



**CENTRAL
HAWKE'S BAY**
DISTRICT COUNCIL

PART 07

DRAFT
Water Supply
BYLAW

Superseding CHBDC: Part 07: 2018

Draft February 2021

Together we Thrive! E ora ngātahi ana!

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INTRODUCTION

Overarching Purpose

To achieve a holistic and integrated approach to three waters management in the District that is consistent with Council's District Plan, other Policies, Plans, Strategies and Objectives and also reflect the principles of the Te Mana o te Wai, the following overarching purposes have been set for all four water services bylaws (Water Supply, Stormwater, Wastewater and Trade Waste)

a) **Meet Legislation Requirements**

Proactively meet all Council's statutory requirements relating to the provision of three waters services.

b) **Integrated Approach**

Adopt an integrated and holistic approach to the Three Waters (water supply, wastewater including trade waste and Stormwater) that recognises the interconnections between each of the waters and promotes their sustainable management.

c) **Environmental Responsibilities**

Facilitate environmentally responsible practices by raising awareness of how the three waters interact and effect the District's natural Environment. Additionally, ensure that Council meet its own responsibilities in terms of resource consent requirements set by the Hawke's Bay Regional Council.

d) **Sustainable Practices**

Encourage and incentivise the community and businesses to adopt practices that lead to the enhancement of the Environment and the sustainable management of water resources including water and product stewardship, rainwater harvesting, waste minimisation and Cleaner Production.

e) **Support Sustainable Growth**

Support the sustainable provision of three waters infrastructure to enable future growth while minimising impacts on the Environment.

f) **Achieve Project Thrive Values**

Develop and implement the Three Waters Bylaws to give effect to 'Project Thrive' values in particular trust, honesty, respect, innovation, and valuing people.

g) **Te Mana o te Wai**

Recognise the fundamental concept of Te Mana o Te Wai as prescribed under the National Policy Statement for Freshwater Management 2020 and in particular the need to restore and preserve the balance between the water, the wider Environment, and the community.

h) **Tangata Whenua Status**

Recognise the status of tangata whenua status as Kaitiaki.

i) **Durable Infrastructure**

Develop and maintain durable and resilient infrastructure that achieves Council's levels of service in an efficient and cost-effective manner.

j) **Safety and Health**

Ensure the protection, safety and health of Council staff and the community when using or operating the water supply system, and the wastewater and stormwater networks.

k) **Obligations**

Define the obligations of residential Occupiers and businesses including trade waste Occupiers and the public at large in relation to the Council's water supply, wastewater and stormwater networks.

l) Discharge Controls

Regulate wastewater and stormwater discharges, including trade waste, and hazardous substances, into the wastewater and stormwater networks.

m) Equitable Costs

Provide a system for the equitable share of Council's water services costs between trade waste dischargers, other businesses, and domestic customers.

OBJECTIVES

Further to the Overarching Purpose the specific objectives for this part of the Bylaw are as follows:

- (a) Enable the Council to manage and provide public water supply services;
- (b) Protect the public water supply network from damage, misuse, and interference;
- (c) Protect the environment and the health and safety of the people using the public water supply;
- (d) Ensure the efficient use of water and improve water resilience during periods of water shortage/restrictions.
- (e) To align with the wider sustainable water demand management plan.

CONTEXT

Communities expect safe and reliable water supply for their health and prosperity. Council has a responsibility to ensure that its water services, infrastructure and water taonga are managed in a manner that supports the wellbeing of current and future generations.

Water supplies are currently provided through seven public water supply systems located at Otane (supplied from Waipawa), Waipawa, Waipukurau, Takapau, Porangahau, Te Paerahi and Kairakau.

Sustaining current levels of supply to the District's customers will become increasingly challenging over the years ahead. To ensure that community needs are met, Council have developed a Sustainable Water Management Plan. The plan identifies how the Council and the Community will improve water-use efficiency and reduce water loss in operations using a range of techniques that are consistent with industry practice and supports Council's desire to become an efficient user of this valuable resource.

The provisions in the Water Bylaw play a key role in ensuring water is used wisely and in a sustainable manner.

PART 07 – WATER SUPPLY

1. TITLE

This bylaw shall be known as the Central Hawke’s Bay District Council Water Supply Bylaw [2021].

2. COMMENCEMENT

This Bylaw shall come into force on the **[DATE]**

3. REPEAL

This Bylaw supersedes and repeals the Central Hawke’s Bay District Council Water Supply Bylaw 2018.

4. APPLICATION OF BYLAW

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

5. DEFINITIONS

Reference should be made to Part 1 Introductory Bylaw and to the legislation referred to under Referenced Documents, for any other definitions not included in this Part.

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

| | |
|-----------------------------|--|
| Approved or Approval | Approved in writing either by resolution of Council or by any Authorised Officer of Council. |
| 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. |
| Backflow | A flow of water or other liquid / contaminants in reverse direction to the normal supply flow. |
| Council | Central Hawke’s Bay District Council or any officer authorised or delegated to act on its behalf. |
| Customer | A person who uses or has obtained the right to use or direct the manner of use of water supplied by 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 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. |

| | |
|--------------------------------|---|
| Fire Protection System | A pumping system designed to supply a sufficient flow of water to extinguish a fire, for example, a sprinkler. |
| 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. |
| Out of Area Supply | Premises that are not within an Urban Water Supply Area but are within practical distance for supply from the Council Water Supply System. |
| 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. |
| Premises | <p>Either:</p> <p>(a) A property or allotment which:</p> <p style="padding-left: 40px;">(i) is held under a separate certificate of title, or</p> <p style="padding-left: 40px;">(ii) for which a separate certificate of title may be issued and in respect to which a building consent has been or may be issued;</p> <p>or</p> <p>(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</p> <p>(c) Land held in public ownership (e.g. reserve) for a particular purpose.</p> |
| Public Notice | As defined in section 5 of the Local Government Act 2002. |
| Rain Water Tank | A storage tank that has the dual purpose of retaining water by temporarily storing stormwater runoff during a rainfall event that can then be re-used for, for example, hose taps. The water tank is used to collect and store rain water runoff, typically from rooftops via pipes. |
| 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 and serviced by a reticulated water supply system with firefighting capability, intended to supply water to customers via on-demand supplies. |
| Water Supply System | All components of the water supply network between the point of abstraction from the natural environment to 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 | An allocation of water on a restricted flow supply. |

