - (v) increase use to greater than 15 cubic metres per day, or
 - (vi) use water for any purpose other than ordinary supply,shall make a written application to Council.
- (b) Every application for the supply of water shall be made in writing to the Council on the prescribed form, and accompanied by the prescribed charges. The Customer shall provide all the details required by the Council.

- (c) On receipt of an application the Council shall, after consideration of the matters stated in clauses 9.5 and 9.6:
 - (i) Approve the application and inform the Customer of the type of supply, the level of service, the size of the connection and any particular conditions applicable; or
 - (ii) Refuse the application and notify the Customer of the decision giving the reasons for refusal.
 - (iii) The Council may require a Customer to enter into an individual Customer agreement and supply a Water Conservation and Demand Management Plan based on the Customer's water demand requirements.
- (d) For the agreed level of service to the Customer, the Council will determine the size of all pipes, fittings and any other equipment, up to the point of supply. The Council or a contractor approved by the Council shall supply and install the service pipe up to the point of supply at the Customer's cost.
- (e) No water shall be drawn through a new connection before the Council has deemed the connection to meet the requirements of the Drinking-Water Standards for New Zealand and the Council has provided approval.
- (f) The Council may require the Customer to meet all associated costs with the provision of a new connection including upgrade to infrastructure needed to provide the service.
- (g) If the Customer is not the owner of the premises, the Customer shall provide written evidence that he/she has the authority to act on behalf of the owner.
- (h) An approved application for supply which has not been actioned within twelve months of the date of application will lapse unless a time extension has been received in writing from the applicant and approved by the Council. Any further fees and charges shall be at the discretion of the Council.

9.2 Change of Use

If a Customer seeks a change in the level of service or end use of water supplied to the premises, or the supply changes from an ordinary to an extraordinary type (see clause 9.5) or vice versa, a physical change of location or size, a new application for supply shall be submitted by the Customer for approval by the Council. Any new application for supply under this clause shall be considered as if it is an initial application pursuant to clause 9.1 of this Bylaw.

9.3 Point of Supply

9.3.1 Responsibility for Maintenance

- (a) The Council shall own and maintain the service pipe and fittings up to the point of supply. The Customer shall maintain the supply pipe and fittings beyond the point of supply.

Advisory Note: The Council gives no guarantee regarding the serviceability of the valve located on the service pipe. Where there is no Customer stopcock, or where maintenance is required between the service valve and the Customer stopcock, the Customer may use the service valve to isolate the supply. However the Council reserves the right to charge for maintenance of this valve if damaged by such Customer use.

9.3.2 Location

- (a) For each individual Customer there shall be only one point of supply, unless otherwise approved.
- (b) For both ordinary and extraordinary supplies, the point of supply shall be located outside the boundary of the premises in the position approved by the Council.
- (c) Existing points of supply may be located either inside or outside the property boundary. The Council may relocate the point of supply when deemed appropriate or on request from the Customer. The relocation of the point of supply, pipework and fittings from the new point of supply to the existing Customer supply pipe shall be the responsibility of the Council for six months from the time of relocation.

9.3.3 Ownership

Unless otherwise specified in this Bylaw, change of ownership, between the Council and Customer, of water supply pipes and fittings occurs at the point of supply being the point directly after the last fitting which connects the supply pipe to the meter/backflow assembly or the outlet of the meter box.

9.3.4 Single Ownership

- (a) For individual customers the point of supply shall be located as shown in Schedule 1 or as or as close as possible where fences, walls, or other permanent structures make it difficult to locate it at the required position. Other positions shall require specific approval from Council.
- (b) For each individual customer there shall be only one point of supply, unless otherwise approved by Council.

9.3.5 Multiple Ownership

The point of supply for the different forms of multiple ownership of premises shall be:

- (a) In respect of company ownership for a company share/block scheme (Body Corporate): As for individual ownership.
- (b) For Leasehold/Tenancy in Common Scheme (Cross Lease), Strata Title, Unit Title and any other form of multiple ownership: Each Customer shall have an individual supply with the point of supply determined by agreement with the Council. In specific cases other arrangements may be acceptable, subject to the Council's approval.

9.4 Access to, and about the Point of Supply

9.4.1 Rights of Access

- (a) Where the point of supply is on private property the Customer shall allow the Council access to the point of supply between 7.30am and 6.00pm on any day for:
 - (i) Meter reading without notice being given.
 - (ii) Checking, testing and maintenance work, with notice being given when possible.
- (b) For works required outside the above hours (such as for night time leak detection), the Council shall give provide notice to the Customer.
- (c) Where access is not made available for any of the above times and a return visit is required by the Council or its agents, a fee may be charged in accordance with the Council's approved fees and charges.
- (d) Under emergency conditions the Customer shall allow the Council unobstructed access to, and about the point of supply at any hour as per section 173 of the Local Government Act, 2002.

9.4.2 Maintenance of Access

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

9.5 Types of Water Supply

9.5.1 General

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

9.5.2 On Demand Supply

- (a) All premises situated within the on demand water supply area shall be entitled to an ordinary supply of water subject to the following conditions:
 - (i) The exclusion of its use under any restrictions made by the Council under clause 9.8.1;
 - (ii) Payment of the appropriate charges in respect of supply to that property;
 - (iii) Any other charges or costs associated with subdivisional development; and
 - (iv) Any other relevant conditions in section 8 of this bylaw.
- (b) Properties located within the on demand water supply area that do not connect to the public water supply may be charged an availability charge.
- (c) The Council shall be under no obligation to provide an extraordinary supply of water (see also the provisions of clause 9.8.1).
- (d) The Council shall charge for the on demand supply by either:
 - (i) A targeted rate based on rating unit; or
 - (ii) The volume passing through a meter per cubic metre; or
 - (iii) Both (i) and (ii) – These charges are as set by the Council.
- (e) For use of a fire protection system complying with NZS 4517 to be classified as an ordinary use, the Customer shall comply with the conditions set under clause 9.8.

9.5.3 Restricted Flow Supply

- (a) Restricted flow supply shall be available to premises in restricted supply areas under special conditions set by the Council. Customers receiving a restricted flow supply shall make provision for onsite water storage of a minimum volume of 22m³ or equivalent of at least 48 hours of average water use where this is greater than 22m³.

- (b) This may include for the purposes of:
 - (i) Rural supply within district.
 - (ii) Water demand management (including for drought, misuse and non-remedy of water leaks).
 - (iii) Properties subject to restriction under section 69ZH (Duty to provide information to territorial authority) of Health Act 1956.
- (c) The water supply shall be restricted so as to deliver 1.8m³ per day or the agreed number of water units at a steady flow rate through a water meter.
- (d) The Council shall charge for the restricted supply by:
 - (i) A targeted rate based on rating unit; or
 - (ii) The volume passing through a meter per m³; or
 - (iii) Both (i) and (ii) – These charges are as set by the Council.
- (e) All restricted supply storage tanks must include a suitable, testable backflow prevention device located at the boundary.

Advisory Note: For further information on fire safety water sprinkler or storage requirements refer to the SNZ PAS 4509: 2008 New Zealand Fire Service Fire Fighting Water Supplies Code of Practice. Customers may also wish to consult with the New Zealand Fire Service about suitable measures to provide firefighting protection for their properties.

