

CHBDC:Part 7:2008

CENTRAL HAWKE'S BAY DISTRICT COUNCIL BYLAWS



Part 7 – Water Supply

Superseding Model General NZS 9201:Part 7:2007

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Explanatory Note

This Water Supply Bylaw is based on the Model General Bylaw NZS9201:Part 7:2007 Water Supply as compiled by Standards New Zealand which is part of the NZS 9201 series of model bylaws covering various matters under local authority jurisdiction. This Bylaw amends that Standard as necessary to meet the requirements of the Central Hawke's Bay District Council, and gives effect to legislative changes such as the introduction of the Local Government Act 2002 and to reflect changes in industry practice.

Copyright

The copyright of the Model General Bylaw NZS9201:Part 7:2007 Water Supply is the property of the Standards Council. The copying and amendment of the Model Bylaw has been carried out by a Territorial Authority in the process of preparing its local bylaw, as permitted by the Standards Council.

Referenced Documents

Reference is made in this document to the following:

New Zealand Standards

- NZS 4503:2005 Hand Operated Fire-Fighting Equipment
- NZS 4515:2003 Fire Sprinkler Systems for Residential Occupancies
- NZS 4517:2002 Fire Sprinkler Systems for Houses
- NZS 4541:2003 Automatic Fire Sprinkler Systems
- NZS 9201: Model General Bylaws
- Part 1 Introductory

New Zealand Publicly Available Specification

- SNZ PAS 4509:2003 New Zealand Fire Service Fire Fighting Water Supplies Code of Practice

International Publications

- OIML R 49-1:2006 Water Meters for the Metering of Cold Potable Water and Hot Water
- Part 1 Metrological and Technical Requirements. Paris: Bureau International de Métrologie Légale
- OIML R 49-2:2006 Water Meters for the Metering of Cold Potable Water and Hot Water
- Part 2 Test Methods. Paris: Bureau International de Métrologie Légale
- OIML R 49-3:2006 Water Meters for the Metering of Cold Potable Water and Hot Water
- Part 3 Test Report Format. Paris: Bureau International de Métrologie Légale

British Standards

- BS EN 14154-3:2005 Water Meters. Test Methods and Equipment

Other Publications

- Ministry of Health. Drinking Water Standards for New Zealand, 2005
- New Zealand Water and Wastes Association (NZWWA). Backflow Code of Practice, 2006
- New Zealand Water and Wastes Association (NZWWA). Water Meter Code of Practice, 2003

New Zealand Legislation

- Building Act 2004
- Building Regulations 1992 (New Zealand Building Code)
- Fire Service Act 1975
- Health Act 1956
- Local Government Act 2002
- Local Government (Rating) Act 2002
- Resource Management Act 1991
- Summary Proceedings Act 1957
- Water Supplies Protection Regulations 1961
- Wildlife Act 1953

Related Documents

AS/NZS 4020:2005 Testing of Products for use in Contact with Drinking Water

Water Supply Areas

Council has adopted water supply area maps for the areas serviced by its water supplies. From time to time it will be necessary for Council to adjust the boundaries and rules of the water supply areas, for example, to take account of reticulation extensions and new development areas.

Delegated Powers

This Bylaw does not provide for the delegation of powers to officers of Council. Any delegation necessary to enforce aspects of this Bylaw are effected through Council Resolution issuing warrants for the officers as provided for in the Local Government Act 2002 (section 174).

CHBDC BYLAWS

Part 7 - WATER SUPPLY

700 TITLE

A Bylaw of the Central Hawke's Bay District Council by way of Special Order pursuant to the provisions of the Local Government Act 2002 and all other Acts, powers and authorities enabling it in that behalf to make a Bylaw to be known as the **Central Hawke's Bay District Council Water Supply Bylaw 2008**.

701 COMMENCEMENT

This Bylaw shall come into force on the 1st day of July 2008.

702 REPEAL

As from the day this Bylaw comes into force, any previous water bylaw or parts of any water bylaw and their amendments in force in the Central Hawke's Bay District (including the former local authorities that now comprise the Central Hawke's Bay District Council) shall be repealed.

703 APPLICATION OF BYLAW

This Bylaw shall apply to the Central Hawke's Bay District.

704 SCOPE

This Bylaw is made under the authority of the Local Government Act 2002 for the supply of water to its customers by Council. The supply and sale of water by Council is subject to:

(a) Statutory Acts and Regulations

- (i) Building Act 2004
- (ii) Building Regulations 1992 and New Zealand Building Code
- (iii) Fire Service Act 1975
- (iv) Health Act 1956
- (v) Local Government Act 2002
- (vi) Local Government (Rating) Act 2002
- (vii) Resource Management Act 1991
- (viii) Water Supplies Protection Regulations 1961

(b) Relevant Codes and Standards

- (i) Drinking Water Standards for New Zealand 2005
- (ii) BS EN 14154-3:2005 Water Meters. Test Methods and Equipment.
- (iii) SNZ PAS 4509:2003 New Zealand Fire Service Fire Fighting Water Supplies Code of Practice
- (iv) NZWWA Backflow Code of Practice 2006
- (v) NZWWA Water Meter Code of Practice 2003

705 INTERPRETATION

When interpreting this Bylaw use the definitions set out in Section 706 unless the context requires otherwise. For the purpose of this Bylaw, the word 'shall' refers to practices that are mandatory for compliance with this Bylaw, while the word 'should' refers to practices that are advised or recommended.

706 DEFINITIONS

For the purpose of this Bylaw, unless inconsistent with the context, the following definitions apply:

Approved - Approved in writing either by resolution of Council or by any authorised officer of Council.

Backflow - The unplanned reversal of flow of water or mixtures of water and contaminants into the water supply system.

Council - The Central Hawke's Bay District Council or any officer authorised by Council or legislation to exercise the authority of Council.

Council is the water supply authority (WSA).

Customer - A person who uses, or has obtained the right to use or direct the manner of use of water supplied by Council.

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 on a dedicated fire supply.

Extraordinary Supply - A category of on demand supply including all purposes for which water is supplied other than ordinary supply and which may be subject to specific conditions and limitations.

Fees and Charges - The list of items, terms, and prices for services associated with the supply of water as adopted by Council in accordance with the Local Government Act 2002 and the Local Government (Rating) Act 2002.

Level of Service - The measurable performance standards on which Council undertakes to supply water to its customers.

On-Demand Supply - A supply which is available on demand directly from the point of supply subject to the agreed level of service.

Ordinary Supply - A category of on demand supply used solely for domestic purposes.

Person - A natural person, 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 Council irrespective of property boundaries.

Potable - As defined in section 69G of the Health Act 1956.

Premises - Premises include the following:

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

Public Notice - As defined in the Local Government Act 2002.

Ranger - A person responsible for the management of a Council controlled catchment area or water reserve.

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 the customer's demand fluctuations.

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

Roading Authority - A territorial authority or Transit New Zealand.

Rural Water Supply Area - An area formally designated by Council as an area serviced by a reticulated water supply system that is intended to supply water for specified purposes via restricted flow supplies and / or on demand supplies but not necessarily with a firefighting capability.

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

Service Valve (Toby) - The valve at the customer end of the service pipe.

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.

Urban Water Supply Area - An area formally designated by Council as an area serviced by a reticulated water supply system with a firefighting capability, that is intended to supply water to customers via on demand supplies.