6. CONDITIONS OF SUPPLY

6.1. TYPES OF SUPPLY

Water supplied to a Customer may be classified by the Council as either 'on-demand', 'restricted flow', or 'out of area', except that water supplies at Kairakau shall be as described in Section 6.1.4, and at Pourerere shall be as described in Section 6.1.5. The use of water from on-demand supply may be classified by the Council as either 'ordinary' or 'extraordinary'.

6.1.1. ON-DEMAND SUPPLY

For on-demand supplies, there are two types of supply defined as:

(a) Ordinary Supply

The supply of water to a Customer which is used solely for domestic purposes in a dwelling / house (which may include use in a fire sprinkler system for NZS 4517) is an ordinary supply. Domestic purposes includes the use of a hose for:

- (i) washing down a car, boat, or similar;
- (ii) garden watering by hand;
- (iii) garden watering by a portable sprinkler subject to any restrictions that may have been imposed;

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 6.1.1.

(b) Extraordinary Supply

Water supplied for extraordinary use includes:

- (i) Premises greater than 4,000 m² in area;
- (ii) domestic spa or swimming pool in excess of 10 m³ capacity,
- (iii) fixed garden irrigation systems;
- (iv) commercial, business and industrial uses;
- (v) agricultural, horticultural and viticultural uses, including stock watering;
- (vi) lifestyle blocks (peri-urban or small rural-residential uses), including stock watering;
- (vii) fire protection systems other than sprinkler systems installed to comply with NZS 4517;
- (viii) out of district (supply to, or within another local authority);
- (ix) temporary supply.

An Extraordinary Supply will normally be metered and may be subject to specific conditions and limitations.

Where water supply is classified as 'on-demand', every Premises shall be entitled to an Ordinary Supply of water subject to:

- (i) the premises being within an area served by an urban water supply area;
- (ii) the exclusion of its use for garden watering or any other specified use under any water restrictions made by Council from time to time;
- (iii) payment of the appropriate charges in respect of that premise;
- (iv) any other charges or costs associated with sub-divisional development; and
- (v) any other relevant conditions of this Bylaw.

Council is under no obligation to provide an Extraordinary Supply of water as defined by this Bylaw.

6.1.2. 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 a specified number of water units at a steady flow rate.

Council may charge for the restricted flow supply based on either:

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

6.1.3. OUT OF AREA SUPPLY

An agreement for supply must be entered into for each Out of Area connection. The following conditions will be included in or addressed in any agreement:

- (a) The volume of water Council can supply;
- (b) Supply will be through a meter and will include the appropriate backflow prevention devices;
- (c) Flow may be restricted by a Council supplied or approved flow restrictor;
- (d) Supply may be to an on-site water tank of a minimum volume of 30,000 litres;

The applicant must provide a report on the assessment of the best ways to efficiently manage the water supplied, including; use of rainwater to supplement supply and the collection and use of greywater for onsite irrigation needs, and including its effects on wastewater disposal;

- (e) The applicant must carry out any changes or improvements resulting from this assessment before a water connection will be installed.

In considering whether to provide a connection, Council will assess the effect the supply of water will have on existing and future water customers. The supply will be classed as an Extraordinary Use.

6.1.4. SUPPLY AT KAIRAKAU

Water will only be supplied at Kairakau from Council's supply through a connection to an on-site water storage tank at each Premises. 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 fed from the water tank.

6.1.5. SUPPLY AT POURERERE

Water supplied at Pourerere shall be 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. Any additional connections to this system shall be by specific agreement with Council and be used as directed by Council.

6.2. CHANGE OF OWNERSHIP

In the event of a Premises changing ownership, the Council will automatically record the new owner as being the Customer at that Premises. Where a premises is metered, the outgoing Customer will give the Council seven working days notice to arrange a final reading.

6.3. CONNECTION AND DISCONNECTION

No person may, without Council's approval:

- (a) connect to the water supply network;
- (b) install a dedicated fire protection connection;
- (c) disconnect from the water supply network;

- (d) carry out any other works on, or in relation to, the water supply network;
- (e) open any manhole, chamber, access point, or valve on, or otherwise tamper with, the water supply network.

Any person wishing to connect or disconnect from the water supply network, or to otherwise carry out work, must make a written application using the relevant Council form accompanied by the prescribed charges. The applicant shall provide all the details required by Council. 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.

Council may grant approval to such connection, disconnection or other works, as the case may be, and may impose conditions which must be complied with in the exercise of the approval.

Without limiting the above, a condition imposed may require that the connection, disconnection or works comply with any relevant code of practice or standard.

Council may 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 must have written evidence of authority to act on behalf of the owner of the property for which supply is sought (should they not be one and the same).

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 or charges shall be at the discretion of Council.

6.3.1. DISCONNECTION AT THE CUSTOMER'S REQUEST

A Customer must give no less than 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.

6.3.2. CHANGE OF USE

Where a Customer seeks a change in the end use or level of service of water supplied to Premises, and / or the supply changes from an ordinary to an Extraordinary Supply or vice versa, a new application for supply shall be submitted by the Customer.

6.4. STORAGE TANKS

6.4.1. RURAL AND / OR INDIVIDUAL ON-SITE WATER STORAGE

Water storage for water supply to individual Premises which are not connected to Council water supply shall include at least one water storage tank of at least 30,000 litres capacity.