9.6 Meters and Flow Restrictors

All water connections in Waikato District shall be metered or progressed towards metering and be charged in accordance with clause 9.15. Where an extraordinary supply is used for fire protection only, the supply shall not normally be metered.

9.6.1 Installation

- (a) 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.
- (b) Where on demand supplies are not metered, and the Council considers water use is unusually high or the premises are used for commercial activity the Council reserves the right to fit a meter at the Customer's cost, and charge accordingly.

9.6.2 Location

Meters and restrictors shall be located in a position where they are readily accessible for reading and maintenance, and if practicable immediately on the Council side of the point of supply.

9.6.3 Accuracy

- (a) Meters shall be tested as and when required by the Council.
- (b) The flow restrictors shall be accurate to within $\pm 10\%$ of their rated capacity.
- (c) Any Customer who disputes the accuracy of a meter or restrictor may apply to the Council for it to be tested. Where a test has been conducted within six months of the request for testing, Council has the discretion as to whether a further test will be carried out. If the test shows non-compliance with the stipulated accuracy, the Customer shall not be charged for the test. If the test shows compliance with the stipulated accuracy, the Customer shall pay a fee in accordance with the Council's current fees and charges schedule. A copy of independent certification of the test result shall be made available to the Customer on request.
- (d) Restrictors shall be tested by measuring the quantity of water that flows through the restrictor within a period of not less than one hour, at the expected minimum operating pressure.

9.6.4 Adjustment

- (a) If any meter, after being tested, is found to register a greater or lesser consumption than the quantity of water which has actually passed through the meter, the Council shall make an adjustment in accordance with the results shown by such tests, backdated for a period determined by the Council but not exceeding 12 months, and the Customer shall pay a greater or lesser amount according to the adjustment.
- (b) Where a meter is under-reading by more than 20% or has stopped, the Council reserves the right to charge for the amount of water assessed as having been used over the past billing period, taking into account any seasonal variations in water demand.
- (c) Where a meter is over-reading, the Council shall make appropriate adjustments to the Customer's account, based on a period of similar use and backdated to when it is agreed the over-reading is likely to have occurred.

9.6.5 Estimating Consumption

- (a) Should any meter not work or cease to register, or be removed, the Council shall estimate the consumption for the period since the previous reading of such meter, (based on the average of the previous four billing periods charged to the Customer) and the Customer shall pay according to such an estimate.
- (b) Where by reason of a large variation of consumption (due to seasonal or other causes), the average of the previous four billing periods would be an unreasonable estimate of the consumption, the Council may take into consideration other evidence for the purpose of arriving at a reasonable estimate, and the Customer shall pay according to such an estimate.
- (c) Where the seal or dial of a meter is broken, the Council may declare the reading void and estimate water consumption as described in clause 9.6.5 (a).
- (d) Where the Customer concerned is a non-profit organisation, and if metering indicates a significant increase in consumption, which is established as being caused by a previously unknown leak, the Council may estimate consumption as provided for in clause 9.6.5 (a) providing that the Customer repairs the leak with undue delay.
- (e) Where an unauthorised connection has been made to the Council's water supply system, the Council will estimate the consumption for the period from when the connection was made. The Council will use the uniform charge for water on a pro rata basis to make the estimation. Where a meter has been installed without approval, the meter reading shall be used as the basis for the estimation provided it complies with the Council's standards for meters and installations. The full consumption registered on the meter shall be payable by the current owner of the property. Estimating and charging for water will be in addition to other legal actions that the Council decides to take for breaches of this bylaw or other acts and regulations.

9.6.6 Incorrect Accounts

- (a) Where a situation occurs, other than as described in clause 9.6.5, and the recorded consumption does not accurately represent the actual consumption on a property, the account shall be adjusted using the best information available to the Council. Such situations include, but are not limited to, misreading of the meter, errors in data processing, meters assigned to the wrong account, and unauthorised water supplies.

- (b) Where an adjustment is required in favour of the Council or the Customer, the adjustment shall not be backdated more than 12 months from the date the error was detected.

9.6.7 Leaks

It is the Customer's responsibility to detect and fix all leaks from taps and pipes, to stop overflows from cisterns, hot water cylinder exhausts or stock troughs.

- (a) There will be no relief available if the leak is from fixtures easily seen, e.g. leaking taps, overflowing cisterns, hot water cylinders, exhausts in stock trough.
- (b) Relief is available for the following undetected leaks:
 - (i) Leak in an underground pipe or fitting under the house. No relief will be given for the second time, because it indicates a faulty system.
 - (ii) Leak within the meter box repaired by the Council or its contractor.
 - (iii) The Council reserves the right to approve relief at its discretion.
- (c) Half of the excess charges on water accounts (measured over the last two bills) caused by undetected leaks may be remitted where all of the following circumstances exist:
 - (i) There has been a substantial excess water usage over 50% of the average use over the last two bills; and
 - (ii) The water usage was from an undetected leak (site inspected and viewed by the Council); and
 - (iii) A plumber's account is produced by the Customer for the repairs to the water leak.
 - (iv) If the repair has been made by the property owner (not plumber) a statutory declaration must be completed and repairs inspected by the Council.
- (d) In considering remissions of excess charges on water accounts caused by undetected leaks, the Council has to be satisfied that:
 - (i) The leak has been fixed: Proof will be required to show that the leak was fixed to the satisfaction of the Council.
 - (ii) The leak will not reoccur: The Council may require a site assessment to determine the adequacy of the system and identify

other factors that the Customer may need to address to limit the occurrence of further leaks in the future.

- (iii) Situation monitored where appropriate: The Council may require the owner to monitor the water meter on a regular basis for excess water usage.

Advisory Note: Assessment by the Council on the overall adequacy of the private water system does not remove the responsibility of the owner of the system to maintain the adequacy of the system, and the responsibility of all water usage.

9.6.8 Authority to Grant Relief for Excess Water Usage

Council officers with appropriate delegated authority may grant relief in respect of excess water usage in accordance with 9.6.7.

9.7 Levels of Service and Continuity of Supply

- (a) The Council shall provide water in accordance with the level of service set out in Schedule 2.
- (b) Due to practical and physical limitations the Council cannot guarantee an uninterrupted or constant supply of water in all circumstances, or the continuous maintenance of any particular water pressure, but shall aim to meet the continuity of supply levels in accordance with clause 9.5, subject to the exemptions contained in clauses 9.8.1 and 9.8.2.
- (c) Where works of a permanent or temporary nature are planned which will affect an existing supply, the Council shall consult with, or inform or give notice to all known Customers likely to be substantially affected.
- (d) If a Customer has a particular requirement for an uninterrupted level of service (flow, pressure, or quality), it shall be the responsibility of that Customer to provide any storage, back-up facilities, or equipment necessary to provide that level of service.

9.8 Demand Management

- (a) The Customer shall comply with any water alert or emergency restrictions enacted by the Council to manage high seasonal or other demands. Such restrictions shall be advised by public notice. Even when such restrictions apply, the Council shall take all practicable steps to ensure that an adequate water supply for human drinking water or sanitation is provided to each point of supply.
- (b) Where required by rules in a District Plan, owners must maintain devices that have been installed for the purposes of water demand management

and in accordance with an associated integrated catchment management plan.

