



Water Supply System Bylaw 2020

Explanatory Note

This Bylaw covers matters dealing with the Western Bay of Plenty District water supply system as well as the Tauranga City Council Drinking Water Supply Catchments. In general it does not include matters which are covered in existing legislation or regulations relating to the supply of water.

The Council's Terms and Conditions for the Supply of Water, which define the responsibilities of various classes of consumer receiving service from Council's water supply system, are complementary to and should be read in conjunction with this Bylaw, but they do not form part of this Bylaw.

This Bylaw is made under the authority of the Local Government Act 2002 and the Health Act 1956.



Western Bay of Plenty District Council

Water Supply System Bylaw 2020

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Western Bay of Plenty District Council

Water Supply System Bylaw 2020

Authority

Pursuant to the powers vested in it under sections 145 and 146 of the Local Government Act 2002, and by sections 23 and 64 of the Health Act 1956, the Western Bay of Plenty District Council makes this Bylaw.

Title

This Bylaw is the Western Bay of Plenty District Council Water Supply System Bylaw 2020. It comes into force on 5th October 2020.

Repeal

At the coming into force of this Bylaw, the Western Bay of Plenty District Council Water Supply System Bylaw 2008 is repealed.

Scope

This Bylaw covers matters dealing with the Western Bay of Plenty District water supply system, as well as the Tauranga City Council (TCC) Drinking Water Supply Catchments. In general it does not include matters which are covered in existing legislation or regulations relating to the supply of water.

The Council's Terms and Conditions for the Supply of Water, which define the responsibilities of various classes of consumer receiving service from Council's water supply system, are complementary to and should be read in conjunction with this Bylaw, but they do not form part of this Bylaw.

Savings

All approvals, permits, and other acts of authority (including any resolutions of the Council) which originated under the Western Bay of Plenty District Council Water Supply Services Bylaw 2000 and 2008, and all applications, and other acts of parties and generally all documents, matters, acts, and things which so originated and are continuing at the



commencement of this Bylaw, continue for the purposes of this Bylaw to have full force and effect.

The revocation of the Western Bay of Plenty District Council Water Supply Services Bylaw 2008 does not prevent any legal proceedings, criminal or civil, being taken to enforce that bylaw and such proceedings continue to be dealt with and completed as if the bylaw had not been revoked.



Definitions

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

Air Gap Separation	means a minimum vertical air gap between the outlet of the water supply fitting which fills a storage tank, and the highest overflow water level of that storage tank.
Authorised Officer	means an officer or other person appointed by the Council to perform duties required under this Bylaw, irrespective of the designation given to that officer or person and includes any Police officer, with powers of entry as prescribed by sections 171-174 of the Local Government Act 2002
Backflow	means a flow of water or other liquid through any service pipe or supply pipe in reverse direction to the normal supply flow.
Chief Executive	means the person appointed as the chief executive of the Council under the Local Government Act 2002
Controlled Catchment Area	means an area under the control of the Council and/or the Tauranga City Council, to which the public and domestic animals are prohibited from entry, and from which waters are drawn for a public water supply.
Council	means the Western Bay of Plenty District Council
Customer/Consumer	means a person who uses or has obtained the right to use or direct the manner of use of water supplied by the Council to any premises.
Customer Service Agreement	means the document signed by the customer as accepting the Terms and Conditions for the supply of water provided by the Council to the customer's premises.
Disconnection	means the physical cutting off of the supply to a premises.
Dwelling or dwellinghouse	includes any house, tent, vehicle, or other structure, whether permanent or temporary, and whether attached to the soil or not, used in whole or in part for human habitation and includes the land appurtenant to a dwelling