NOTE: there is no requirement for rural premises to provide onsite water storage for firefighting purposes.

6.4.2. URBAN WATER SUPPLY AREAS

Within Urban Water Supply Areas, new domestic dwellings built after the approval of this Bylaw must provide a Rain Water Tank with a minimum capacity of 3000 litres.

Rain Water Tanks shall be installed in accordance with Section 4.3.6.8 of NZS4404.

Also see requirements in clause 9.2.2 of the Stormwater Bylaw for a stormwater management device.

6.5. FIRE PROTECTION SYSTEMS

6.5.1. DESIGN

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

6.5.2. 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 a fire protection system. The water supply to fire hose reels shall comply with the requirements of NZS 4503

6.5.3. 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 for the purpose of clause 4.1, but the quantity of water used may be assessed and charged for by Council.

6.6. POINT OF SUPPLY

6.6.1. RESPONSIBILITY FOR MAINTENANCE

The Customer shall own, maintain and repair the supply pipe and any associated fittings on the Customer's side of the point of supply, irrespective of property boundaries.

6.6.2. 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 on the Customer's side of the point of supply. In special circumstances such equipment may be approved by Council.

6.6.3. SINGLE OWNERSHIP

For individual Customers the Point of Supply shall be located as shown in Appendix A, Figures 1, 2 or 3 (or as close as possible to these locations 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 of pipe fittings at a point of supply is shown in Appendix A, Figures 4 and 5.

The supply pipe shall be wholly contained within the 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 may charge for maintenance or repair of this valve if damaged by such customer use.

6.6.4. MULTIPLE OWNERSHIP

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

- (a) for a Company Share / Block Scheme (Body Corporate) - as for single ownership;
- (b) for a 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 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.

6.7. ACCESS TO AND ABOUT POINT OF SUPPLY

6.7.1. 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 times notified 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.

6.7.2. 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.

6.8. TRANSFER OF RIGHTS AND RESPONSIBILITIES

The Customer may not transfer to any other person the rights and responsibilities they hold and as 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.

7. METERS AND FLOW RESTRICTORS

7.1. INSTALLATION AND CHARGES

This bylaw expands Council's ability to meter water usage for high users or to align with water sustainability outcomes. The Council may:–

- (a) install water meters or other measuring devices for that purpose;
- (b) and charge the consumer according to the quantity of water consumed. The Council may prescribe charges to be made in respect of water consumption, by resolution, and may prescribe different charges for different classes of consumer.

Meters for water supplies, and restrictors for restricted flow supplies, will be supplied, installed and maintained by Council, and will remain the property of Council and will be installed in the location required by the Council.

Where on-demand supplies are not universally metered, the Council may fit a meter at the Customer's cost, and charge accordingly where it considers water use is unusually high.

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.

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.

7.2. CHANGE OF OWNERSHIP

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

7.3. ESTIMATING CONSUMPTION

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

7.4. INCORRECT ACCOUNTS

Where a situation occurs, other than as provided for in Section 7.3, 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.

7.5. 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 bypass 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.

Council may require the supply to be metered where a fire connection has been installed or located so that it is possible that water may be drawn from it by any person for purposes other than firefighting.

8. CONTINUITY OF SUPPLY

8.1. NO GUARANTEE OF UNINTERRUPTED SUPPLY

The Council does not guarantee an uninterrupted or constant supply of water in all circumstances, or the continuous maintenance of any particular quality or pressure.

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

Wherever practical, Council shall make every reasonable attempt to notify the connected 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.

No allowance or compensation will be made or allowed on account of the water being shut off.

8.2. RESTRICTING USE OF WATER

Where the Council considers that its ability to maintain an adequate supply of drinking water is or may be at risk because of drought, emergency or for any other reason, it may restrict the use of water supplied to any Premises including to domestic swimming pools. Any such restriction may apply to all of the District or one or more parts of the District.

The Council will give such public notice as is reasonable in the circumstances of any restriction on water.

No person may use water contrary to a restriction made under this clause.

Even when restrictions apply, Council will take all practicable steps to ensure that an adequate supply for domestic purposes is provided to each Point of Supply.

9. APPROPRIATE USE AND PREVENTION OF WASTE

9.1. PREVENTION OF WASTE

The Customer may not knowingly allow –

- (a) water to run to waste from any pipe, tap, or other fitting;
- (b) leaks to continue unchecked or unrepaired or allow unattended operation of hoses;
- (c) the condition of the plumbing within premises to deteriorate to the point where leakage or wastage occurs or where contamination of water supply occurs or is likely to occur.

For clarity, automated sprinkler systems and equivalent, are not considered to be an unattended operation of hoses, in so far as the Customer has programmed that system and knows the expected water use as a result of the operation of that system.

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, educators, 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.

Where the Council serves a notice on a Customer requiring action to be taken to repair an identified leak and specifies that the action required is urgent, and the Customer fails to take such action within the required time period, the Council may, in accordance with section 186 of the Local Government Act 2002, repair the leak and charge the customer all associated costs of doing so from the owner of a Premises, the occupier, or both.

9.2. LEAKS

It is the Customer's responsibility to detect and fix all leaks on the Customer's side of the Point of Supply.

10. BACKFLOW PREVENTION

10.1. CUSTOMER RESPONSIBILITY

The Customer must take all reasonable steps 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.

Reasonable steps 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) domestic swimming pool, or 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.

10.2. UNMANAGED RISK

Notwithstanding Customer responsibilities, Council may fit a backflow prevention device on the Council side of the point of supply if it considers it is desirable or necessary to do so.

11. SUPPLY SYSTEM

11.1. ACCESS TO SYSTEM

No person, other than Council and its authorised agents, may make any connection to, or otherwise interfere with, any part of the water supply system without the written approval of the Council.

