**Part 7:2018**

**Central Hawke's Bay District CounciL**

**BYLAWS**



**Part 7 – Water Supply**

Superseding CHBDC: Part 7: 2013

**Contents**

|  |  |  |
| --- | --- | --- |
|  |  |  |
|  |  |  |
| Referenced Documents |  | 4 |
| Water Supply Areas |  | 5 |
| Delegated Powers |  | 5 |
| **Section** |  |  |
| 700 | Title |  | 6 |
| 701 | Commencement |  | 6 |
| 702 | Repeal |  | 6 |
| 703 | Application of Bylaw |  | 6 |
| 704 | Scope  |  | 6 |
| 705 | Interpretation |  | 7 |
| 706 | Definitions |  | 7 |
| 707 | Protection of Water Supply |  | 9 |
|  | 707.1 | Water Supply System |  | 9 |
|  | 707.1.1 | Access to System |  | 9 |
|  | 707.1.2 | No Person to Connect to or Interfere with a Water Supply System |  | 9 |
|  | 707.1.3 | Fire Hydrants |  | 9 |
|  | 707.1.4 | Other Uses |  | 9 |
|  | 707.1.5 | Working around Buried Services |  | 9 |
|  | 707.1.6 | Loading or Material over Public Water Pipes |  | 10 |
|  | 707.1.7 | Excavation near Public Water Pipes |  | 10 |
|  | 707.1.8 | Building over Buried Services |  | 10 |
|  | 707.2 | Protection of Source Water |  | 10 |
|  | 707.2.1 | Catchment Classes |  | 10 |
|  | 707.2.2 | Controlled Catchments |  | 11 |
|  | 707.2.3 | Restricted Catchments |  | 12 |
|  | 707.2.4 | Open Catchments |  | 12 |
|  | 707.2.5 | Spillages and Adverse Events |  | 12 |
| 708 | Conditions of Supply |  | 12 |
|  | 708.1 | Application for Supply |  | 12 |
|  | 708.1.1 | Initial Application |  | 12 |
|  | 708.1.2 | Change of Use |  | 13 |
|  | 708.1.3 | Prescribed Charges |  | 13 |
|  | 708.2 | Point of Supply |  | 13 |
|  | 708.2.1 | Responsibility for Maintenance |  | 13 |
|  | 708.2.2 | Single Ownership |  | 13 |
|  | 708.2.3 | Multiple Ownership  |  | 18 |
|  | 708.3 | Access to and about Point of Supply |  | 18 |
|  | 708.3.1 | Right of Access |  | 18 |
|  | 708.3.2 | Maintenance of Access |  | 19 |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | 708.4 | Types of Supply |  | 19 |
|  | 708.4.1 | General |  | 19 |
|  | 708.4.2 | On Demand Supply |  | 19 |
|  | 708.4.3 | Restricted Flow Supply |  | 19 |
|  | 708.4.4 | Out of Area Supply |  | 19 |
|  | 708.4.5 | Ordinary Use |  | 20 |
|  | 708.4.6 | Extraordinary Use |  | 20 |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |
|  | 708.4.7 | Supply at Kairakau |  | 20 |
|  | 708.4.8 | Supply at Pourerere |  | 21 |
|  | 708.4.9 | Rural and / or Individual On-Site Water Storage |  | 21 |
|  | 708.5 | Metering |  | 21 |
|  | 708.6 | Level of Service |  | 22 |
|  | 708.7 | Continuity of Supply |  | 22 |
|  | 708.7.1 | Supply |  | 22 |
|  | 708.7.2 | Uninterrupted Service |  | 22 |
|  | 708.7.3 | Demand Management |  | 22 |
|  | 708.7.4 | Emergency Restrictions |  | 22 |
|  | 708.7.5 | Maintenance and Repair |  | 22 |
|  | 708.8 | Liability |  | 23 |
|  | 708.9 | Fire Protection Connection |  | 23 |
|  | 708.9.1 | Connection Application |  | 23 |
|  | 708.9.2 | Design |  | 24 |
|  | 708.9.3 | Fire Protection Connection Metering  |  | 24 |
|  | 708.9.4 | Fire Hose Reels |  | 24 |
|  | 708.9.5 | Charges |  | 24 |
|  | 708.9.6 | Ongoing Testing and Monitoring |  | 24 |
|  | 708.10 | Backflow Prevention |  | 24 |
|  | 708.10.1 | Customer Responsibility |  | 24 |
|  | 708.10.2 | Unmanaged Risk |  | 25 |
|  | 708.11 | Council Equipment and Inspection |  | 25 |
|  | 708.11.1 | Care of Water Supply System |  | 25 |
|  | 708.11.2 | Inspection |  | 25 |
|  | 708.12 | Meters and Flow Restrictors |  | 25 |
|  | 708.12.1 | Installation |  | 25 |
|  | 708.12.2 | Location |  | 25 |
|  | 708.12.3 | Accuracy  |  | 25 |
|  | 708.12.4 | Adjustment |  | 26 |
|  | 708.12.5 | Estimating Consumption |  | 26 |
|  | 708.12.6 | Incorrect Accounts |  | 27 |
|  | 708.13 | Plumbing System |  | 27 |
|  | 708.14 | Prevention of Waste |  | 27 |
|  | 708.15 | Payment |  | 27 |
|  | 708.16 | Transfer of Rights and Responsibilities |  | 27 |
|  | 708.17 | Change of Ownership |  | 27 |
|  | 708.18 | Disconnection at the Customer’s Request |  | 28 |
| 709 | Breaches and Infringement Offences |  | 28 |
|  | 709.1 | Breaches of Conditions of Supply |  | 28 |
|  | 709.2 | Interference with Equipment |  | 28 |
|  | 709.3 | Compliance with Bylaw |  | 29 |
|  | 709.4 | Infringement Offences under the Local Government Act 2002 |  | 29 |
|  | 709.5 | Summary Proceedings |  | 29 |
|  |  |  |  |  |
| 710 | Bylaw Approval Date |  | 31 |