Water Supply System - All those components of the network between the point of abstraction from the natural environment and the point of supply. This includes but is not limited to: wells, infiltration galleries, intake structures, open raw water storage ponds / lakes, falling 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 a restricted flow supply and equal to a volume of 365 m³ delivered at the rate of 1 m³ per day.

Reference should be made to CHBDC:Part 1 *Introductory* for definitions not included in this Bylaw.

707 PROTECTION OF WATER SUPPLY

707.1 Water Supply System

707.1.1 Access to System

No person other than Council and its authorised agents shall have access to any part of the water supply system, except to connect to the point of supply, subject to Section 708.1, and to operate the service valve.

707.1.2 No Person to Connect to or Interfere with a Water Supply System

Except as set out in Sections 707.1.1, 707.1.3 and 707.1.4, no person shall make any connection to, or otherwise interfere with, any part of the water supply system.

707.1.3 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.

NOTE - Use of the fire hydrants by untrained personnel can result in damage to or contamination of the water supply system.

707.1.4 Other Uses

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

- (a) Council or its agents;
- (b) Permit Holders, being those persons who after having submitted an application to Council are subsequently approved to draw water from fire hydrants or tanker filling points. Such permits shall be valid only so long as the permit holder complies with the conditions endorsed on the permit. Without prejudice to other remedies available, Council may remove and hold 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.

707.1.5 Working Around Buried Services

Council will keep accurate permanent records ('as-builts') of the location of its buried services. This information shall be available for inspection at no cost to users. Charges may be levied to cover the costs of providing copies of this information.

Any person proposing to carry out excavation work shall view the as-built information to establish whether any Council services are located in the vicinity. At least five (5) working days notice in writing shall be given to Council of an intention to excavate in the vicinity of its services. Where appropriate Council shall mark out to within ± 0.5 m on the ground the location of its services, and nominate in writing any restrictions on the work it considers necessary to protect its services. Council may charge for this service.

When excavating and working around buried services due care shall be taken to ensure the services are not damaged, and that bedding and backfill are reinstated in accordance with the appropriate Council specification. Any damage which occurs to a Council service shall be reported to Council immediately. The person causing the damage shall reimburse Council with all costs associated with repairing the damaged service, and any other costs Council incurs as a result of the incident.

NOTE - Excavation within roadways is also subject to the permit process of the appropriate roading authority.

707.1.6 Loading or Material Over Public Water Pipes

No person shall cause the crushing load imposed on a public water pipe to exceed that which would arise from the soil overburden plus a HN-HO-72 wheel or axle load (as defined by Transit New Zealand Bridge Manual).

No person shall place any additional material over or near a public water pipe without approval.

Service openings and other ancillary structures shall not be covered in any way unless approved. Removal of any covering material or adjustment of the structures shall be at the property owner's expense.

707.1.7 Excavation Near Public Water Pipes

No person shall excavate, or carry out piling or similar work closer than:

- (a) five (5) metres from the centre line of any rising main or trunk main, or
 - (b) two (2) metres from the centre line of any public water pipe,
- without approval. Such approval may impose conditions on the carrying out of any work near the water pipe.

707.1.8 Building Over Buried Services

707.1.8.1 Rising Mains and Trunk Mains

No building shall be built over a public rising main or trunk main, or closer than the greater of:

- (a) 1.5 metres from the centre of any main, or
- (b) the depth of the centre line of the main, plus the diameter of the main, plus 0.2 metres from the centre of that main.

707.1.8.2 Other Public Water Pipes

- (a) No building shall be built over a public water pipe, whether on public or private land.
- (b) No building shall be built closer than the greater of:
 - (i) 1.5 metres from the centre of any public water pipe, or
 - (ii) the depth of the centreline of the water pipe, plus the diameter of the water pipe, plus 0.2 metres from the centre of that water pipe.
- (c) Subject to approval, a building developer may meet the cost of diverting the public water pipe (including any ancillary structures) in accordance with Council standards.

707.2 Protection of Source Water

707.2.1 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.

707.2.2 Controlled Catchments

The following conditions apply:

(a) *Entry*

Catchment areas which are designated as controlled, or any area held by Council as a water reserve, shall not be entered by any person except those specifically authorised or permitted in writing by Council. Within such areas unless provided for by Council 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 or spit.

(b) *Permits*

Entry permits shall forbid, regulate or control the following activities:

- (i) hunting, trapping, shooting, or fishing;
- (ii) lighting or maintaining any fire;
- (iii) taking of any dog or other animal;
- (iv) damaging or destroying any trees, shrubs, or other existing cover, or interference 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 animals;
- (vi) use of any pesticide or toxic substance for any purpose whatsoever.

A person may be required to present a medical clearance before an entry permit will be issued.

(c) *Permits to be Presented*

Unless Council permits:

- (i) no person to whom any permit has been issued shall enter or leave any controlled catchment area or land held by Council as a water reserve without presenting such a permit for inspection by a Council ranger and notifying the ranger of their intention of entering or leaving such an area as the case may be;
- (ii) every person on any controlled catchment area or land held by the local authority as a water reserve shall upon demand produce any such permit for inspection by the ranger;
- (iii) no permit issued shall be capable of being transferred;
- (iv) Council may at any time, by notice in writing delivered to the holder, revoke or suspend any such permit for such time as shall be stated in such a notice.

(d) *Interference and Obstruction*

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

- (i) every person shall upon the request of the ranger or other officer of Council immediately leave the controlled catchment area or land held by Council as a water reserve, but shall nevertheless be liable also to be prosecuted for the breach of any of the provisions of this Bylaw, and the failure to leave shall constitute a further offence;
- (ii) no person shall obstruct or hinder any duly appointed officer of Council in the exercise of any powers vested in that officer under the provisions of this Bylaw.

707.2.3 Restricted Catchments

Catchment areas which are designated as restricted shall allow 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.

707.2.4 Open Catchments

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

707.2.5 Spillages and Adverse Events

In the event of a spillage, or any event which may compromise the water supply, the person responsible for the event shall advise Council with due urgency. This requirement shall be in addition to those other notification procedures which are required for other authorities.

708 CONDITIONS OF SUPPLY

708.1 Application for Supply

708.1.1 Initial Application

Every application for a supply of water shall be made in writing on the standard Council form accompanied by the prescribed charges. The applicant shall provide all the details required by Council.

On receipt of an application Council shall, after consideration of the matters in Sections 708.4 and 708.5, either:

- (a) approve the application and inform the applicant of the type of supply, the level of service, the size of the connection and any particular conditions applicable; or
- (b) refuse the application and notify the applicant of the decision giving the reasons for refusal.

For the agreed level of service to the applicant, Council should determine the sizes of all pipes, fittings and any other equipment, up to the point of supply. Council shall supply and install the service pipe up to the point of supply at the applicant's cost or may allow the supply and installation of the service pipe to be carried out by approved contractors.

The applicant shall have the authority to act on behalf of the owner of the premises for which the supply is sought, and shall produce written evidence of this if required.

An approved application for supply which has not been actioned within six (6) months of the date of application will lapse unless a time extension has been approved. Any refund of fees and charges shall be at the discretion of Council.

708.1.2 Change of Use

Where a customer seeks a change in the level of service or end use of water supplied to premises, and / or the supply changes from an ordinary to an extraordinary type (see Section 708.4) or vice versa, a new application for supply shall be submitted by the customer.

