

# WAIPĀ DISTRICT WATER SUPPLY BYLAW 2022

October 2022

This Bylaw is made by Waipa District Council under the powers given to it by the Local Government Act 2002 and the Health Act 1956.

## Table of Contents

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<b>PART 1 .....</b>	<b>4</b>
<b>Preliminary Provisions.....</b>	<b>4</b>
1. Title, Application and Commencement.....	4
2. Purpose.....	4
3. Interpretation.....	4
<b>PART 2 .....</b>	<b>8</b>
<b>Protection of the Water Supply System .....</b>	<b>8</b>
4. Protection of Water Supply System .....	8
5. Works Near Water Supply System .....	9
6. Protection of Water Sources .....	10
7. Contamination.....	11
<b>PART 3 .....</b>	<b>11</b>
<b>Supply.....</b>	<b>11</b>
8. Types of Supply Areas and Forms of Supply.....	11
9. Approvals to Connect to and Use Water Supply System .....	11
10. Requirements for Connections.....	12
11. Location of Points of Supply.....	13
12. Approval for Fire Protection Connection .....	14
13. Disconnection or Change of Ownership.....	14
14. Continuity of Supply .....	15
<b>PART 4 .....</b>	<b>15</b>
<b>Management of Water Supply.....</b>	<b>15</b>
15. Demand Management .....	15
16. Ownership and Maintenance .....	16
17. Access to, and about, the Point of Supply.....	17
18. Prevention of Water Loss and Wastage .....	17
19. Backflow Prevention.....	18
20. Metering and flow restrictors .....	18
21. Transfer of Rights and Responsibilities .....	20
<b>PART 5 .....</b>	<b>20</b>
<b>Enforcement, Payments and Transitional Provisions.....</b>	<b>20</b>
22. Payment.....	20
23. Reviewing, Revoking or Modifying an Approval .....	20
24. Breaches and Offences.....	<b>Error! Bookmark not defined.</b>
25. Penalties .....	20
26. Removal of Works .....	21
27. Transitional Provisions .....	21

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**PART 1**  
**Preliminary Provisions**

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**1. Title, Application and Commencement**

- 1.1. This Bylaw is the Waipā District Water Supply Bylaw 2022.
- 1.2. This Bylaw applies to the district of Waipa District Council.
- 1.3. This Bylaw comes into force on 1 October 2022.
- 1.4. The Waipa District Council Water Supply Bylaw 2013 is revoked and replaced by this Bylaw.

**2. Purpose**

- 2.1. The purpose of this Bylaw is to:
  - a) protect, promote and maintain public health and safety;
  - b) manage the land, structures, or infrastructure associated with the Water Supply System; and
  - c) protect from damage, misuse, or loss, or to prevent the use of, the land, structures, or infrastructure associated with the Water Supply System.

**3. Interpretation**

- 3.1. In this Bylaw, unless the context otherwise requires:

Term	Definition
<b>Act</b>	means the Local Government Act 2002.
<b>Approved or Approval</b>	means a written approval, permit or consent provided by Council, including any authorised officer of Council.
<b>Backflow Prevention Device</b>	means a device or air gap that is designed to prevent the unplanned reversal of the flow of water or mixtures of water and contaminants into the Water Supply System. These devices can include non-return valves, reduced pressure zone devices and double check valves.
<b>Boundary</b>	means the legal boundary of the Premises receiving a supply of water.
<b>Controlled Catchment Area</b>	means an area of land from which Council draws water for the Water Supply System and categorised as 'Controlled' by Council resolution.
<b>Council</b>	means Waipa District Council.
<b>Customer</b>	means a person who has obtained the right to use, or direct the manner of use of, water supplied by Council.