**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.

**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**

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

**701 Commencement**

This Bylaw shall come into force on the

**702 Repeal**

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

**703 Application of Bylaw**

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

**706 Definitions**

Part 1 *Introductory Bylaw* and the legislation referred to under the Referenced Documents section above, may provide definitions which not included in this Part.

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 and / or mixtures of water and contaminants into the water supply system.

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

**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** - means either:

1. a property or allotment which:
	1. is held under a separate certificate of title, or
	2. 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 Section 5 of 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 the NZ Transport Agency.

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

**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, make any connection to, or otherwise interfere with, any part of the water supply system, unless in accordance with this bylaw or otherwise approved by the Council.

**707.1.3 Fire Hydrants**

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

**707.1.4 Tanker Filling Points**

No person may draw water from tanker filling points (located at Waipukurau and Waipawa) 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 tanker filling points at its discretion, depending on prevailing conditions.

**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 customers. Costs of providing copies of this information may be levied against a customer requesting it.

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. Excavation work of the following type will be considered as in the vicinity of buried services:



Intention to excavate in the vicinity of Council services requires at least five (5) working days notice, given in writing. Council may nominate in writing any restrictions on the work it considers necessary to protect its services. Council shall, where appropriate, mark out to within ±0.5 m the location of its services. Council may charge for these services.

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 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 Transit New Zealand 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.

**707.1.7 Excavation Near Public Water Pipes**

No person mayexcavate, 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 may 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 by the Council as:

(a) Controlled;

(b) Restricted; or

(c) Open.

**707.2.2 Controlled Catchments**

The following conditions apply to controlled catchments:

(a)

No person may enter a controlled catchment unless specifically authorised or permitted in writing by Council.

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

(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 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, destroying or interfering with any property, any trees, shrubs, or other existing cover;

(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.

A permit may be revoked or suspended by Council may 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*

A person who has been issued a permit for entering a controlled catchment area or land designated as a water reserve must notify the Council ranger of their intention to enter and leave, and must present their permit to the ranger for inspection when requested. (i) .

(d) *Interference and Obstruction*

In any controlled catchment area or any area designated 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, and shall be liable to be prosecuted for the breach of any of the provisions of this Bylaw. 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 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.

**707.2.4 Open Catchments**

In 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.

**707.2.5 Spillages and Adverse Events**

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

**708 Conditions of Supply**

**708.1 Application for Supply**

**708.1.1 Initial Application**

Every application for supply of water shall be made in writing on the relevant 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 clauses 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 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.

**708.1.2 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 type (see Clause 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.

**708.2 Point of Supply**

**708.2.1 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.

**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 to these locations where fences, walls, or other permanentstructures make it difficult to locate it at the required position). Other positions shall requirespecific 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 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.

Supply Pipe

Service Pipe

Point of Supply

Main

Property Boundary

***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.*

Right of Way

Service Pipes

Supply Pipes

Point of Supply

Main

***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.*

Point of Supply -

Fire Connection

Alternative Valve Location

Point of Supply -

Service Connection with metering and appropriate backflow prevention

Main

Combined Fire and Service Connection

Point of Supply -

Fire Connection

Alternative Valve Location

Point of Supply -

Service Connection with metering and appropriate backflow prevention

Main

Separate Fire and Service Connections

***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.*

To

premises

From

main

Service Valve

Point of Supply

Service Pipe

Supply Pipe

Valve

Customer

Council

Domestic Unmetered Supply

To

premises

From

main

Service Valve

Point of Supply

Service Pipe

Supply Pipe

Valve

Customer

Council

Domestic Metered Supply

Meter

***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.*

To

premises

From

main

Service Valve

Point of Supply

Service Pipe

Supply Pipe

Valve

Customer

Council

Metered Supply with Backflow Prevention Device owned by Council

Meter

Backflow Prevention Device

To

premises

From

main

Service Valve

Point of Supply

Service Pipe

Supply Pipe

Valve

Customer

Council

Unmetered Supply with Backflow Prevention Device owned by Council

Backflow Prevention Device

To

premises

From

main

Valve

Point of Supply

Service Pipe

Supply Pipe

Valve

Customer

Council

Unmetered Supply with Backflow Prevention Device owned by the Customer

Backflow Prevention Device

Valve

***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 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.

**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 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.

**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**

Water supply to a customer may be classified by the Council as either ‘on-demand’, ‘restricted flow’, or ‘out of area’ . The use of water from the supply shall be either ‘ordinary’ or ‘extraordinary’, except that water supplies at Kairakau shall be as described in Section 708.4.7, and at Pourerere shall be as described in Section 708.4.8.