9.8.1 Water Alert and Emergency Restrictions

- (a) Natural hazards (such as floods, droughts or earthquakes) or accidents which result in disruptions to the supply of water shall be deemed an emergency and shall be exempted from the levels of service requirements.
- (b) During a water alert and/or 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. Such restrictions shall be advised by public notice.
- (c) Any restrictions must be adhered to until further notice.
- (d) The Council may after serving notice and taking all practicable steps to contact a Customer, restrict and or meter the supply to reduce unnecessary and unauthorised water use and wastage where it deems necessary.

9.8.2 Maintenance and Repair

- (a) In accordance with the Local Government Act s193 and Health Act 1956, the Council shall endeavour to notify the Customer of a scheduled maintenance shutdown of the supply before the work commences. Where immediate action is required and notification is not practical, the Council may shut down the supply without notice.
- (b) Where a Customer has assets restricting the maintenance of a Council water supply system, the Council shall not be responsible for damage caused to the asset in order to maintain the Council water supply system.
- (c) It is the responsibility of the Customer to maintain all supply pipes and water assets within their property in a serviceable and safe condition.
- (d) The Council may recover the costs of repairs or maintenance to private supply pipes and water assets.

9.9 Liability

The Council shall endeavour to meet the level of service requirements of clause 9.5, but shall not be liable for any loss, damage or inconvenience which the Customer (or any person using the supply) may sustain as a result of a reduced level of service of, or interruptions to, the water supply.

9.10 Fire Protection Connection

9.10.1 Connection Application

Any proposed connection for fire protection shall be the subject of a specific application (on the standard Council form) made to the Council for approval. Any such connection shall be subject to the conditions specified by the Council.

9.10.2 Design of Fire Protection Systems

In discussion with the Council, it shall be the Customer's responsibility to ascertain and monitor whether the supply available is adequate for the intended purpose.

9.10.3 Fire Protection Connection Metering

Where the supply of water to any premises is metered the Council may allow the supply of water for the purposes of firefighting to be provided in a manner which bypasses the meter provided that:

- (a) The drawing of water is possible only in connection with the sounding of an automatic fire alarm or the automatic notification of the fire brigade; or
- (b) A Council approved detector check valve has been fitted on the meter bypass.

Any unmetered connection provided to supply water to a fire protection system shall not be used for any purpose other than firefighting and the testing of the fire protection system unless the fire protection system is installed in accordance with NZS 4517.

Where a fire connection has been installed (or located) so that it is likely or possible that water may be drawn from it by any person for purposes other than firefighting, the Council may require the supply to be metered, at the Customer's expense.

9.10.4 Type of Fire Hose Reels

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. The water supply to fire hose reels shall comply with the requirements of NZS 4503:2005 Hand operated fire-fighting equipment.

9.10.5 Charges

Water used for the purpose of extinguishing fires shall be supplied free of charge. Where the fire protection connection is metered and water has been used for firefighting purposes, the Council shall estimate the quantity of

water so used, and credit to the Customer's account an amount based on such an estimate.

9.10.6 Ongoing Testing and Monitoring

Customers intending to test fire protection systems in a manner that requires a draw-off of water must obtain the approval of the Council beforehand. Water used for routine flushing and flow testing does not constitute waste but the quantity of water used may be assessed and charged for by the Council.

9.11 Backflow Prevention

9.11.1 Customer Responsibility

It shall be the Customer's responsibility (under the Health Act 1956, the Building Act 2004 and clause G12 Water Supplies of the Building Regulations 1992) to take all necessary measures together 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. These measures include:

- (a) Backflow prevention either by providing an adequate air gap, or by the use of an appropriate backflow prevention device; and/or
- (b) The prohibition of any cross-connection between the Council water supply and
 - (i) Any other water supply (potable or non-potable)
 - (ii) Any other water source
 - (iii) Any storage tank
 - (iv) Any other pipe, fixture or equipment containing chemicals, liquids, gases, or other non-potable substances.

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

9.11.2 Unmanaged Risk

Notwithstanding clause 9.11.1, the Council (consistent with the Health (Drinking Water) Amendment Act 2007) may fit a backflow prevention device on the Council side of the point of supply where the Customer cannot demonstrate that the risk of backflow is adequately managed.

9.12 Council Equipment and Inspection

9.12.1 Care of Water Supply System

The Customer of the premises shall not damage or tamper with any part of the water supply system, including but not limited to pipe-work, valves, meters, restrictors, chambers, and backflow prevention devices. The Council reserves the right to recover the cost of such damage from the Customer.

9.12.2 Inspection

Subject to the provisions of the Local Government Act 2002, the Customer shall allow the Council or its agents, with or without equipment, access to any area of the premises for the purposes of determining compliance with this Bylaw.

9.13 Plumbing System

9.13.1 The Customer's plumbing system shall be designed, installed and maintained, both in its component parts and its entirety, to ensure it complies with the Building Act 2004 and the New Zealand Building Code and is compatible with the water supply service as listed in Schedule 2.

9.13.2 Quick-closing valves, pumps, hydraulically driven equipment or any other equipment which may cause pressure surges or fluctuations to be transmitted within the water supply system, or compromise the ability of the Council to maintain its stated levels of service, shall not be used on any piping beyond the point of supply. In special circumstances such equipment may be approved by the Council at its discretion.

9.14 Prevention of Water Loss and Waste

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

9.14.2 The Council provides water for consumptive use, not as an energy source. The Customer shall not use water or water pressure directly from the supply for driving lifts, machinery, eductors, generators, or any other similar device, unless specifically approved by the Council.

9.14.3 The Customer shall not use water for a single pass cooling system or to dilute trade waste prior to disposal, unless specifically approved by the Council.

9.14.4 Where a Customer ignores advice from the Council to repair an on-going leak, the Council may after serving notice, repair the leak and charge the Customer all associated cost as provided in the Local Government Act 2002.

Advisory Note: The Waikato District Plan sets out water saving measures required for water supply connections.

9.15 Payment

9.15.1 The Customer shall be liable to pay for the supply of water and related services in accordance with the Council's rates, fees and charges prevailing at the time.

9.15.2 The Council may recover unpaid water rates in respect of the supply of water as prescribed in the Local Government (Rating) Act 2002 from the owner of a premises, the occupier of a premises, or both.

9.16 Transfer of Rights and Responsibilities

9.16.1 The Customer shall not transfer to any other party the rights and responsibilities set out in this bylaw.

9.16.2 A supply pipe shall serve only one Customer, and shall not extend by hose or any other pipe beyond that Customer's property.

9.16.3 Any water which the Customer draws from the Council supply shall not be provided to any other party without the prior approval of the Council.

9.16.4 Individual Customer agreements shall not be transferred unless approval by a Council Authorised officer has been obtained in writing.

9.17 Change of Ownership

9.17.1 In the event of a premises changing ownership the Council shall record the new owner as being the Customer at those premises. Where premises are metered the outgoing Customer shall give the Council ten working days notice to arrange a final meter reading.

9.17.2 The Council reserves the right to reassess the conditions of supply when a change of ownership occurs.

9.17.3 The owner of the premises at the time of the consumption is responsible for any water charges.

9.18 Disconnection at the Customer's Request

The Customer shall give 10 working days notice in writing to the Council of a requirement for disconnection of the supply. Disconnection shall be at the Customer's cost.