Extraordinary Supply	means water supplied for any purpose other than an ordinary supply, including – (i) A domestic spa or swimming pool in excess of 10m ³ capacity; (ii) Commercial, industrial and business purposes; (iii) Fire protection systems; (iv) Out of district supply; (v) Temporary supply; (vi) Horticulture irrigation and/or frost protection; (vii) Properties over 0.5ha in size; (viii) Or any other supply specifically approved by Council.
Level of Service	means the performance standards for the supply of water as Council may determine from time to time.
Meter	includes any device or apparatus for measuring flow.
Occupier	means in relation to any Premises, the owner and includes any tenant, agent, Manager, foreperson or other person apparently acting in the general management or control of the Premises.
On Demand Supply	means a supply of water which is available on demand directly from the point of supply subject to an agreed level of service.
Ordinary Supply	means a supply of water to a customer which is used solely for domestic purposes in a dwelling house.
Owner	means the person for the time being entitled to receive the rent of the land or <i>Premises</i> , whether on his or her own account or as the agent of or trustee for any other person, or who would be so entitled if the land or <i>Premises</i> were let at a rent.
Point of Supply	means the point on the service pipe which marks the boundary of responsibility between the Council and the customer.
Private Water Supply Network	means a drinking water supply that is used to supply drinking water to 25 or more people for at least 60 days per year



Potable	means water that does not contain or exhibit any determinants' to any extent that maximum acceptable values (other than aesthetic guideline values) specified in the Drinking Water Standards for New Zealand 2005 (revised 2008).
Premises	includes – <ul style="list-style-type: none">(a) A property or allotment which is held under a separate certificate of title or for which a separate certificate of title may be issued and in respect to which a building consent has been or may be issued; or(b) Any building or any part thereof used or intended to be used exclusively or principally as the residence of one household; or(c) Land held in public ownership (e.g. reserve) for a particular purpose.
Public notice	has the meaning assigned to that term in section 5(1) of the Local Government Act 2002
Ranger	means that person responsible for the management of a Council controlled catchment area or water reserve.
Restricted Flow Supply	means a small continuous flow of water supplied by a flow control device across an air gap separation.
Restrictor	means a control device fitted to the service pipe to regulate the flow of water to a customer's premises.
Schedule of Rates and Charges	means the list of items, terms and prices for services associated with the supply of water as approved by the Council from time to time.
Service Pipe	means that section of the pipe conveying water from the Street main to the consumer's Premises, which lies between the main and a point 250mm distant from the consumer's property and includes – <ul style="list-style-type: none">(d) The ferrule or stoptap at the junction of the service pipe with the main;(e) Any stoptap fitted at the end of the service pipe; and(f) Any stoptap fitted on the service pipe between the end thereof and the main. This section of pipe is owned and maintained by the Council.
Stop Tap	includes stopcock, stopvalve, and any other device for stopping at will the flow of water in a line of pipes.



Storage Tank	means any tank, other than a flushing cistern having a free water surface under atmospheric pressure to which water is supplied across an air gap separation.
Supply Pipe	means that section of pipe between the point of supply and the customer's premises through which water is conveyed to the premises. This section of pipe is owned and maintained by the customer.
Unit	means the basis of measurement for a restricted flow supply where one unit equals a volume of 1.0m ³ /day.
Writing or Written	or any term of like import means and includes words printed, painted, engraved, lithographed, or otherwise traced or copied, and where anything is required to be Written it may be partly in writing and partly in printing

Making of this Bylaw

The initial resolution to make this bylaw was passed by the Western Bay of Plenty District Council at a meeting of the Policy Committee held on 24 March 2020 and was confirmed following consideration of submissions received during the special consultative procedure, by a resolution of the Council at a subsequent meeting of the Council held on 24 September 2020.



Western Bay of Plenty District Council

Water Supply System Bylaw

1. Introduction

This Bylaw covers matters relating to the Western Bay of Plenty District Council's water supply system as well as the Tauranga City Council Drinking Water Supply Catchments.

Objective

The purpose of this Bylaw is to preserve and protect both Councils' water supply systems and to protect public health.

Policy

The Council is under no obligation to provide a greater supply of water than what is considered, by an Authorised Officer, to be a reasonable supply.

2. Council Operating Procedures

- 2.1 The Council may from time to time, by ordinary resolution –
- (a) adopt system operating procedures to protect the water supply from damage and contamination;
 - (b) set the terms and conditions relating to the supply of water to the various classes of consumer receiving water from Council's water supply system.
 - (c) set charges (including a minimum charge) for the ordinary and extraordinary supply of water whether by meter or otherwise.
- 2.2 Any consumer being supplied with water from Council's water supply system must sign a Customer Service Agreement and at all times comply with the Council's operative Terms and Conditions for the Supply of Water as from time to time fixed by resolution of Council.