708.1.3 Prescribed Charges

Charges applicable at the time of connection may include:

- (a) payment to Council or an approved contractor for the cost of the physical works required to provide the connection;
- (b) a development contribution charge determined in accordance with the Local Government Act 2002;
- (c) a financial contribution charge determined in accordance with the Resource Management Act 1991.

708.2 Point of Supply

708.2.1 Responsibility for Maintenance

Council shall own and maintain the service pipe and fittings up to the point of supply.

The customer shall own and maintain the supply pipe beyond the point of supply.

708.2.2 Single Ownership

For individual customers the point of supply shall be located as shown in Figures 1, 2 or 3 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.

For each individual customer there shall be only one point of supply, unless otherwise approved.

The typical layout at a point of supply is shown in Figures 4 and 5.

The supply pipe shall be wholly contained within the premises and not be on any other premises.

No connections shall be made beyond the point of supply to supply other premises.

Council gives no guarantee of 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 Council reserves the right to charge for maintenance of this valve if damaged by such customer use.

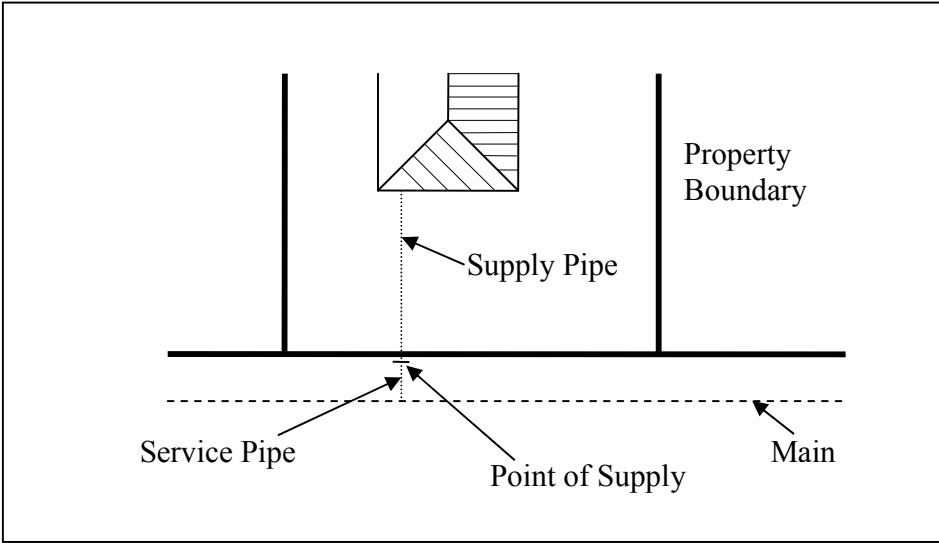


FIGURE 1 - POINT OF SUPPLY LOCATION - INDIVIDUAL CUSTOMERS

Note : Point of Supply is the tail piece of the boundary box, meter, or service valve regardless of property boundary.

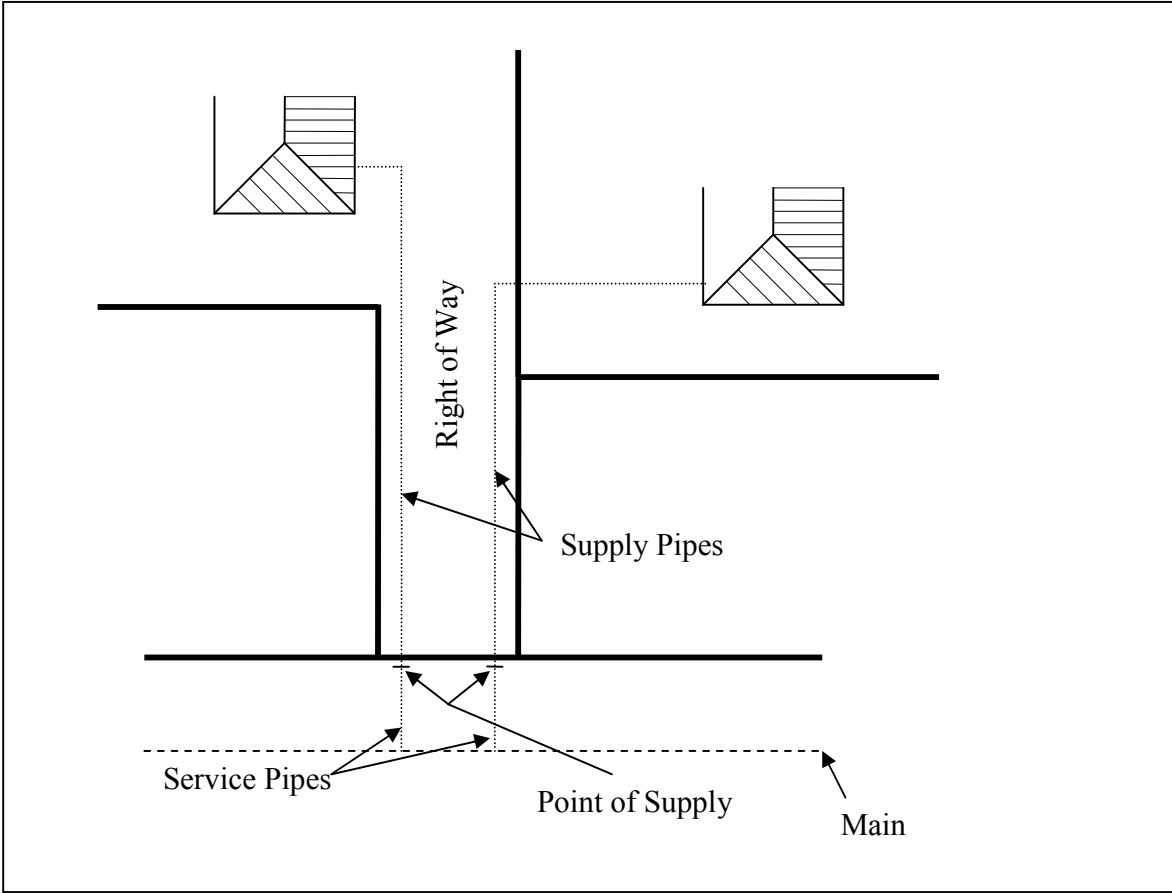


FIGURE 2 - POINT OF SUPPLY LOCATION - REAR LOTS

Note : Point of Supply is the tail piece of the boundary box, meter, or service valve regardless of property boundary.