10. BREACHES

10.1 Breaches of conditions of supply

10.1.1 The following are deemed breaches of the conditions to supply water.

- (a) An incorrect application for supply which fundamentally affects the conditions of supply;
- (b) Failure to meet any obligations placed on the Customer under all Codes and Standards specified in clause 5 of this Bylaw;
- (c) An act or omission including but not limited to any of the following:
 - (i) Failure by the Customer to meet and comply with the conditions of supply;
 - (ii) Any tampering or interference with Council equipment/assets, either directly or indirectly;
 - (iii) Failure to pay the appropriate charges by the due date;
 - (iv) Frustration of the Council's ability to adequately and effectively carry out its obligations;
 - (v) Failure to repair a leak, or in any way wilfully allowing water to run to waste, or to be misused;
 - (vi) The fitting of quick-closing valves, pumps, or any other equipment which may cause pressure surges or fluctuations to be transmitted within the water supply system, or compromise the ability of the Council to maintain its stated levels of service (subject to clause 9.5 of this Bylaw);
 - (vii) Failure to prevent backflow;
 - (viii) Failure to maintain, inspect backflow;
 - (ix) Using water or water pressure directly from supply for driving lifts, machinery, educators, generators, or any other similar device, unless specifically approved by the Council;
 - (x) Using water for a single pass cooling or heating system, or to dilute trade waste prior to disposal, unless specifically approved;
 - (xi) Extending by hose or any other pipe a private water supply beyond that Customer's property;
 - (xii) Providing water drawn from the Council supply to any other party without approval of the Council;

- (xiii) Unauthorised removal of flow restrictors.
- (d) A person commits a breach of this Bylaw who:
 - (i) Permits or allows any condition to exist or continue to exist contrary to this bylaw;
 - (ii) Fails to comply with any lawful notice of direction given under this bylaw;
 - (iii) Where required, fails to obtain written approval or having obtained written approval fails to abide by the conditions (if any);
 - (iv) Obstructs or hinders any authorised officer in the performance of any duty to be discharged by that officer under or in excess of any power conferred by this bylaw;
 - (v) Interferes with any part of the water supply system without a permit;
 - (vi) Withdraws water from a fire hydrant without authorisation from the Council for any other purpose than fire protection;
 - (vii) Fails to comply with water use restriction or prohibitions introduced by the Council for any specific purpose;
 - (viii) Fails to meet any obligations placed on the Customer through any permit conditions;
 - (ix) Fails to meet any obligations placed on Customer through an individual Customer agreement;
 - (x) Other than the Council or its authorised agents, who accesses the water supply system without a valid permit breaches this bylaw.

10.1.2. In the event of a breach of any provision of this bylaw, the Council shall serve notice on the Customer advising the nature of the breach, the steps to be taken, and required timeframe to remedy the breach to the satisfaction of the Council beyond timeframe indicated. If the Customer persists with the breach the Council reserves the right to:

- (a) Reduce the flow rate of water to the Customer without notice. Reinstatement of full supply shall be re-established only after the Customer completes payment of the appropriate fee and remedy of the breach to the satisfaction of the Council.
- (b) Install a water meter. The Customer will also be charged for the ongoing supply of water as per Council's fees and charges for water supply as determined by Council from time to time.

(c) For extraordinary supply – disconnect the water supply for all purposes other than domestic water use.

(d) If the breach is such that the Council is required to disconnect the supply for health or safety reasons, disconnection may occur immediately and without further notice to the Customer.

10.1.3 If the breach is such that in the opinion of the Council is required to disconnect the supply for health or safety considerations, such disconnection shall be carried out forthwith.

10.2 Interference with equipment

Any tampering or interfering with Council equipment, either directly or indirectly, shall constitute a breach. Without prejudice to its other rights and remedies, the Council shall be entitled to estimate (in accordance with clause 9.6.5 of this Bylaw) and charge for the additional water consumption not recorded or allowed to pass through where a meter or restrictor has been tampered with, and recover any costs incurred.

11. OFFENCES AND PENALTIES

11.1 A person who fails to comply with the requirements of this Bylaw commits a breach of this Bylaw and is liable to a penalty under the Local Government Act 2002.

11.2 A person who fails to comply with the requirements of this Bylaw in relation to a high level water alert and/or emergency is in breach of clause 10.1 of this Bylaw, commits an offence and will be liable to a penalty.

12. SCHEDULES

The following schedules can be amended through a Council resolution.

Schedule 1: Examples showing Single/Manifold Connection

Schedule 2: Table 1 Compatibility Features

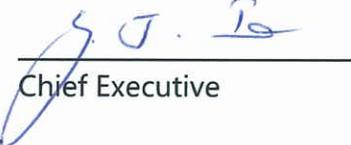
Schedule 3: Water Supply Area Maps

This bylaw was made pursuant to a resolution passed by the Waikato District Council on 8 September 2014 after completion of the special consultative procedure under section 86 of the Local Government Act 2002.

The Common Seal of the Waikato District Council was hereto affixed in the presence of:



Mayor



Chief Executive



Schedule 1: Examples showing Single/Manifold Connection

Example 1 – With Street Frontage

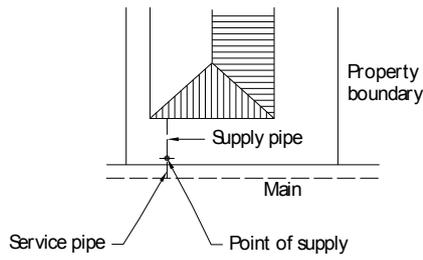


Figure 1: Point of supply inside property boundary

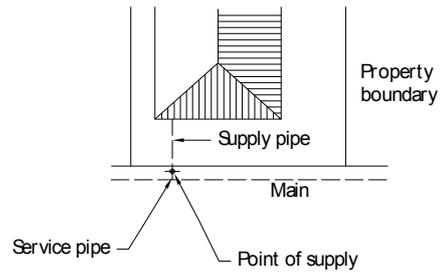


Figure 2: Point of supply outside property boundary

Example 2 – Rear lots on right of way (up to 2 customers)

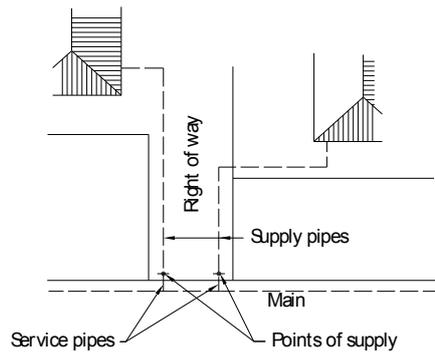


Figure 1: Point of supply inside property boundary

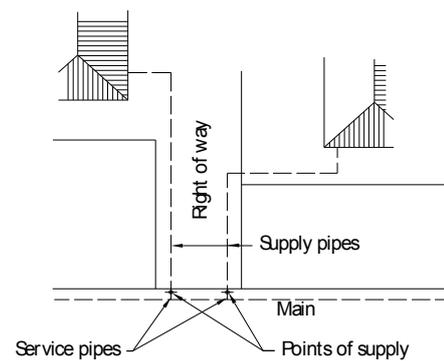


Figure 2: Point of supply outside property boundary

Example 3 – Rear lots on right of way (3 or more customers)