<b>Extraordinary Use</b>	<p>all purposes for which water is supplied other than Ordinary Use and which may be subject to specific conditions and limitations including:</p> <ul style="list-style-type: none"> <li>(a) Domestic – spa or swimming pool, and fixed garden irrigation systems</li> <li>(b) Commercial</li> <li>(c) Industrial</li> <li>(d) Agricultural</li> <li>(e) Horticultural</li> <li>(f) Viticultural</li> <li>(g) Lifestyle blocks (rural supplies, peri-urban or small rural residential)</li> <li>(h) Fire protection systems other than sprinkler systems installed to comply with NZS 4517</li> <li>(i) Use outside a defined Water Supply Area</li> <li>(j) Supply outside of the Waipa District</li> <li>(k) Temporary supply</li> <li>(l) Any use where supplied by a water carrier.</li> </ul>
<b>Individual Customer Agreement</b>	means an agreement between Council and a Customer that outlines both parties' rights and responsibilities for the supply and use of water.
<b>NZS</b>	means New Zealand Standards.
<b>Level of Service</b>	means the measurable performance standards on which Council undertakes to supply water to its Customers.
<b>Occupier</b>	means the person having a legal right to occupy and use all or part of the Premises receiving a supply of water from Council that includes a tenant, lessee, licensee, manager, foreperson, or any other person acting in the general management or control of any Premises.
<b>On-demand Supply</b>	means a supply which is available on-demand directly from the Point of Supply, subject to the agreed Level of Service and the requirements of this Bylaw.
<b>On-demand Water Supply Area</b>	means an area constituted by Council Resolution as an area serviced by a reticulated Water Supply System that is intended to supply water to Customers via On-demand Supply.
<b>Open Catchment Area</b>	means an area of land from which Council draws water for the Water Supply System and categorised as "Open" by Council resolution.

<b>Ordinary Use</b>	<p>means water supply for the purpose of providing for individual household use and for human drinking and sanitation needs, including:</p> <ul style="list-style-type: none"> <li>(a) washing down a car, boat or similar;</li> <li>(b) garden watering by hand;</li> <li>(c) garden watering by any portable device.</li> </ul>
<b>Owner</b>	<p>means the person or entity having legal ownership of the Premises receiving a supply of water from Council.</p>
<b>Point of Supply</b>	<p>means the point on the water pipe leading from the water main or Supply Pipe to the Premises, which marks the boundary of responsibility between the Customer and Council.</p>
<b>Premises</b>	<p>means the physical location to which a water supply is provided and includes:</p> <ul style="list-style-type: none"> <li>(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; or</li> <li>(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; or</li> <li>(c) land held in public ownership (e.g. reserve) for a particular purpose.</li> </ul>
<b>Prescribed Charges</b>	<p>means the charges applicable for the connection to and/or use of the Water Supply System, and may include:</p> <ul style="list-style-type: none"> <li>(a) payment to Council for the physical works required to provide the connection; and/or</li> <li>(b) a development contribution charge determined in accordance with the Local Government Act 2002;</li> <li>(c) a financial contribution charge determined in accordance with the Resource Management Act 1991;</li> <li>(d) Bacteriological and chemical testing costs as per drinking water standards under the Water Services Act 2021 to ensure a connection is safe;</li> <li>(e) Individual Customer Agreement charges;</li> <li>(f) capital contribution charge determined by the Annual Plan process;</li> <li>(g) any other charges which may be lawfully charged by Council in respect of the supply of water, including as set out in Council's Fees and Charges policy as determined in accordance with the Act.</li> </ul>

<b>Public Notice</b>	means a notice published in: <ul style="list-style-type: none"> <li>(a) one or more daily newspapers circulated in the region or district of Council; or</li> <li>(b) one or more other newspapers that have at least an equivalent circulation in that region or district to the daily newspapers circulating in that region or district; and</li> <li>(c) includes any other public notice that Council thinks desirable in the circumstances</li> </ul>
<b>Regional Infrastructure Technical Specifications (RITS)</b>	means the document developed and maintained by Waikato Local Authority Shared Services Limited that sets out how to design and construct transportation, water supply, wastewater, stormwater and landscaping infrastructure in the participating councils' areas.
<b>Restricted Catchment Area</b>	means an area of land from which Council draws water for the Water Supply System and categorized as Restricted by Council resolution.
<b>Restricted Flow Supply</b>	means a type of water supply connection where water is supplied through a flow control device so that the water supply is restricted so as to deliver the allocated number of water units at a steady flow rate through a water meter, and storage is provided by the Customer to cater for demand fluctuations. This is sometimes referred to as trickle feed supply.
<b>Restricted Water Supply Area</b>	means an area constituted by Council Resolution as an area serviced by a reticulated Water Supply System, that is generally intended to supply water to Customers via Restricted Flow Supply.
<b>Restrictor</b>	means a flow control device fitted to the Service Pipe to limit the flow rate of water to a Customer's Premises as determined by Council.
<b>Service Pipe</b>	means the section of water pipe between a water main and the Point of Supply.
<b>Service Valve</b>	means the valve at the Customer end of the Service Pipe used to control and/or isolate the supply.
<b>Stopcock/Toby</b>	means a control valve to restrict or stop the flow of water on the Customer's side of the Service Valve.
<b>Storage Tank</b>	means any tank having a free water surface to which water is supplied across a Backflow Prevention Device, generally owned and maintained by the Customer.
<b>Supply Pipe</b>	means the section of pipe between the Point of Supply and the Customer's Premises through which water is conveyed to the Premises.