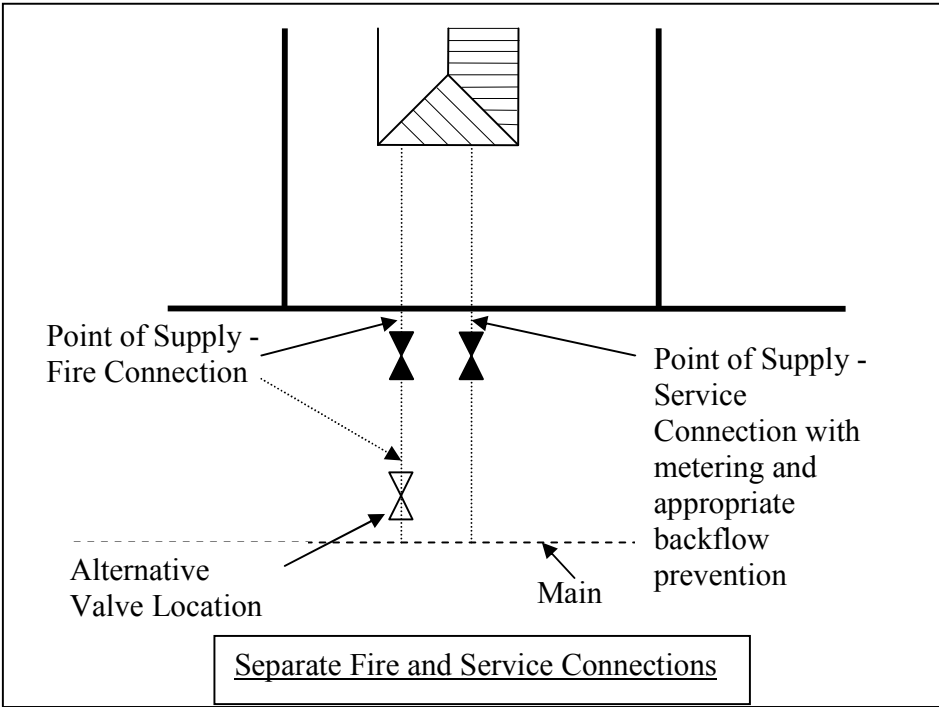
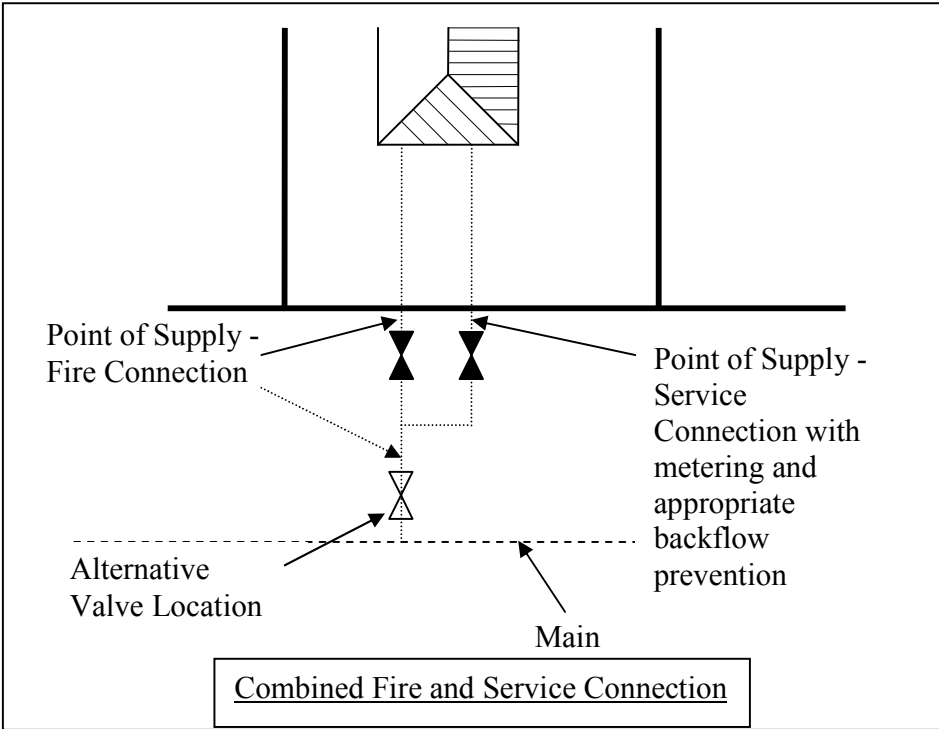


FIGURE 3 - POINT OF SUPPLY LOCATIONS - INDUSTRIAL, COMMERCIAL, DOMESTIC FIRE AND SERVICE CONNECTIONS (INCLUDING SCHOOLS)

Note : Point of Supply is the tail piece of the boundary box, meter, or service valve regardless of property boundary.