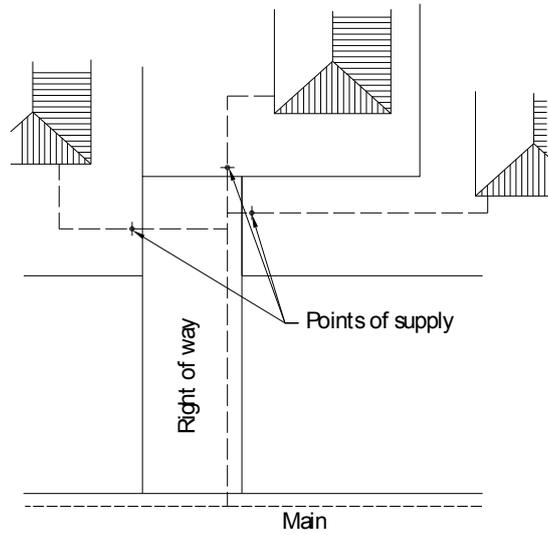


Figure 1: Point of supply inside property boundary

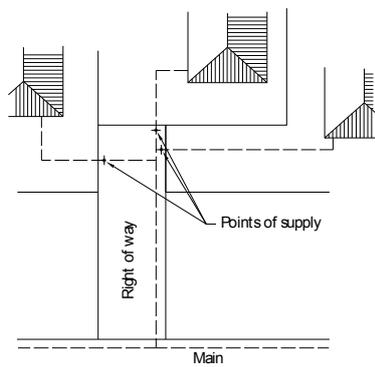


Figure 2: Point of supply outside property boundary

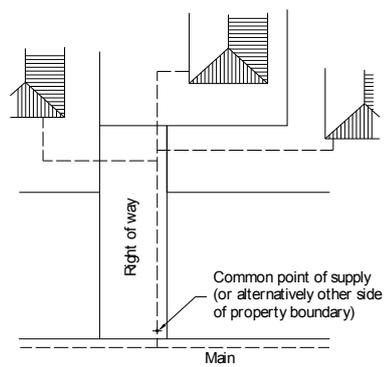
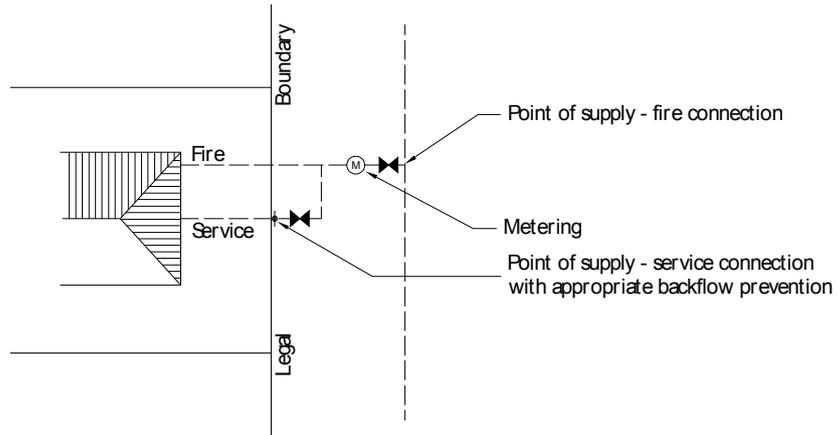
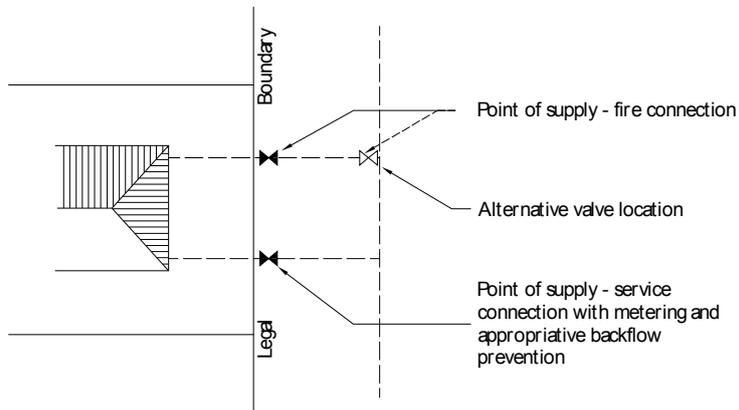


Figure 3: Common point of supply

Example 4 – Industrial, commercial, domestic fire and service connections (including schools)