- 2.3 Council may, from time to time, by way of an ordinary resolution amend, extend, rescind or vary any resolution made in accordance with the provisions of clause 2.1.
- 2.4 The Council may make and levy charges in respect of the ordinary supply of water according to the quantity of water consumed by any person receiving the same as measured by meter or other device, or from time to time fix charges for the ordinary or extraordinary supply of water, or as may be agreed on with any person receiving the supply of water.

3. Conditions of Supply

For on demand supplies, (a supply which is available on demand directly from the point of supply subject to a level of service as Council may determine from time to time), there are two types of supply defined as:

(a) Ordinary Supply

The supply of water to a consumer which is used solely for domestic purposes in a dwelling/ house is an ordinary supply. Domestic purposes includes the use of a hose for:

- (i) washing down a car, boat, trailer, or similar domestic based equipment;
- (ii) garden watering by hand;
- (iii) garden watering by any sprinkler or irrigation system.

(b) Extraordinary Supply

Water supplied for any purpose other than ordinary supply is an extraordinary supply and may be subject to specific conditions and limitations. Such purposes include water used for –

- (iv) a domestic spa or swimming pool in excess of 10m³ capacity;
- (v) commercial, industrial and business purposes;
- (vi) fire protection systems;



- (vii) out of district supply;
- (viii) temporary supply;
- (ix) horticulture irrigation and/ or frost protection;
- (x) properties over 0.5 ha in size;
- (xi) any other supply specifically approved by Council.

An extraordinary water supply will normally be metered.

- (c) Where circumstances justify such action the Council may, giving written notice where possible, restrict or stop the water supply to extraordinary customers if required to maintain ordinary supplies and protect public health and safety. Fire Protection Systems are exempt from this subclause.

4. On Demand Supply Entitlement

- 4.1 Every property or allotment on which may be sited one or more dwellings is entitled to an ordinary supply of water subject to –
 - (a) the property or allotment being within an area served by a public water supply;
 - (b) the exclusion of its use for garden watering or any other specified use under any water use restrictions imposed by the Council from time to time;
 - (c) payment of the appropriate charges in respect of that property;
 - (d) compliance with the operative Council's Terms and Conditions for the Supply of Water; and
 - (e) payment of any other charges or costs associated with subdivisional development.
- 4.2 The Council is under no obligation to provide an extraordinary supply of water as defined in this bylaw.



4.3 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.

5. Water Meters and Flow Restrictors

5.1 Installation of Meters

5.1.1 The Council will measure and charge for the volume of water used by properties and will –

- (a) install water meters or other measuring devices for that purpose; and
- (b) charge the consumer according to the quantity of water consumed.

The Council may by resolution apply metered water charges to other classes of consumer

5.1.2 The charges to be made in respect to such consumption are the amounts which Council by resolution determines for each class of consumer.

5.1.3 Meters for water supplies, and restrictors for restricted flow supplies (if required), will be supplied, installed and maintained by Council.

These devices will remain the property of the Council and will be installed in the location required by Council.

5.2 Existing Meters

5.2.1 Any meter which was installed by the consumer prior to the coming into force of this Bylaw must continue to be maintained by the consumer until, in the opinion of the Council, it is no longer fit for use at which point it will be replaced by a new meter to be paid for by the consumer.

5.2.2 No branch fitting may be connected to the service pipe between the water main and the meter, with the exception of a fire fighting supply bypass, unless approved in writing by Council.



6. Continuity of Supply

6.1 No Guarantee of Uninterrupted Supply

- (a) The Council does not guarantee an uninterrupted supply of water, whether in cases of ordinary or extraordinary supply, and no allowance or compensation will be made or allowed on account of the water being shut off, whether for the purpose of laying mains, effecting repairs, attaching new services, or for any other purpose or reason whatsoever.