11.2. FIRE HYDRANTS

The right to gain access to, and draw water from, fire hydrants is restricted to:

- a) The Council or its agents specifically authorised to do so;
- b) Fire and Emergency New Zealand personnel; and

Without prejudice to other remedies available, the Council may remove and hold any equipment used by an offender to gain access to, or draw water from, a fire hydrant.

11.3. DEDICATED FILLING POINTS

No person may abstract water from dedicated filling points unless they hold a current permit from the Council. A permit issued by the Council may set such conditions and charges as the Council sees fit.

The Council may restrict or prohibit supply from filling points at its discretion, depending on prevailing conditions.

12. PROTECTION OF SUPPLY AND PROTECTION OF SOURCE WATER

12.1. CATCHMENT CLASSES

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

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

12.1.1. CONTROLLED CATCHMENTS

The following conditions apply to controlled catchments:

- (a) *Entry*
No person may enter a controlled catchment, or any area held by the Council as a water reserve, unless specifically authorised or permitted in writing by Council.

Within such areas, unless provided for by Council, no person may:

- (i) camp;
 - (ii) allow livestock to enter or stray;
 - (iii) bathe or wash anything;
 - (iv) deposit any dirt, rubbish, or foul material of any kind;
 - (v) defecate or spit.
- (b) *Permits*
Entry permits to controlled catchments may forbid, regulate or control the following activities:
- (i) hunting, trapping, shooting, or fishing;
 - (ii) lighting or maintaining any fire;
 - (iii) taking of any animal;
 - (iv) damaging or, destroying or interfering with any property, any trees, shrubs, or other existing cover, or interference with any property;
 - (v) carrying of any firearm or weapon of any kind, or 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 is issued.

An authorisation or permit may be revoked or suspended by Council at any time, by notice in writing delivered to the holder.

A permit may not be transferred to another person.

- (c) *Permits to be Presented*
- (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 notifying an Authorised Officer of their intention of entering or leaving such an area and must present the Council permit for inspection if requested to do so

12.1.2. RESTRICTED CATCHMENTS

Catchment areas which are designated as restricted may allow for certain activities as determined by the Council but shall have restrictions as for controlled catchments for other activities. Those unrestricted activities may include:

- (a) tramping;
- (b) hunting;
- (c) trapping;
- (d) shooting;
- (e) fishing.

12.1.3. OPEN CATCHMENTS

Open catchment areas, whether designated or not, will generally have no restrictions on activities, other than any provisions of the Regional or District Plan and any applicable National Environmental Standards.

12.2. SPILLAGES AND ADVERSE EVENTS

Any person within any catchment who becomes aware of a spillage, or any other event which may compromise the water supply, must advise Council as soon as practicable. This requirement shall be in addition to any other obligation to notify other authorities of the spillage.

12.3. WORKS NEAR WATER SUPPLY NETWORK

12.3.1. 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 Customers. Costs may be charged to provide copies of this information.

No person may carry out restricted works except in accordance with an approval granted by Council, and any conditions attached to that approval.

Every person carrying out restricted works must, before commencing the works:

- (a) notify Council of their intention in writing at least five (5) working days prior.
- (b) obtain written approval from Council for the works, which may include conditions Council considers necessary to protect its network.

For the purposes of this clause, restricted works are works which will or are likely to damage, or adversely affect the operation of, the water supply network or the wastewater network.

Restricted works are works of the following type which are carried out closer than the specified distance to the asset type set out in the following table:

| Type of works | Type of water supply network asset | Specified distance from asset |
|--------------------|--|-------------------------------|
| General Excavation | pipes 300mm in diameter and greater, including connected manholes and structures | 10 metres |
| | pipes less than 300mm in diameter, including connected manholes and structures | 2 metres |
| Piling | pipes 300mm in diameter and more, including connected manholes and structures | 10 metres |
| | pipes less than 300mm in diameter, including connected manholes and structures | 2 metres |
| Blasting | pipes 300mm in diameter and more, including connected manholes and structures | 15 metres |
| | pipes less than 300mm in diameter, including connected manholes and structures | 15 metres |

Council must, where appropriate, mark out to within ± 0.5 m the location of its services. Council may charge for these services.

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.

12.3.2. RESTRICTIONS ON BUILDING WORK

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

| Type of works | Type of water supply network asset | Specified distance from asset |
|---------------|--|---|
| Building work | public rising main or trunk main | Over or closer than the greater of 1.5 metres from the centre of any main, or 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. |
| | Other Public Water Pipes whether on public or private land | Over or closer than the greater of 1.5 metres from the centre of any public water pipe, or 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. |

12.3.3. LOADING OR MATERIAL OVER PUBLIC WATER PIPES

No person may 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 NZ Transport Agency Bridge Manual).

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

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

13. FEES AND CHARGES

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.

The Council may prescribe in its Schedule of Fees and Charges the fees and charges payable to the Council for approvals, inspections, meter readings, and other matters provided for in this Bylaw.

Customers and permit holders shall be responsible to pay all fees and charges associated with connection and disconnection of their Premises to the public water supply network, and any other fees and charges set by the Council.

14. BREACHES AND OFFENCES

Every person who breaches this Bylaw, or breaches the conditions of any approval or permit granted under this Bylaw or fails to comply with a notice served under this bylaw commits an offence and is liable upon conviction to a fine as provided for under the Local Government Act 2002,. Without prejudice to any of the provisions of this Bylaw, Council may pursue any legal remedies available to it pursuant to the provisions of the Local Government Act 2002 or any other act or regulation applicable to the supply of water.

In addition to any legal penalties arising from any breach, offence, or dispute Council may seek to recover all costs arising from and associated with any such breach, offence or dispute.