**708.4.2 On-Demand Supply**

Where water supply is classified as 'on-demand', every premises shall be entitled to an ordinary supply of water subject to the following conditions:

(a) the premises lies within an urban water supply area (if such an area has been constituted by Council);

(b) the use of water for garden watering is excluded by any restrictions made by Council under clause 708.7.3;

(c) payment of the appropriate charges in respect of that property;

(d) any other charges or costs associated with sub-divisional development; and

(e) any other relevant conditions in clause 708 of this Bylaw.

Council shall be under no obligation to provide a supply of water for an extraordinary use (see 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 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.

**708.4.4 Out of Area Supply**

Out of Area supply may be made to premises that are not within an urban water supply area, but are within practical distance for supply from the Council water mains. An Agreement for Supply must be entered into for each Out of Area connection. The following conditions will be included in or addressed in the Agreement:

1. The volume of water Council can supply;
2. Supply will be through a meter and will included appropriate backflow prevention devices;
3. Flow may be restricted by a Council supplied or approved flow restrictor;
4. Supply may be to an on-site water tank of a minimum volume of 30,000 litres;
5. 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 on site irrigation needs, including its effects on wastewater disposal, and including provision for on-site storage of water for firefighting purposes;
6. 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 Extraordinary Use.

**708.4.5 Ordinary Use**

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

(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.*

**708.4.6 Extraordinary Use**

Extraordinary use includes:

1. premises greater than 4,000 m2 in area;
2. domestic spa or swimming pool in excess of 10 m3 capacity and fixed garden irrigation systems;
3. commercial and business uses;
4. industrial uses;
5. agricultural uses, including stock watering;
6. horticultural uses;
7. viticultural uses;
8. lifestyle blocks (peri-urban or small rural residential uses), including stock watering;
9. fire protection systems other than sprinkler systems installed to comply with NZS 4517;
10. out of district (supply to, or within another local authority);
11. temporary supply.

**708.4.7 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 feed from the water tank.

**708.4.8 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. All or any connections to this system shall be by specific agreement with Council and be used as directed by Council.

**708.4.89 Rural and / or Individual On-Site Water Storage**

Water storage for water supply to individual premises in the Central Hawke’s Bay District which are not connected to Council water supply shall include at least one water storage tank of at least 30,000 litres capacity and at least 5,000 litres dedicated storage reserved for firefighting purposes, as shown in Figure 7.

The connection for firefighting shall include a 100mm diameter valve followed by a 100mm diameter round thread female suction coupling conforming with SNZ PAS 4505:2007 – Firefighting Waterway Equipment.

Water supply

Outlet to premises

Overflow

Domestic supply 25,000 litres

Fire fighting supply

5,000 litres

Fire fighting connection. (100mm diameter valve followed by a round thread female suction coupling with valve)

***Figure 7 - On-Site Water Storage Tank***

**708.5 Metering**

An ordinary use of water will 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 - 19, and sections 101 - 103.

An extraordinary use will normally be metered and charged for in accordance with clause 708.15.

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

**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. Council will 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 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 for the management of high seasonal or other demands. Such restrictions shall be advised by public notice.

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

The decision to make and lift restrictions will be made by Council or any duly authorised officer 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 Clause 708.6.

Council 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 variations 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 (from Council)and monitor whether the purpose of fire protection can be met with the available supply.

**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 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.

**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**

to 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) 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 clause 708.10.1 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.

**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 reserves the right to fit a meter at the customer’s cost, and charge accordingly where it considers water use is unusually high.

**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 (Q2 <Q <Q4) is ±2%, for temperatures from 0.3°C to 30°C. The maximum permissible error for the lower flow rate zone (Q1 <Q <Q2) is ±5%. This accuracy shall be applied to all water meters with Q3 < 100 m3/h and may be applied to water meters with values of Q3 >100 m3/h.

The flow restrictors shall be accurate to within ±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 itthe requested test 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 ±6% for flow rates in the lower zones and ±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, 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) 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 clause 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 on the customer's side of the point of supply. In special circumstances such equipment may be approved by Council.

**708.14 Prevention of Waste**

The customer may 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 83.

**708.16 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.

**708.17 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.

**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);

 (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 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 may reduce the flow rate of water to the customer without notice. 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 clause 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 Local Government Act 2002 for an injunction restraining the person from committing a breach of this bylaw.

|  |
| --- |
|  |
|  |
|  |

**710 Bylaw Approval Date**

The Common Seal of the Central Hawke's Bay District Council was attached, under Resolution *(Reference - Part 7 Water Supply Bylaw:[2021])* passed at a meeting of the Central Hawke's Bay District Council held on XX (Day) (Month) 2021 (Year).

*Date Confirmed : \_\_\_/\_\_\_/20121*