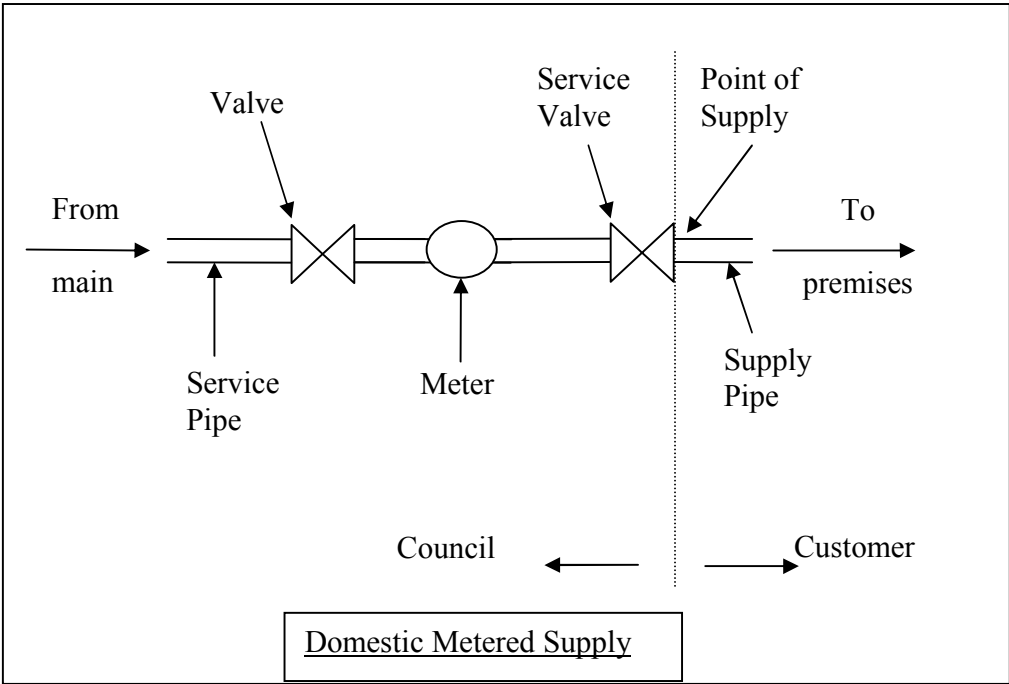
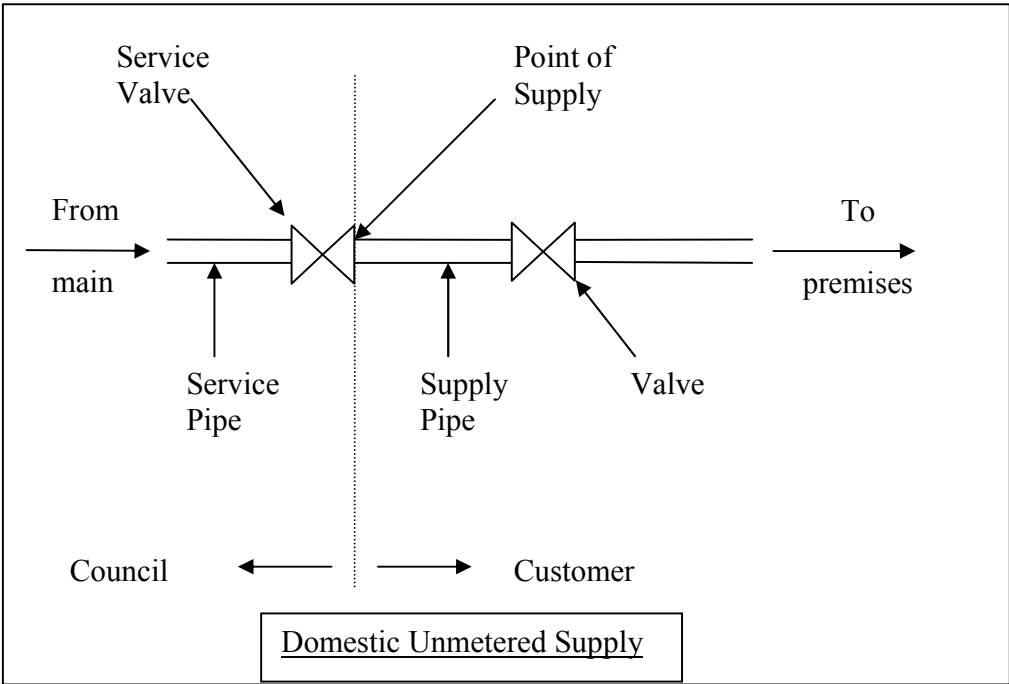
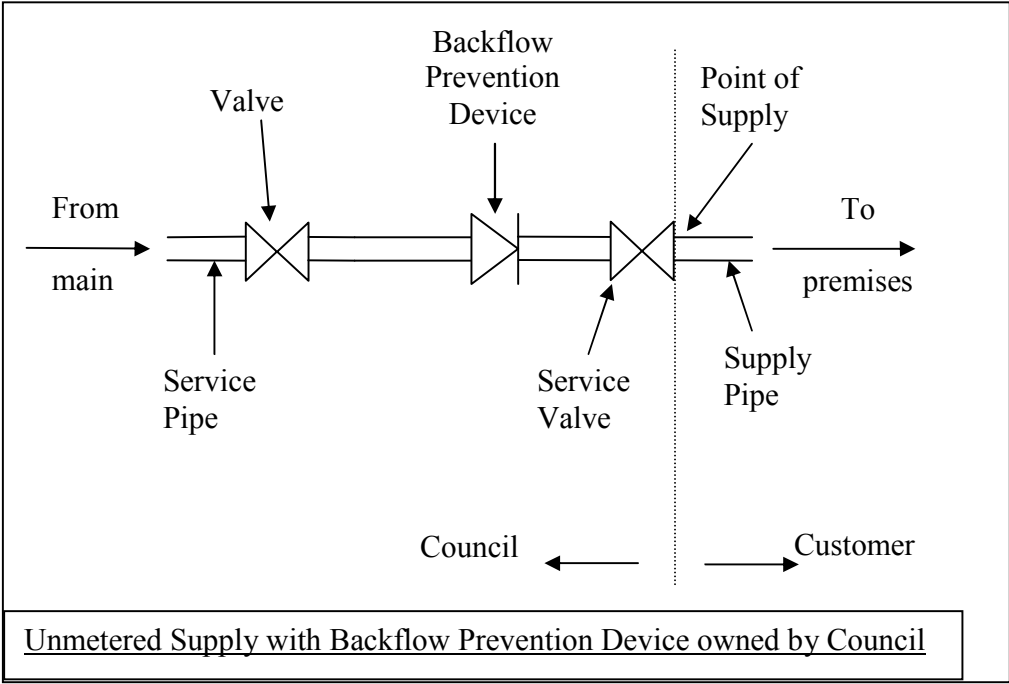
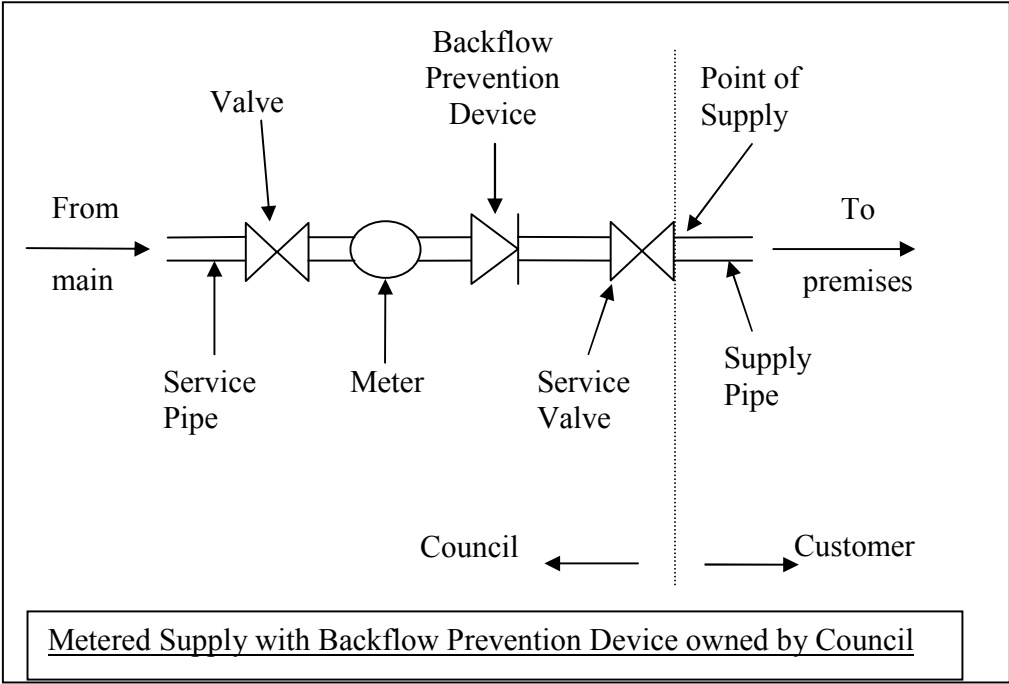


FIGURE 4 - TYPICAL LAYOUTS AT POINT OF SUPPLY

Note : Point of Supply is the tail piece of the boundary box, meter, or service valve regardless of property boundary.



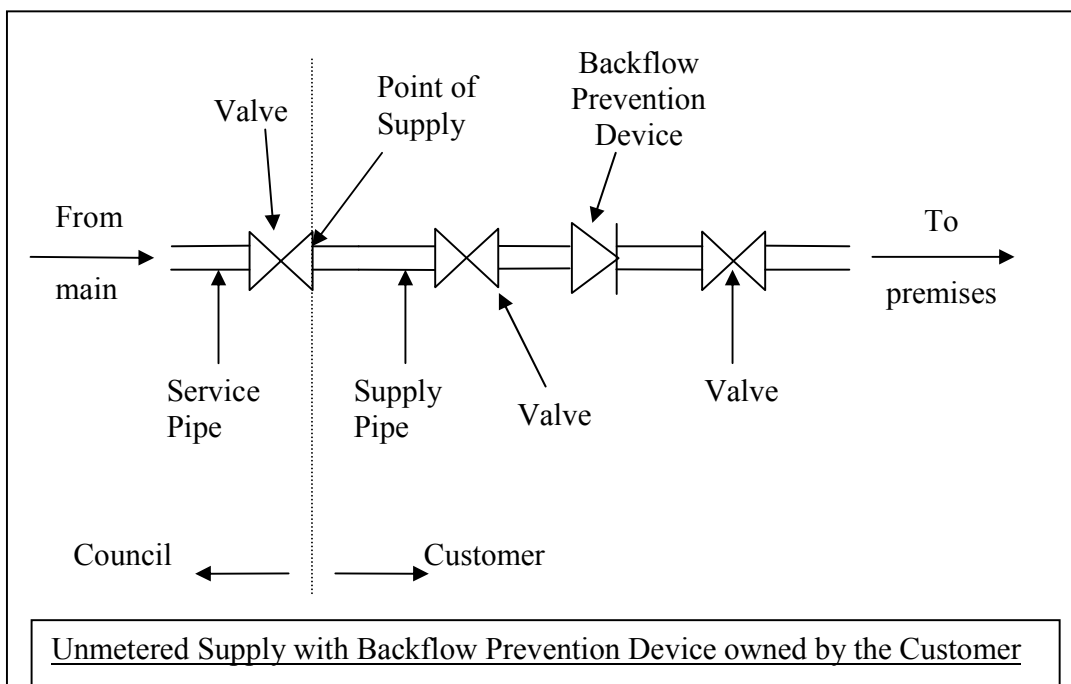


FIGURE 5 - TYPICAL LAYOUTS AT POINT OF SUPPLY INCLUDING BACKFLOW PREVENTION DEVICES

Note:

- (1) Point of supply is the tail piece of the 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.