<b>Trunk Main</b>	means a water main intended to transfer bulk water to and/or within a networked system (for example, a water pipe taking water from a water source to a treatment plant or from a treatment plant to a reservoir).
<b>Water Supply Area</b>	means an On-Demand Water Supply Area or Restricted Water Supply Area.
<b>Water Supply System</b>	means all those components of the public water supply network between the point of abstraction from the natural environment to the Point of Supply.  This includes: catchments, 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 (including fire mains), boundary assemblies, meters, Backflow Prevention Devices and Stopcocks/Tobys.
<b>Working Day</b>	means any day other than a Saturday, Sunday or a public holiday, as that term is defined in the Holidays Act 2003.

- 3.2 To avoid doubt, compliance with this Bylaw does not remove the need to comply with all other applicable Acts, regulations and rules of law.
- 3.3 Unless the context requires another meaning, a term of expression that is defined in the Act and used in this Bylaw, but not defined, has the meaning given by the Act.
- 3.4 Any guidance notes and attachments are for information purposes, do not form part of this Bylaw, and may be made, amended and revoked without formality.
- 3.5 To avoid doubt, the Legislation Act 2019 applies to this Bylaw.
- 3.6 To avoid doubt, reference to “include” and “including” in this Bylaw means without limitation.
- 3.7 Nothing in this Bylaw applies to the taking water from hydrants and other access points in the Water Supply System by firefighters or fire brigades, which is regulated by the Fire and Emergency New Zealand Act 2017.

## PART 2

### Protection of the Water Supply System

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#### 4. Protection of Water Supply System

- 4.1. No person, except Council, may have access to, or interfere with, any part of the Water Supply System, except with Council Approval or otherwise in accordance with this Bylaw.
- 4.2. Any Owner or Occupier of Premises must ensure that the water supply to that Premises is used and maintained in a manner so that no public health hazard or public health nuisance occurs that could affect the Water Supply System.
- 4.3. Where any item on a Premises may potentially contaminate the Water Supply System or cause a risk to public health and safety, Council may request in writing that the Owner or Occupier remove the item. If the item is not removed within the period specified, Council may remove the



item and recover the cost of doing so from the Owner or Occupier.

- 4.4. No person may gain access to, or draw water from fire hydrants, except:
- a) for the purpose of fighting fires, and
  - b) Fire and Emergency New Zealand for training and the purposes of performing or exercising its functions, duties, or powers, and
  - c) Council.

## 5. Works Near Water Supply System

- 5.1. No person may undertake excavation or ground disturbance works, or any other works with the potential to cause damage to the Water Supply System, without first viewing Council's records of its buried Water Supply System to establish whether or not the Water Supply System is located in the vicinity of the proposed works.
- 5.2. No person may carry out any excavation or ground disturbance works, or any other works with the potential to cause damage to the Water Supply System in the vicinity of Council's buried Water Supply System, unless:
- a) prior Council Approval has been granted for that purpose; and
  - b) at least five (5) Working Days' notice in writing has been given to Council, prior to the commencement of such works.
- 5.3. Any Approval under clause 5.2(a) may be subject to any conditions the Council considers necessary, which may include the requirement for the independent supervision of the works at the cost of the person carrying out the works and full reinstatement of the affected area.
- 5.4. Prior to any works Approved under clause 5.2(a) commencing, Council may choose to physically mark out on the ground the location (within half a metre) of its buried Water Supply System. Council may impose a Prescribed Charge for this service.
- 5.5. Any person undertaking any works in the vicinity of Council's buried Water Supply System must take reasonable care to ensure that the work is carried out in a manner that does not destroy, damage, obstruct or compromise the integrity of the Water Supply System or create a risk to public safety.