6.2 Prohibiting or Restricting Use of Water

- (a) The Council may at any time, by resolution publicly notified, and until a further public notice of the rescission of such resolution has been given, restrict or prohibit the use of water for one or more purposes.
- (b) It is an offence against this Part of this Bylaw for any person to use water in the manner so restricted or prohibited in the public notice given under this clause.
- (c) If at any time the Council considers that because of drought or for any other reason the available water supply is not sufficient to allow the unrestricted consumption of water, and that extraordinary measures are necessary in order to conserve the available water supply, the Council may, by resolution publicly notified, and until public notice of the rescission of such resolution has been given, restrict or prohibit the use of water, whether an ordinary or extraordinary supply, for any specified purpose or for any specified period, or may restrict the quantity which may be used. Any such restriction or prohibition may apply to the whole of the District, a portion only of the District or, if the circumstances so require, individual properties.
- (d) Where a restriction or prohibition applies to individual properties, the occupier will be asked, in writing where possible, to restrict their consumption to essential use only, without creating insanitary conditions.

6.3 Restricting Water in other circumstances

The flow of water supplied to any customer may be restricted by the Council in the event of the customer –

- (a) failing to pay the appropriate charges by the due date;



- (b) failing to repair a leak, or wilfully allowing water to run to waste or be misused;
- (c) wilfully interfering with the Council supply system or equipment;
- (d) failing to fit quick-closing valves, non return valves or other protective devices which Council may require to be fitted to protect the water supply system;
- (e) failing to fully comply with the requirements of the Council's terms and conditions relating to the supply of water.

6.4 Emergency

- (a) Natural hazards (such as floods, droughts, volcanic eruptions or earthquakes) or accidents which result in disruptions to the supply of water, are an emergency and are exempted from any agreed level of service requirements.
- (b) During an emergency the Council may restrict or prohibit the use of water for any specified purpose, for any specified period, and for any or all of its customers. If it is practicable to do so Council will publicly notify any restrictions imposed during an emergency. The decision to make and lift restrictions will be made by the Council, or where immediate action is required, by the Chief Executive Officer of the Council subject to that decision being ratified by the Council later.

6.5 Scheduled Maintenance and Repair

- (a) The Council will make every reasonable attempt to notify the customer of a scheduled maintenance shutdown of the supply before the work commences, but where immediate action is required, and it is not possible to notify the customer of the interruption to service, Council may shutdown the supply without notice.



7. Appropriate Use and Prevention of Wastage

- 7.1 The customer may not use water or water pressure directly from the supply for driving lifts, machinery, eductors, generators, condensers or any other similar device, unless specifically approved.
- 7.2 The customer must not knowingly allow –
- a) Water to run to waste from any pipe, tap or fitting;
 - b) Leaks to continue unchecked or unrepaired or allow the unattended operation of hoses;
 - c) The condition of the plumbing within premises to deteriorate to the point where leakage or wastage occurs or 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.

- 7.3 Where the Council serves a notice on a Customer requiring action to be taken to repair an identified leak and the Customer fails to take such action within the required time period, the Council may repair the leak and charge the customer all associated costs of doing so from the owner of a premises, the occupier, or both.

The Customer shall not use water for a single pass cooling system or to dilute trade waste prior to disposal, unless a permit for such use has first been obtained from the Council

- 7.4 Leaks

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



8. Backflow Prevention

- 8.1 It is the customer's responsibility (under the Building Act 2004, and the Health Act 1956), to take all necessary measures on the customer's side of the point of supply to prevent water which has been drawn from the Council's water supply from returning to that supply.
- 8.2 Customers with supplies serving premises not covered by the Building Act and the New Zealand Building Code, eg stock or horticultural water supplies, must comply with the relevant sections of the Health (Drinking Water) Amendment Act 2007 regarding protection of potable water.

9. Supply System

- 9.1 No Person to Connect to System
- (a) No person, other than the authorised agents of the Council, may without written approval, make any connection to or otherwise interfere with any part of the water supply system.
- 9.2 Fire Hydrants
- (a) The right to gain access to, and draw water from, fire hydrants is restricted to:
- (i) The Council or its agents, specifically authorised to do so;
 - (ii) Fire and Emergency New Zealand personnel;
 - (iii) Water abstraction permit holders during the period for which the permit has been issued.
- (b) 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.



10. Protection of Supply

10.1 Entry to Controlled Catchments

Controlled Catchment areas include the area in the immediate vicinity of Council's groundwater well sites.