708.2.3 Multiple ownership

The point of supply for the different forms of multiple ownership of premises and / or land shall be:

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

For a multiple ownership supply which was in existence prior to the coming into effect of this Bylaw, the point of supply shall be the arrangement existing at that time, or as determined by agreement with Council for any individual case.

708.3 Access to and about Point of Supply

708.3.1 Right of Access

Where the point of supply is on private property the customer shall allow Council access to, and about the point of supply between 7.30 am and 6 pm on any day for:

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

Outside these hours (such as for night time leak detection) Council shall give notice to the customer.

Where access is not made available for any of the above times and a return visit is required by Council, the actual cost of reading the meter will be charged.

Under emergency conditions the customer shall allow Council free access to, and about the point of supply at any hour.

708.3.2 Maintenance of Access

The customer shall maintain the area in and around the point of supply keeping it free of soil, growth, or other matter or obstruction which prevents, or is likely to prevent convenient access. Council may charge for work required to access and maintain access to the point of supply.

708.4 Types of Supply

708.4.1 General

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', except that water supply at Kairakau shall be as described in Section 708.4.6, and water supply at Pourerere shall be as described in Section 708.4.7.

708.4.2 On-Demand Supply

Every premise shall be entitled to an ordinary supply of water subject to the following conditions:

- (a) the premise lies within an urban water supply area if such an area has been constituted by Council;
- (b) the exclusion of its use for garden watering under any restrictions made by Council under 708.7.3;
- (c) payment of the appropriate charges in respect of that property;
- (d) any other charges or costs associated with subdivisional development; and
- (e) any other relevant conditions in Section 708 of this Bylaw.

Council shall be under no obligation to provide an extraordinary supply of water (see also the provisions of Sections 708.7 and 708.9.2).

708.4.3 Restricted Flow Supply

Restricted flow supply shall be available to premises within a designated area only, or under special conditions set by Council.

The water supply shall be restricted so as to deliver the agreed number of water units at a steady flow rate.

Council shall charge for the restricted flow supply by either:

- (a) the volume passing through a meter; or
- (b) the agreed number of water units.

708.4.4 Ordinary Use

Ordinary Use is for domestic purposes (which may include use in a fire sprinkler system to NZS 4517) and shall include:

- (a) washing down a car, boat, or similar;
- (b) garden watering by hand;
- (c) garden watering by a portable sprinkler (subject to the provisions of Section 708.7.3);

NOTE - For use from a fire protection system to NZS 4517 to be classified as an ordinary use, the customer should comply with the conditions set under Section 708.9.1.

708.4.5 Extraordinary Use

Extraordinary use includes:

- (a) premises greater than 4,000 m² in area;
- (b) domestic - spa or swimming pool in excess of 10 m³ capacity, fixed garden irrigation systems;
- (c) commercial and business;
- (d) industrial;
- (e) agricultural, including stock watering;
- (f) horticultural;
- (g) viticultural;
- (h) lifestyle blocks (peri-urban or small rural residential), including stock watering;
- (i) fire protection systems other than sprinkler systems installed to comply with NZS 4517;
- (j) out of district (supply to, or within another local authority);
- (k) temporary supply.

708.4.6 Supply at Kairakau

Water will be supplied at Kairakau from Council's supply only through a connection to an on-site water storage tank at each premise. This supply may be used as an "on demand" supply for "ordinary use".

The water storage tank shall be of minimum volume of 1,800 litres. The supply pipe from the point of supply must be connected to the water tank and include a ball cock or similar device in the tank to prevent overflow of the water in the tank. No connections shall be taken off the supply pipe, and all plumbing on the premises must be feed from the water tank.

708.4.7 Supply at Pourerere

Water supplied at Pourerere is for the camping ground at the southern end of the beach, the public toilet block in the middle of the beach, and three other premises adjacent to the camping ground. All or any connections to this system shall be by specific agreement with Council and be used as directed by Council.

708.4.8 Rural and / or Individual On-Site Water Storage

Water storage for water supply to an individual premise in the Central Hawke's Bay District not connected to Council water supply shall include at least one water storage tank of at least 30,000 litres capacity and including at least 5,000 litres dedicated storage reserved for firefighting purposes, as shown in Figure 6.

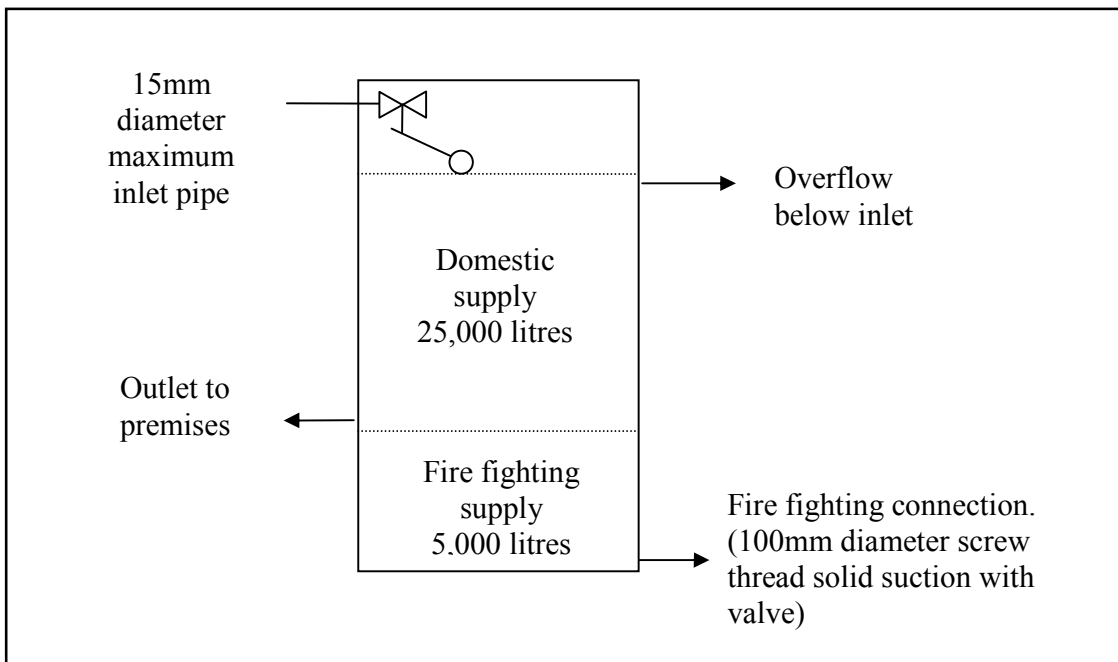


FIGURE 6 - ON-SITE WATER STORAGE TANK

708.5 Metering

An ordinary use of water shall not normally be metered (subject to Council reserving the right to fit a meter and charge where it considers water use is excessive, or for a meter to be fitted at the customer's request), and the cost of such use shall be as prescribed in the Local Government (Rating) Act 2002, sections 9, 15 to 19, and sections 101 to 103.