**Guidance Note:**

Under section 175 of the Local Government Act 2002, a person who wilfully or negligently destroys, damages, stops, obstructs or otherwise interferes with any works or property owned, constructed, acquired, or used by a local authority is liable for, as the case may be:

- a) the amount of the destruction or damage;
- b) the cost incurred by the local authority in removing the stoppage or obstruction; or
- c) the loss or expense incurred by the local authority by the stoppage or obstruction or interference.

Under section 225(1)(d) of the Local Government Act 2002 it is an offence to wilfully or maliciously or negligently carry out work on, or in relation to, a waterworks without first notifying the local authority of the intention to carry out the work; and obtaining written authorisation from the local authority, with terms or conditions the local authority thinks fit.

Under section 232 of the Local Government Act 2002 it is an offence to wilfully or maliciously or negligently destroy, damage, stop, obstruct or interfere with a waterwork vested in, or under the control of a local authority.

## 6. Protection of Water Sources

- 6.1. Council may by resolution categorise an area from which untreated water is drawn by Council into the Water Supply System into one the following catchments:
- a) Controlled Catchment Area;
  - b) Restricted Catchment Area; or
  - c) Open Catchment Area.

**Guidance Note:**

Maps of Council's Water Supply Catchment Areas can be found on Council's website. These are subject to change from time to time by Council resolution.

- 6.2. No person may enter any Controlled Catchment Area, except with prior Council Approval, which may be subject to any conditions the Council considers necessary.
- 6.3. No person may undertake any of the following activities in a Restricted Catchment Area, except with prior Council Approval, which may be subject to any conditions the Council considers necessary:
- a) camping;
  - b) hunting;
  - c) trapping;
  - d) shooting;
  - e) fishing;
  - f) laying of any bait or poison;
  - g) swimming or washing;
  - h) lighting or maintaining fires;
  - i) taking or allowing to stray, any animals, including livestock and dogs;

- j) using any pesticide, herbicide or toxic substances;
- k) damaging or destroying any trees, shrubs or other existing ground cover or interfering with any building or structure;
- l) depositing any rubbish or foul material of any kind; or
- m) Any other activity that may cause degradation in the quality of the water supply.

**Guidance Note:**

Under section 225(1)(c) of the Local Government Act 2002 it is an offence to bath, wash clothes or other things in, or throw an animal, refuse, litter or debris into, the water of a waterworks.

## **7. Notification of Contamination**

- 7.1.** Any person who becomes aware of a spillage, or other event or activity, which may potentially contaminate the Water Supply System or cause a risk to public health and safety, must immediately notify Council.

# **PART 3**

## **Supply to Customers**

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### **8. Types of Supply Areas and Forms of Supply**

- 8.1.** Council may by resolution categorise any area as:
- a) an On-demand Water Supply Area; or
  - b) a Restricted Water Supply Area.
- 8.2.** To avoid doubt, some areas within the Waipā District may not fall within any Water Supply Area.
- 8.3.** All Premises located within an On-demand Water Supply Area are entitled to an unrestricted supply of water, subject to:
- a) obtaining the prior Council Approval required by clause 9.1
  - b) payment of the Prescribed Charges in respect of the supply;
  - c) compliance with the terms of this Bylaw;
  - d) any restriction to supply imposed by Council under this Bylaw or any other legislation; and
  - e) any conditions imposed by Council.
- 8.4.** All Premises located within a Restricted Water Supply Area may receive Approval for a Restricted Flow Supply at the absolute discretion of Council in accordance with clause 9.

### **9. Approvals to Connect to and Use Water Supply System**

- 9.1.** No person may, without prior Council Approval:
- a) connect to the Water Supply System;
  - b) disconnect from the Water Supply System;
  - c) use water from the Water Supply System for any Extraordinary Use; or
  - d) carry out any works on, or in relation to, the Water Supply System, including to a Point of

Supply or to any Backflow Prevention Device.