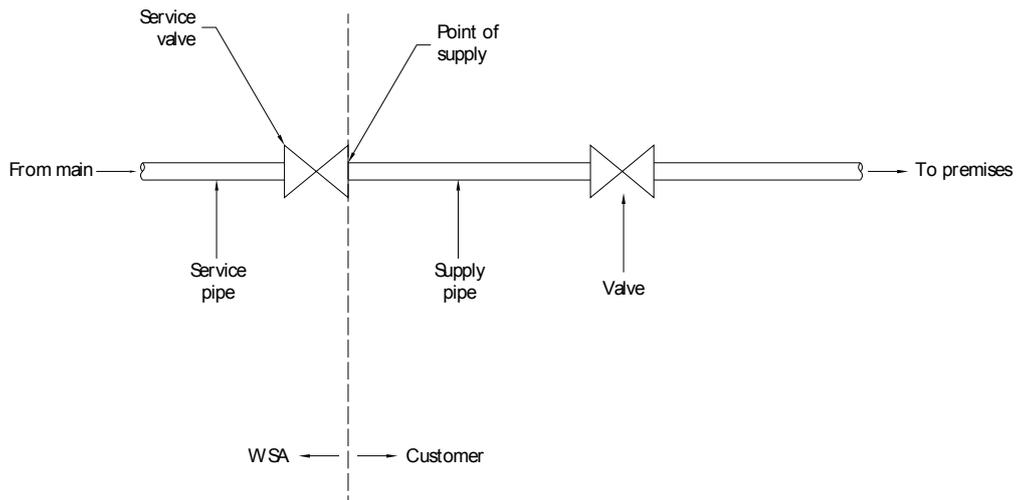


Combined fire and service connection

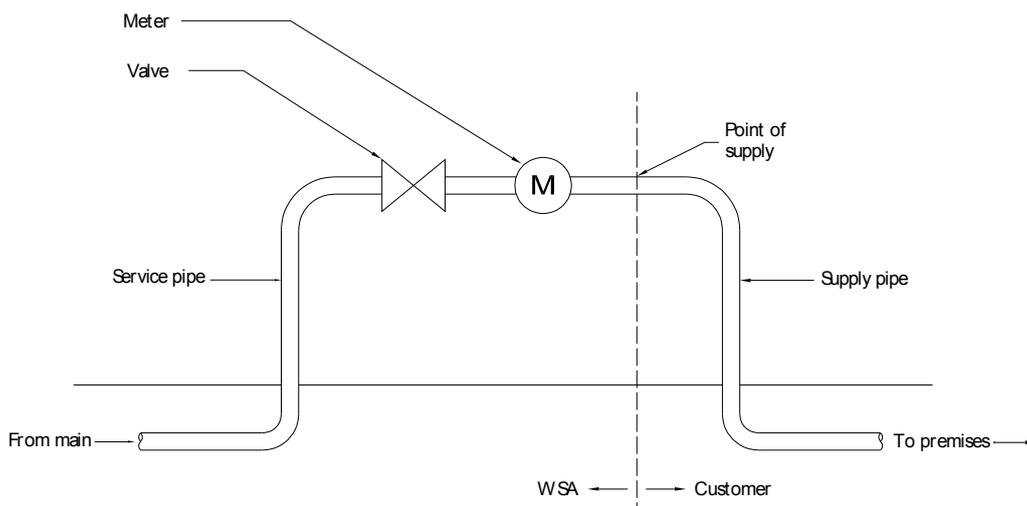


Separate fire and service connection

Examples of typical component layout at point of supply



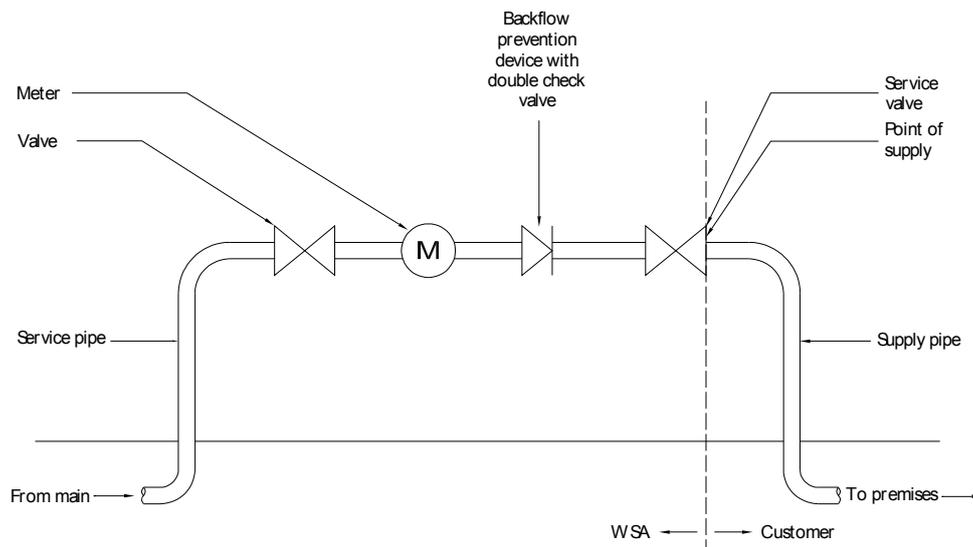
Example 5 - Domestic unmetered supply



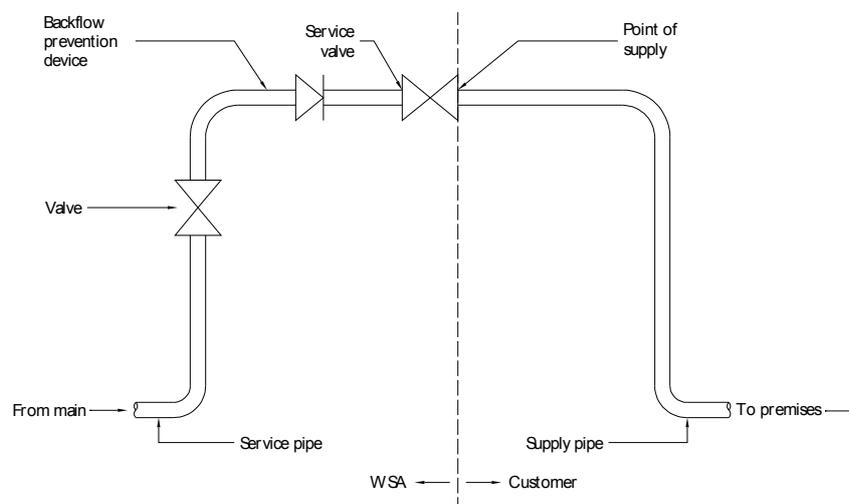
Example 6 - Domestic metered supply

Note:

- (1) Point of supply is tail piece of boundary box, meter, or service valve regardless of property boundary.
- (2) The New Zealand Building Code may require the Customer to install additional backflow prevention devices within the site, which will remain the responsibility of the Customer.



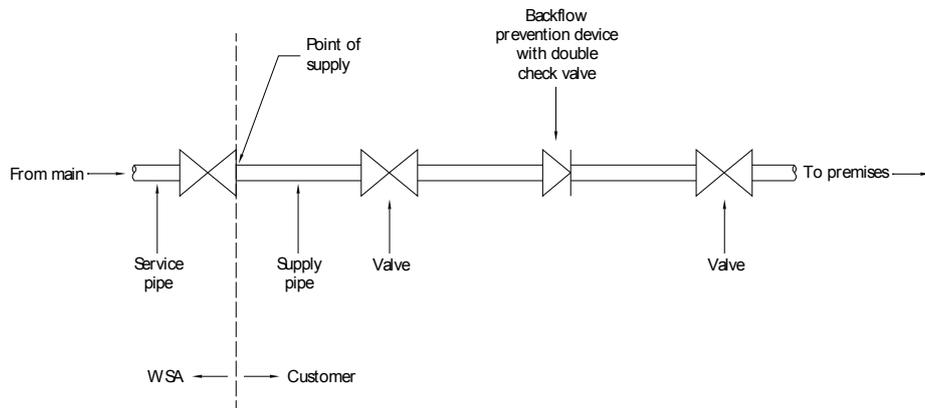
Example 7 – Metered supply with backflow prevention device owned by Council.



Example 8 – Unmetered supply with backflow prevention device owned by Council.

Note:

- (1) Point of supply is tail piece of boundary box, meter, or service valve regardless of property boundary.
- (2) The New Zealand Building Code may require the Customer to install additional backflow prevention devices within the site, which will remain the responsibility of the Customer.



Example 9 - Unmetered supply with backflow prevention device owned by the customer