An extraordinary use shall normally be metered and charged for in accordance with Section 708.15.

Where the extraordinary use is for fire protection only, this supply may not be metered, at Council's discretion.

708.6 Level of Service

Council shall provide water in accordance with the level of service contained in the Long Term Council Community Plan (LTCCP). For those periods where the level of service allows noncompliance with the specified values, Council should make every reasonable attempt to achieve the specified values.

708.7 Continuity of supply

708.7.1 Supply

Due to practical and physical limitations Council cannot guarantee an uninterrupted or constant supply of water in all circumstances, or the continuous maintenance of any particular pressure, but shall do its best to meet the continuity of supply levels of Section 708.6, subject to the exemptions contained in Sections 708.7.3 and 708.7.4.

Where works of a permanent or temporary nature are planned which will affect an existing supply, Council shall consult with, or inform or give notice to all known customers likely to be substantially affected.

708.7.2 Uninterrupted Service

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.

708.7.3 Demand Management

The customer shall comply with any restrictions which may be required by Council to manage high seasonal or other demands. Such restrictions shall be advised by public notice.

Even when such restrictions apply Council shall take all practicable steps to ensure that an adequate supply for domestic purposes is provided to each point of supply.

708.7.4 Emergency Restrictions

During an emergency 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. Council may enact penalties over and above those contained in these conditions to enforce these restrictions. The decision to make and lift restrictions, and to enact additional penalties, shall be made by Council or any officer authorised to exercise the authority of Council.

708.7.5 Maintenance and Repair

Wherever practical Council shall make every reasonable attempt 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, Council may shut down the supply without notice.

708.8 Liability

Council shall endeavour to meet the level of service requirements of Section 708.6, 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 deficiencies in, or interruptions to, the water supply.

Council may, under certain circumstances and at its sole discretion, make payments for damage caused to equipment, appliances, processes, and materials as a direct result of a variation in the water supply, provided that any such equipment or appliances have been designed to cater for reasonable variations in the flow, pressure, and quality of the water supply.

708.9 Fire Protection Connection

708.9.1 Connection Application

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

708.9.2 Design

It shall be the customer's responsibility to ascertain in discussion with Council and monitor whether the supply available is adequate for the intended purpose.

708.9.3 Fire Protection Connection Metering

Where the supply of water to any premises is metered Council may allow the supply of water for the purposes of firefighting to be made 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 testing 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, Council may require the supply to be metered.

708.9.4 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.

708.9.5 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, Council shall estimate the quantity of water so used, and credit to the customer's account an amount based on such an estimate.

708.9.6 Ongoing Testing and Monitoring

Customers intending to test fire protection systems in a manner that requires a draw-off of water, shall obtain the approval of 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 Council.

708.10 Backflow Prevention

708.10.1 Customer Responsibility

It is the customer's responsibility (under the Health Act 1956, and the Building Act 2004) to take all necessary measures on the customer's side of the point of supply to prevent water which has been drawn from Council's water supply from returning to that supply.

These include:

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

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 Council's normal minimum operating pressure.

708.10.2 Unmanaged Risk

Notwithstanding Section 708.10.1 Council 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.

708.11 Council Equipment and Inspection

708.11.1 Care of Water Supply System

The customer shall take due care not to damage any part of the water supply system, including but not limited to pipework, valves, meters, restrictors, chambers, and backflow prevention devices.

708.11.2 Inspection

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

708.12 Meters and Flow Restrictors

708.12.1 Installation

Meters for on demand supplies, and restrictors for restricted flow supplies, shall be supplied, installed and maintained by Council, and shall remain the property of Council. Where on demand supplies are not universally metered, Council where it considers water use is unusually high, reserves the right to fit a meter at the customer's cost, and charge accordingly.

708.12.2 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.

708.12.3 Accuracy

Meters shall be tested as and when required by Council or as prescribed in OIML R49. The maximum permissible error for the upper flow rate zone ($Q_2 < Q < Q_4$) is $\pm 2\%$, for temperatures from 0.3°C to 30°C and the maximum permissible error for the lower flow rate zone ($Q_1 < Q < Q_2$) is $\pm 5\%$. This accuracy shall be applied to all water meters with $Q_3 < 100 \text{ m}^3/\text{h}$ and may be applied to water meters with values of $Q_3 > 100 \text{ m}^3/\text{h}$.

The flow restrictors shall be accurate to within $\pm 10\%$ of their rated capacity.

NOTE - Where Q is the flow rate:

Q1 is the minimum flow rate;

Q2 is the transitional flow rate;

Q3 is the permanent flow rate; and

Q4 is the overload flow rate as defined in OIML R49-1.

Any customer who disputes the accuracy of a meter or restrictor may apply to Council for it to be tested provided that it is not within three (3) months of the last test. If the test shows non-compliance with the accuracy above, the customer shall not be charged for the test.

If the test shows compliance, the customer shall pay a fee in accordance with Council's current fees and charges.

Meters shall be tested as prescribed in OIML R 49-2 and the test report shall be made available as prescribed in OIML R 49-3.

The variation in the error curve shall not exceed 3% for flow rates in the lower zone and 1.5% for flow rates in the upper zone. For the purpose of determining these requirements the mean values of the errors (of indication) at each flow rate, shall apply.

The curves shall not exceed a maximum error of $\pm 6\%$ for flow rates in the lower zones and $\pm 2.5\%$ for flow rates in the upper zones.

Restrictors shall be tested by measuring the quantity that flows through the restrictor in a period of not less than one (1) hour at the expected minimum operating pressure. A copy of independent certification of the test result shall be made available to the customer on request.

708.12.4 Adjustment

If any meter, after being tested, is found to register a greater or lesser consumption than the quantity of water actually passed through such a meter, Council shall make an adjustment in accordance with the results shown by such tests, backdated for a period at the discretion of Council but not exceeding twelve (12) months, and the customer shall pay a greater or lesser amount according to the adjustment.

Where a meter is under-reading by more than 20% or has stopped, 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 demand.

Where a meter is over-reading, Council shall make appropriate adjustments to the customer's invoice(s), based on a period of similar use and backdated to when it is agreed the over-reading is likely to have occurred.

708.12.5 Estimating Consumption

Should any meter be out of repair or cease to register, or be removed, 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.

Provided that when 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, 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.

The customer shall be liable for the cost of water which passes through the meter regardless of whether this is used or is the result of leakage. Council may estimate consumption as above, providing that the customer repairs the leak with due diligence.

Where the seal or dial of a meter is broken, Council may declare the reading void and estimate consumption as described above.

708.12.6 Incorrect Accounts

Where a situation occurs, other than as provided for in Section 708.12.5, where the recorded consumption does not accurately represent the actual consumption on a property, the account shall be adjusted using the best information available to 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 supplies.

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

708.13 Plumbing System

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 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 Council.

In accordance with the Building Regulations 2007 the plumbing system shall be compatible with the water supply.