Areas within Western Bay of Plenty District Council where catchment land is owned by the neighbouring authority (Tauranga City Council), the obligations under the bylaw required by Western Bay of Plenty District Council are also required by the neighbouring authority (Tauranga City Council)

- (a) No person may enter any Controlled Catchment area, or any area held by the Council as a water reserve, unless that person has been specifically authorised in writing by the Council to enter the area.
- (b) Within a Controlled Catchment area, or an area held by the Council as a water reserve, no person shall:
 - (i) Camp;
 - (ii) Allow any livestock to enter or stray;
 - (iii) Bathe or wash any thing;
 - (iv) Deposit any dirt, rubbish, or foul material of any kind;
 - (v) Defecate (unless buried away from any watercourse to a depth of not less than 150mm).

10.2 Private Water Supply Network - Maintenance Responsibilities

10.2.1 The following provisions shall apply only to Private Water Supply Networks which receive water from Council's Water Supply System:

10.2.2 In any system of piping supplied with water by Council, no direct connection with any other sources of supply of water shall be made.



10.2.3 The construction, maintenance and renewal of any element of a Private Water Supply Network shall be the responsibility of the owner(s) or occupier(s) of the premises served by those services.

10.2.4 Where there is significant leakage from any private water supply pipe the owner(s) or occupier(s) of the premises served by these services shall remedy the leakage immediately.

10.2.5 If immediate arrangements are not made to remedy the leakage Council may serve notice on all owners or occupiers of the premises to have the leakage remedied within twenty four (24) hours of the issue of that notice.

10.2.6 Note that any Private Water Supply Network must comply with the relevant sections of the Health Act 1956 and the Drinking Water Standards 2008 (as amended)

10.3 Permits

10.3.1 Entry permits issued by the Council may forbid, regulate or control the following activities:

- (a) Hunting, trapping, shooting or fishing;
- (b) Lighting or maintaining any fire;
- (c) Taking any dog;
- (d) Damaging or destroying any trees, shrubs, or other existing cover, or interference with any property;
- (e) Carrying of any firearm or weapon of any kind, any trap or any fishing gear which may be used for the hunting or catching of birds, fish or animals; or
- (f) Use of any pesticide or toxic substances for any purpose whatsoever.

10.3.2 As a condition of entry into a Controlled Catchment area the Council may require the applicant to present a medical clearance before an entry permit is issued.

10.3.3 A fee is payable to the Council for any permit issued under this Bylaw as may from time to time be prescribed by Council resolution.

10.3.4 Permits issued in accordance with the foregoing clause shall not be transferable.



10.4 Permits to be Presented

- 10.4.1 No person to whom any permit has been issued may enter or leave any Controlled Catchment area, or land held by the Council as a water reserve, without notifying an Authorised Officer of his/her intention to enter or leave such area and must present the Council permit for inspection if requested to do so.
- 10.4.2 The Council may at any time, by notice in writing delivered to the holder, revoke or suspend any such permit for such time as stated in the notice.

10.5 Against Interference and Obstruction

- 10.5.1 In any Controlled Catchment area, or on any land held by the Council as a water reserve:
- (a) No person whether holding any permit issued under the provisions of this part of this Bylaw or not (other than an Authorised Officer of the Council), may commit, or cause or permit to be committed, any act which may interfere with or be likely to interfere with the free and lawful exercise of any rights vested in any other person in any such area.
 - (b) Every person must, upon the request of the Authorised Officer or other officer of the Council, immediately leave the Controlled Catchment area, or land held by the Council as a water reserve, but is also liable to be prosecuted for the breach of any of the provisions of this Part of this Bylaw, and the failure to leave constitutes a further offence.
 - (c) No person may obstruct or hinder any officer of the Council in the exercise of any powers vested in that officer under the provisions of this Part of this Bylaw.

11. Spillages in Controlled Catchments

Any person within any catchment area (whether controlled or otherwise and whether holding an entry permit or not) who becomes aware of a spillage, or other event which has released or is likely to release hazardous substances into the waters of the catchment, must advise the Council of the details with due urgency. This requirement is in addition to any other obligation to notify other authorities of the spillage.



12. Breaches, Offences and Disputes

- 12.1 Any person offending against, contravening, or committing or permitting a breach of, any of the provisions of this Bylaw commits an offence.
- 12.2 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.
- 12.3 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.