Schedule 2: Table 1 Compatibility Features

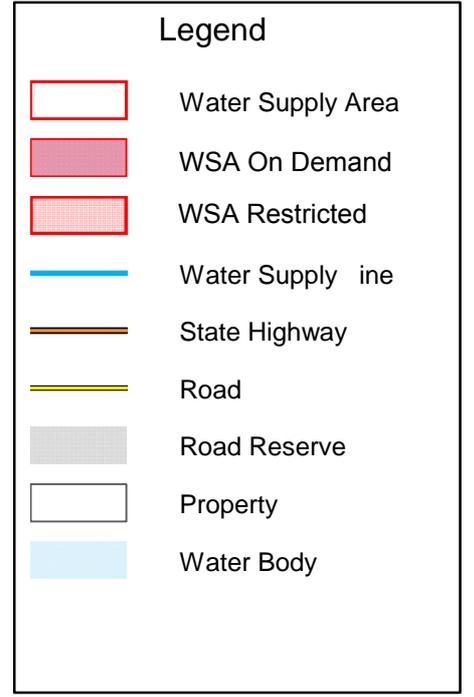
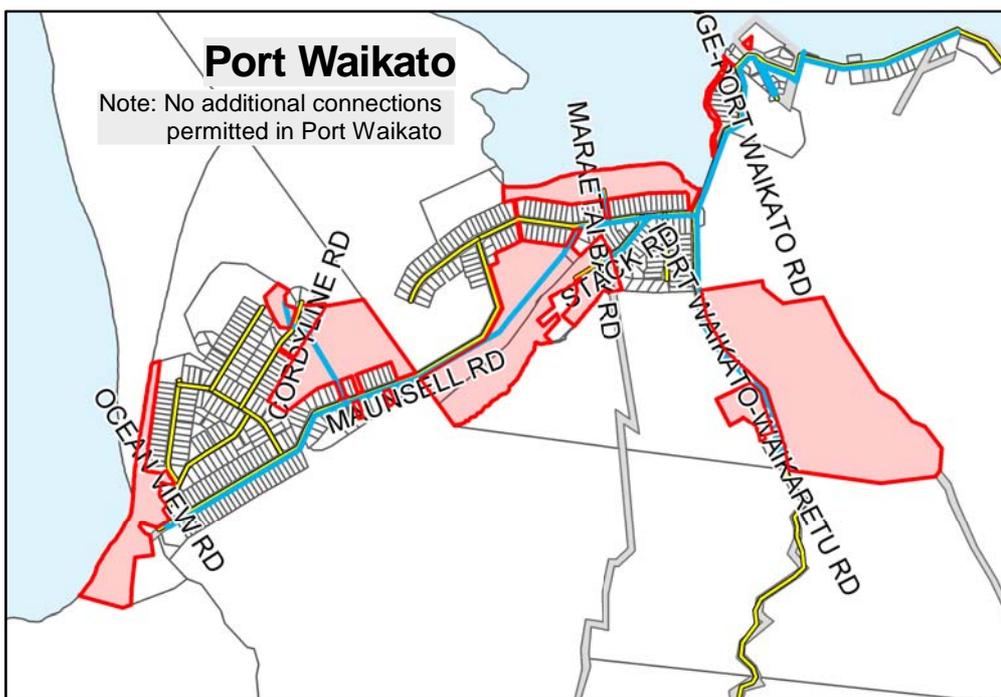
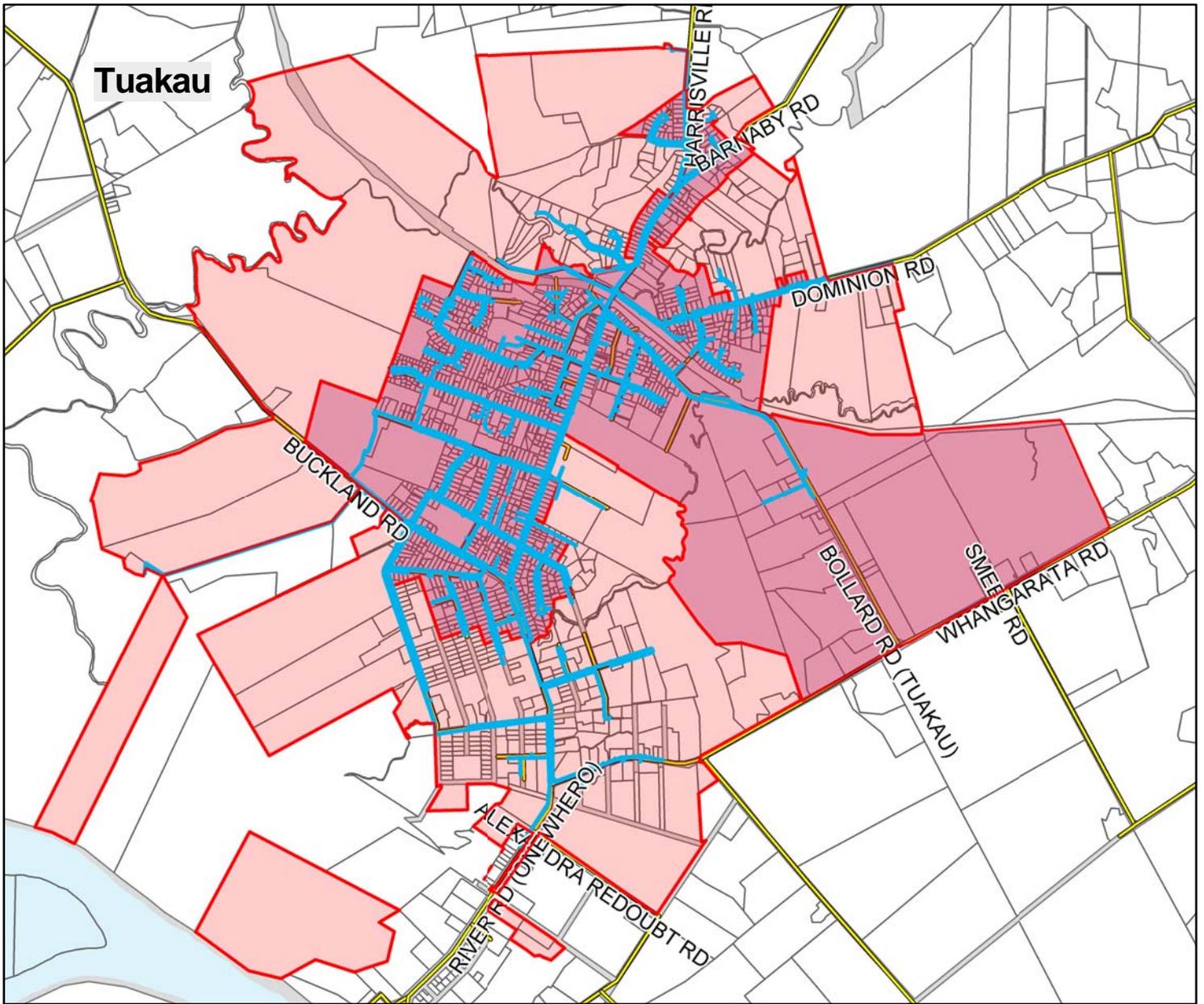
Specific features of the Council supply which need to be taken into account are contained in Table 1 below.