708.14 Prevention of Waste

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

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.

The customer shall not use water for a single pass cooling system or to dilute trade waste prior to disposal, unless specifically approved.

708.15 Payment

The customer shall be liable to pay for the supply of water and related services in accordance with Council fees and charges and / or rating requirements prevailing at the time.

Council may recover all unpaid water charges as prescribed in the Local Government (Rating) Act 2002, sections 57 to 82.

708.16 Transfer of Rights and Responsibilities

The customer shall not transfer to any other party the rights and responsibilities set out in this Bylaw.

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

In particular and not in limitation of the above any water which the customer draws from Council supply shall not be provided to any other party without approval of Council.

708.17 Change of Ownership

In the event of a premise changing ownership Council shall record the new owner as being the customer at that premises. Where a premise is metered the outgoing customer shall give Council five (5) working days notice to arrange a final meter reading.

708.18 Disconnection at the Customer's Request

The customer shall give twenty (20) working days notice in writing to Council of the requirement for disconnection of the supply. Disconnection shall be at the customer's cost.

709 BREACHES AND INFRINGEMENT OFFENCES

709.1 Breaches of Conditions of Supply

The following are deemed breaches of the conditions to supply water:

- (a) an incorrect application for supply which fundamentally affects the conditions of supply (Section 708);
- (b) failure by the customer to meet and comply with the conditions of supply;
- (c) failure to meet any obligation placed on the customer under all current Acts and Regulations specified in Section 704(a);
- (d) frustration of Council's ability to adequately and effectively carry out its obligations;
- (e) an act or omission including but not limited to any of the following:
 - (i) failure to pay the appropriate charges by the due date;
 - (ii) failure to repair a leak, or in any way wilfully allowing water to run to waste, or to be misused;
 - (iii) 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 Council to maintain its stated levels of service (subject to Section 708.13);
 - (iv) failure to prevent backflow (see Section 708.10);
 - (v) failure to comply with water use restrictions or prohibitions introduced by Council for any specified purpose;
 - (vi) using water or water pressure directly from the supply for driving lifts, machinery, eductors, generators, or any other similar device, unless specifically approved by Council (see Section 708.14 and 708.16);
 - (vii) using water for a single pass cooling or heating system, or to dilute trade waste prior to disposal, unless specifically approved (see Section 708.14);
 - (viii) extending by hose or any other pipe a private water supply beyond that customer's property (see Section 708.16);
 - (ix) providing water drawn from Council supply to any other party without approval of Council (see Section 708.16).

In the event of a breach, Council shall serve notice on the customer advising the nature of the breach and the steps to be taken to remedy it. If, after one (1) week, the customer persists in the breach, Council reserves the right to reduce the flow rate of water to the customer without notice. In such an event the full service of the supply shall be re-established only after payment of the appropriate fee and remedy of the breach to the satisfaction of Council.

In addition, if the breach is such that Council is required to disconnect the supply for health or safety considerations, such disconnection should be carried out forthwith.

709.2 Interference with Equipment

Any tampering or interfering with Council equipment, either directly or indirectly, shall constitute a breach of this Bylaw. Without prejudice to its other rights and remedies, Council shall be entitled to estimate (in accordance with Section 708.12.5) and charge for the additional water consumption not recorded or allowed to pass where a meter or restrictor has been tampered with, and recover any costs incurred.

709.3 Compliance with Bylaw

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

Council may apply to the District Court under section 162 of the Act for an injunction restraining the person from committing a breach of this bylaw.

Where it is suspected that any person has committed a breach of this bylaw, that person shall, on the direction of Council, provide his / her full name, and address.

709.4 Infringement Offences under the Local Government Act 2002

Section 245 of the Local Government Act 2002 provides for infringement notices for specified offences.

709.5 Summary Proceedings

In addition to infringement offences, the Local Government Act 2002 provides for prosecutions by way of summary proceeding as another means of enforcing the requirements of the Local Government Act 2002. Council can lay information (a summons) under the Summary Proceedings Act 1957 to initiate a prosecution against someone in the criminal courts for a breach of the Local Government Act 2002. An example would be under section 224 for wasting water, which on conviction carries a maximum fine of \$5,000; or under section 232 for damage to infrastructure which carries a penalty of imprisonment, or a maximum fine of \$20,000. Penalties are set out in section 242 of the Local Government Act 2002.

Part 8 of the Local Government Act 2002 - Regulatory, enforcement and coercive powers of local authorities - can be applied to enforce the provisions of this bylaw.

Part 9 of the Local Government Act 2002 - Offences, penalties, infringement offences, and legal proceedings - can be applied to enforce the provisions of this bylaw.

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| <p>Part 9 of the Local Government Act 2002 says:</p> |
| <p>Offences, Penalties, Infringement Offences, and Legal Proceedings</p> <p>Subpart 1 - Offences</p> <p><i>OFFENCES RELATING TO WATER</i></p> <p>224 Offence relating to water wastage</p> <p>Every person who contravenes section 192 and continues to waste water or allow it to be wasted after receiving a written warning from the local authority commits an offence and is liable on summary conviction to the penalty set out in section 242(2).</p> <p>225 Offences relating to waterworks</p> <p>(1) Every person commits an offence and is liable on summary conviction to the penalty set out in section 242(1) who, wilfully or negligently,-</p> <p>(a) takes water from the supply provided to another person without having entered into an agreement to be supplied with water from a waterworks; or</p> <p>(b) having been supplied with water from a waterworks,-</p> <p>(i) supplies that water to another person who has not entered into an agreement to be supplied; or</p> |

- (ii) permits that other person to take water supplied from a waterworks; or
- (c) bathes or washes clothing or other things in, or throws an animal, refuse, litter, or debris into, the water of a waterworks; or
- (d) carries out work on, or in relation to, a waterworks without first-
 - (i) notifying the local authority of the intention to carry out the work; and
 - (ii) obtaining written authorisation from the local authority, with terms or conditions the local authority thinks fit.
- (2) It is not an offence under subsection (1) if the work referred to in subsection (1)(d)-
 - (a) is authorised by a valid consent granted under-
 - (i) the Building Act 1991, regulations made under that Act, or the Building Code; or
 - (ii) the Resource Management Act 1991 or regulations made under that Act; or
 - (b) was carried out in accordance with a valid building, plumbing, or drainage consent.
- (3) It is a defence to an offence under subsection (1)(d) if the work-
 - (a) was necessary to avoid an emergency, or to mitigate or remedy the effects of an emergency; and
 - (b) was carried out by a person appropriately registered to undertake the work.

226 Liability for cost of damage

A person who commits an offence under section 225 may, in addition to, or instead of, the penalty for the offence, be ordered to pay the cost incurred by Council in repairing the damage done to the waterworks by the offence.

OFFENCES RELATING TO WATER METERS

227 Offences relating to water meters

Every person commits an offence and is liable on summary conviction to the penalty set out in section 242(1) who, without the prior written authorisation of the local authority,-

- (a) alters the index of, or in any other manner tampers with, a water meter being used in association with the water services of a local government organisation; or
- (b) alters the position of such a water meter.

710 BYLAW APPROVAL DATE

The Common Seal of the Central Hawke's Bay District Council was attached, under Resolution (*Reference - CHBDC:Part7:2008*) passed at a meeting of the Central Hawke's Bay District Council held on (Day) (Month) (Year).

DATE CONFIRMED : ____/____/____