In the event of a breach of the conditions to supply water, 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 in accordance with section 193 of the Local Government Act 2002. 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.

14.1. 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 7.3) 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.

14.2. REMEDIAL WORKS

The Council may:

- (a) remove or alter any work or thing that is, or has been, constructed in breach of this bylaw; and
- (b) recover the costs of removal or alteration from the person who committed the breach.

15. BYLAW APPROVAL DATE

The Common Seal of the Central Hawke's Bay District Council was attached, under Resolution (*Reference - Part X Water Supply Bylaw:[202X]*) passed at a meeting of the Central Hawke's Bay District Council held on (Day) (Month) (Year).

DATE CONFIRMED : ___/___/202X

Appendix A

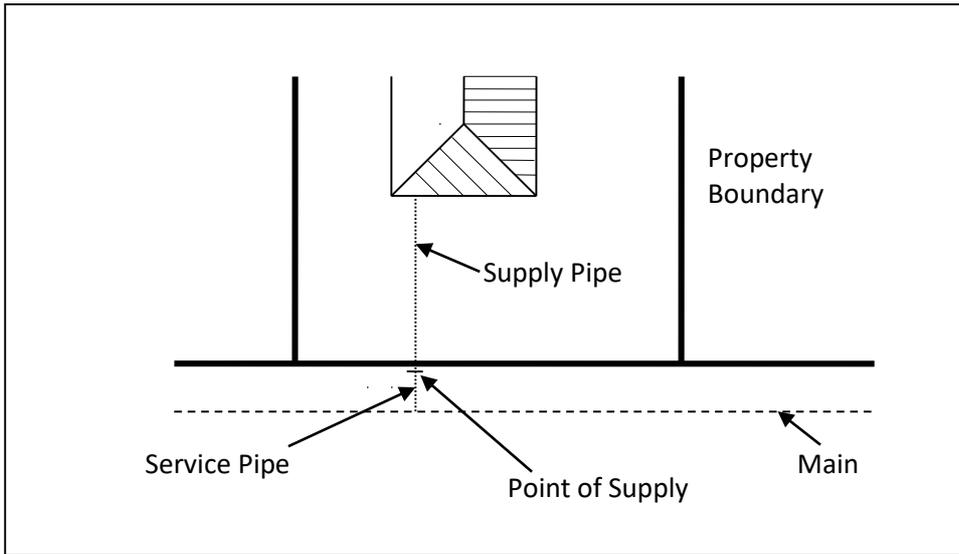


FIGURE 1 - POINT OF SUPPLY LOCATION - INDIVIDUAL CUSTOMERS

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

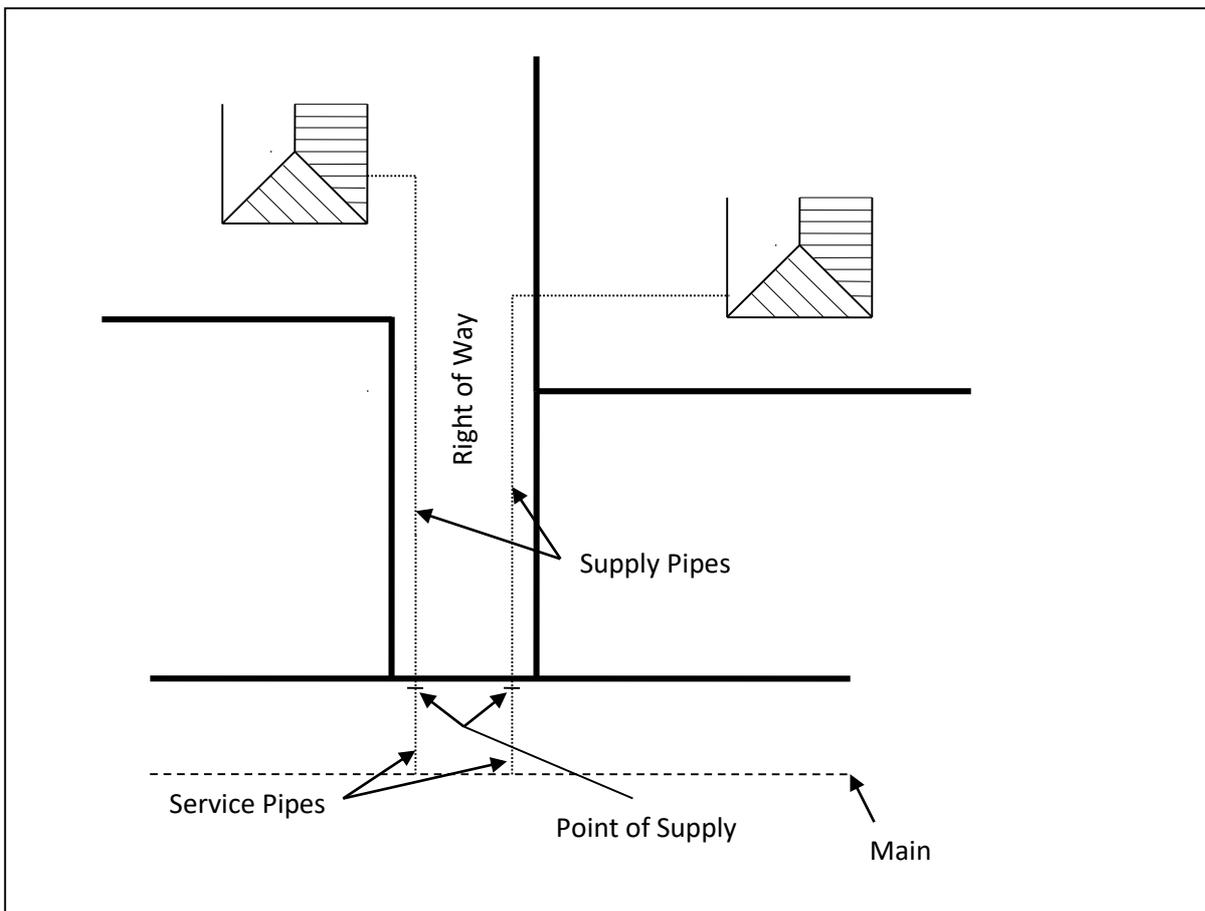


FIGURE 2 - POINT OF SUPPLY LOCATION - REAR LOTS

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

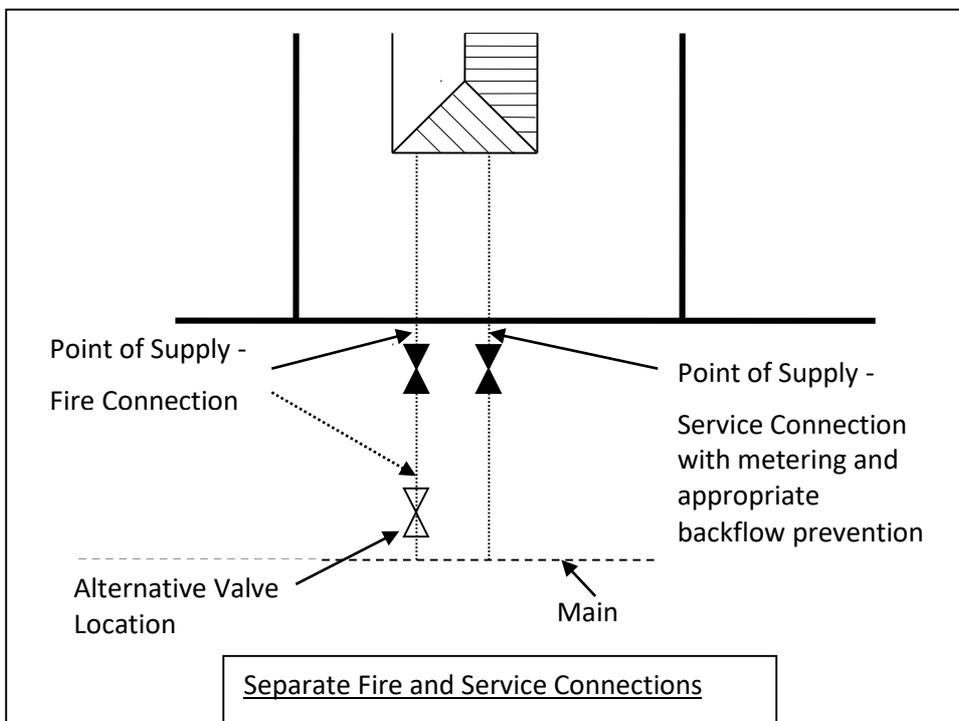
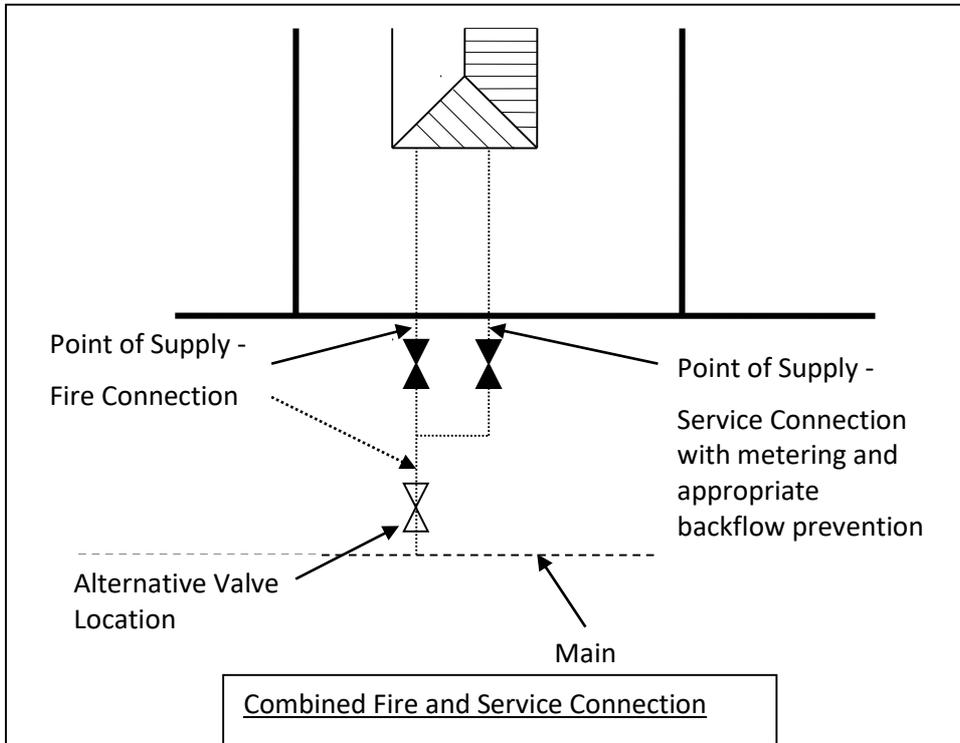


FIGURE 3 - POINT OF SUPPLY LOCATIONS - INDUSTRIAL, COMMERCIAL, DOMESTIC FIRE AND SERVICE CONNECTIONS (INCLUDING SCHOOLS)