Table 1 - Compatibility features

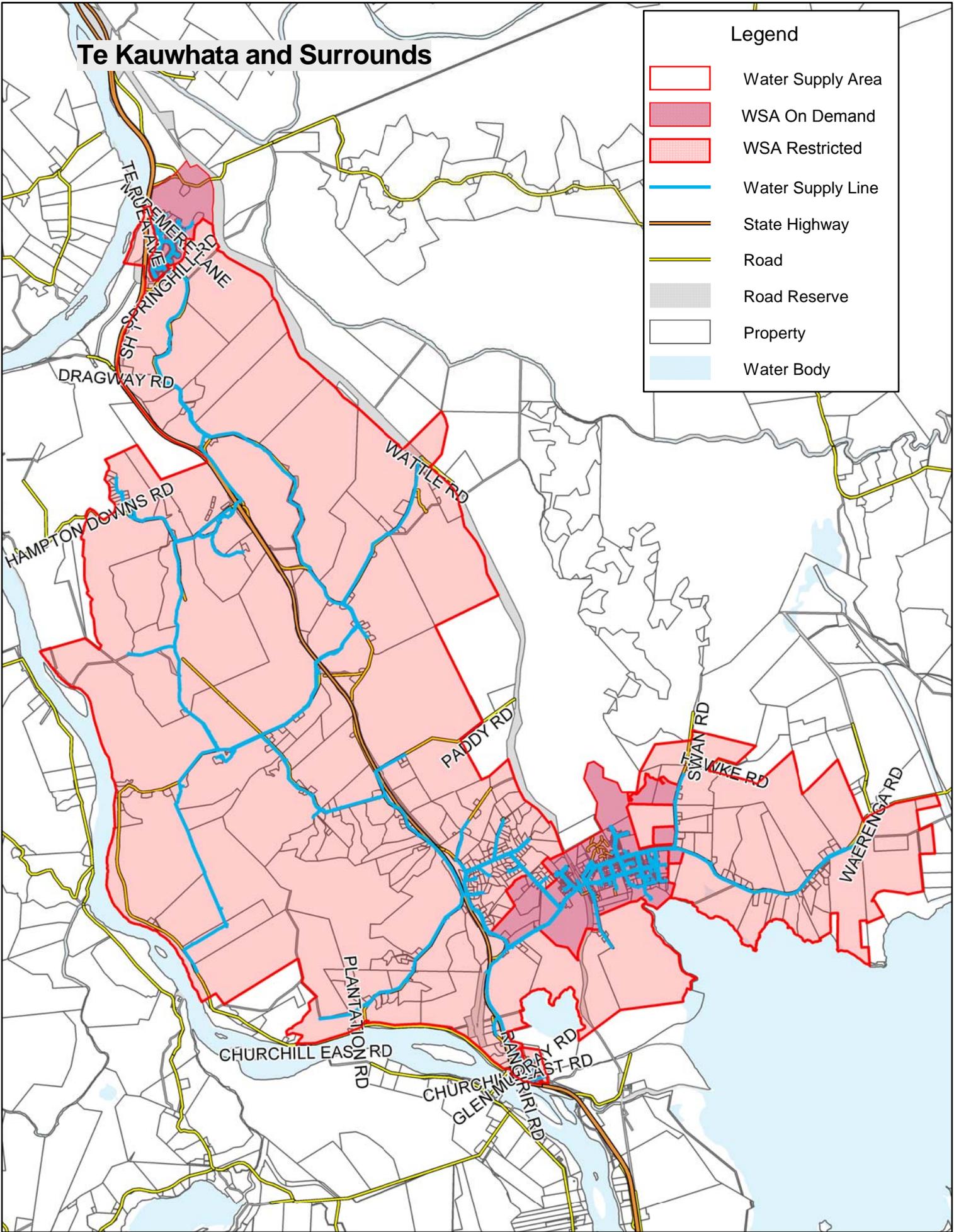
Feature	Value
Maximum pressure	100 metres head (1,000 kPa)
Minimum pressure*	10 metres head (100 kPa)
Normal operating pressure	20-30 metres head (200 - 300 kPa)
Free available chlorine	Up to 1.5 g/m ³

*Minimum pressure refers to on demand water supplies only

Schedule 3: Water Supply Area Maps



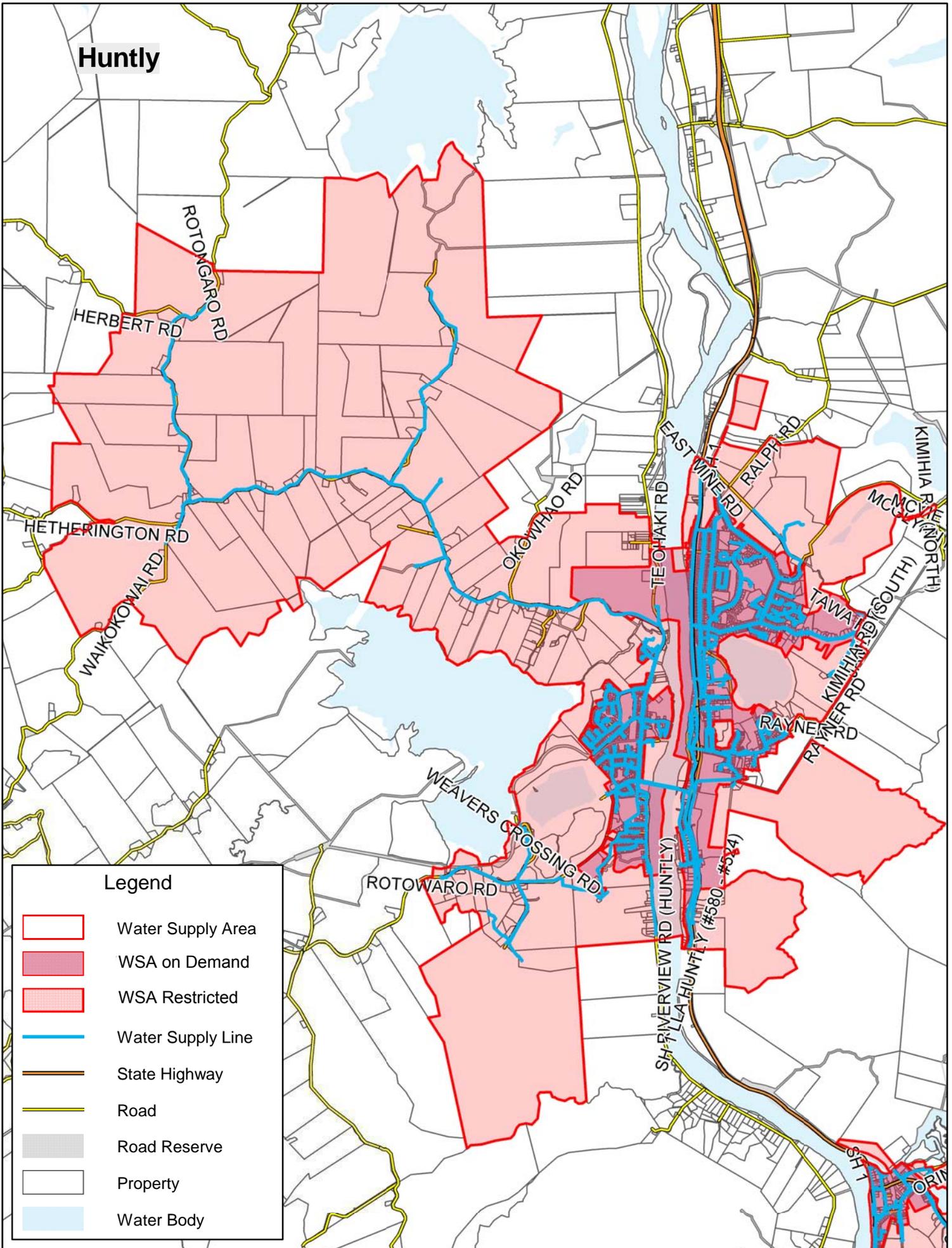
Te Kauwhata and Surrounds



Legend

- Water Supply Area
- WSA On Demand
- WSA Restricted
- Water Supply Line
- State Highway
- Road
- Road Reserve
- Property
- Water Body

Huntly



Legend

- Water Supply Area
- WSA on Demand
- WSA Restricted
- Water Supply Line
- State Highway
- Road
- Road Reserve
- Property
- Water Body

Southern Districts