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

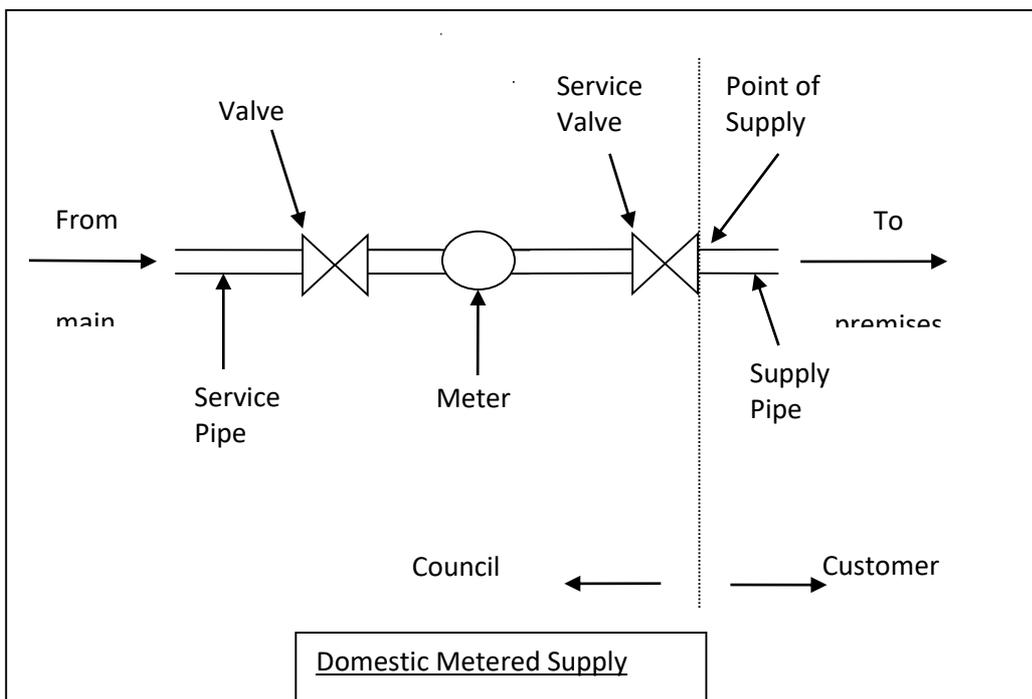
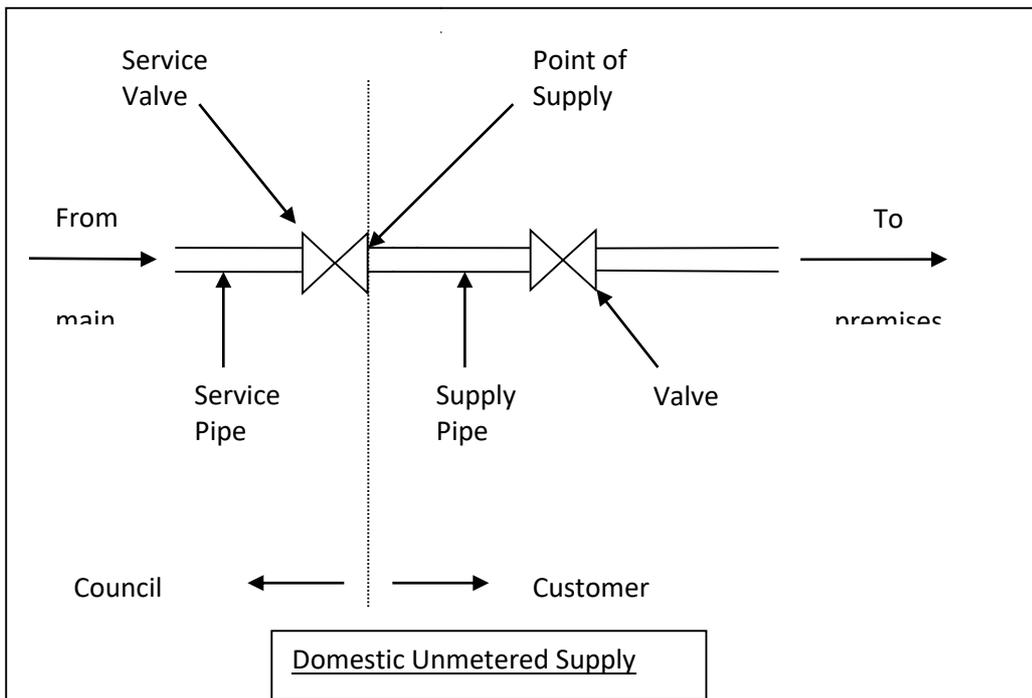
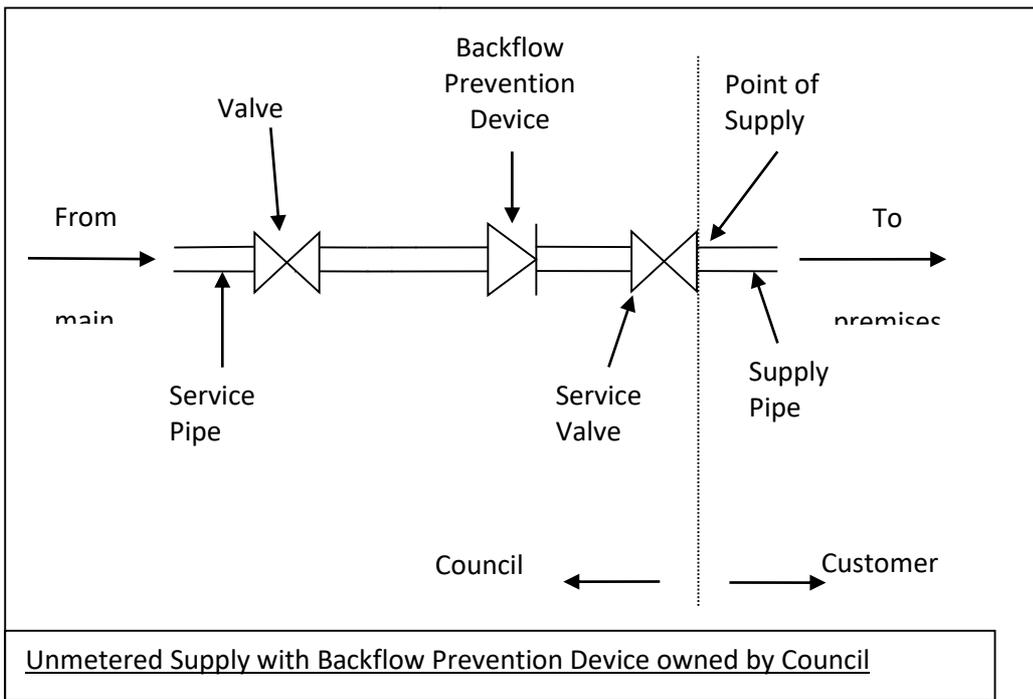
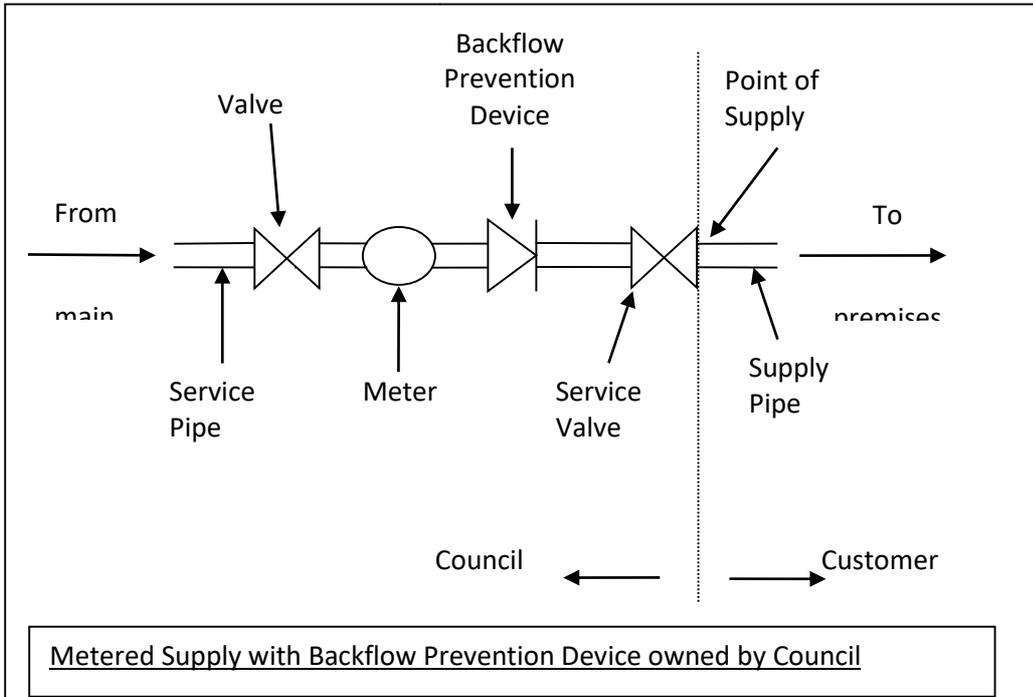


FIGURE 4 - TYPICAL LAYOUTS AT POINT OF SUPPLY

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



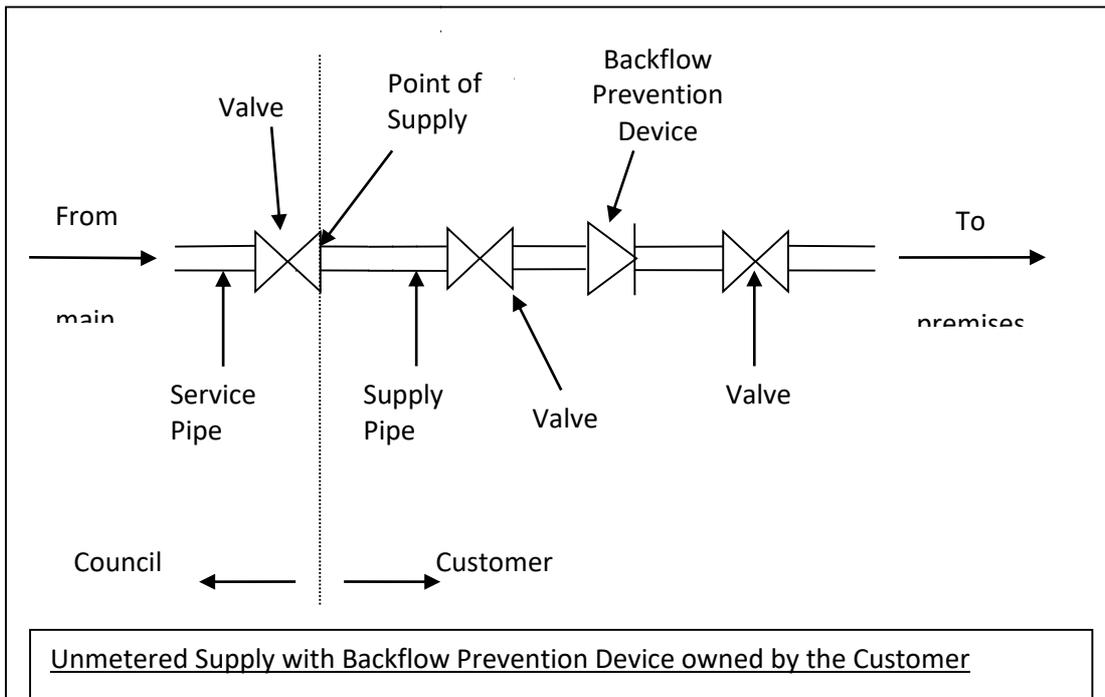


FIGURE 5 - TYPICAL LAYOUTS AT POINT OF SUPPLY INCLUDING BACKFLOW PREVENTION DEVICES

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.*