- 9.2.** Any person wishing to obtain Council Approval for the purposes of clause 9.1 must make a written application to Council in the form specified by Council, accompanied by:
- a) the Prescribed Charges;
  - b) any applicable development contribution;
  - c) where the applicant is not the Owner of the relevant Premises for which Council Approval is sought, written evidence of their authority to act on behalf of the Owner;
  - d) in the case of any application relating to a new or existing connection to the Water Supply System involving more than 15 cubic meters of water being used per day, a water conservation and demand management plan; and
  - e) any other supporting information required by Council.
- 9.3.** On receipt of an application made under clause 9.2, Council may grant the Approval, refuse the Approval, or request further information.
- 9.4.** Any Approval granted under clause 9.3 may be subject to conditions imposed by Council, including:
- a) conditions relating to the Premises to which the Approval relates;
  - b) conditions relating to the size of all pipes, fittings and any other equipment up to the Point of Supply;
  - c) conditions relating to the duration of time for which the Approval is valid;
  - d) a requirement to enter into an Individual Customer Agreement;
  - e) a requirement to agree to a water conservation and demand management plan based on water demand requirements; and
  - f) such other conditions as Council sees fit.
- 9.5.** Any person acting pursuant to an Approval under clause 9.3 must comply with the conditions on that Approval at all times.
- 9.6.** Any Approval granted under clause 9.3 will expire if the Approved activity has not commenced within 12 months of the Approval being granted, unless Council has granted a time extension for that Approval.
- 9.7.** To avoid doubt, Council is under no obligation to grant Approval for an Extraordinary Use of water under clause 9.3.
- 9.8.** To avoid doubt, any decision to grant Approval under clause 9.3 for a new connection within a Restricted Water Supply Area or outside a Water Supply Area will be at the absolute discretion of Council (in accordance with clause 8.4). The matters relevant to the exercise of this discretion may include:
- a) if Council is satisfied that the granting of the connection will not have an adverse effect on the existing supply;
  - b) that any upgrade of the infrastructure or supply to enable the connection can be adequately undertaken, including at the applicant's cost if required; and
  - c) any other matters which are, in Council's opinion, relevant to the supply of water in a particular area.
- 9.9.** Any Customer receiving a Restricted Flow Supply:

- a) must provide adequate water storage measures using an appropriate water Storage Tank where they receive the Restricted Flow Supply; and
- b) must not make a connection to the Supply Pipe between the Point of Supply and the Storage Tank.

**Guidance Note:**

The purpose of receiving a Restricted Flow Supply may include:

- a) rural supply within the Waipā district;
- b) water demand management (including for drought, misuse and non-remedy of water leaks);
- c) properties outside urban limits;
- d) properties within a designated low pressure area.

## **10. Requirements for Connections**

- 10.1.** This clause 10 applies to any new connection granted Approval under clause 9.
- 10.2.** Council will supply and install the Service Pipe up to the Point of Supply at the Customer's cost. Council will determine the size of all pipes, fittings and any other equipment, up to the Point of Supply.
- 10.3.** No Customer may draw water from a new Point of Supply before a metered connection is in place and Council has notified the Customer in writing that the Point of Supply meets the requirements of the Drinking Water Standards made under the Water Services Act 2021.
- 10.4.** Council may require the Customer to meet all costs associated with the provision of the new connection including updating the infrastructure needed to provide this service.
- 10.5.** To avoid doubt, no new connections may connect to a Trunk Main unless specifically Approved.
- 10.6.** Council may review any Approval for a new connection granted under clause 9 from time to time. Following the review, and after seeking and considering the written views of the Customer (if provided), Council may:
  - a) vary or add any conditions that Council considers necessary; or
  - b) require a new application for connection to be submitted within the timeframe specified.

## **11. Location of Points of Supply**

- 11.1.** For parcels of land comprising a single certificate of title:
  - a) there will only be one Point of Supply;
  - b) the Point of Supply must be located as close as reasonably practicable to the location depicted in the relevant water connections layout figures in the Regional Infrastructure Technical Specifications (RITS); and
  - c) the Point of Supply must be located outside the Boundary of the Premises, unless Approved otherwise by Council.
- 11.2.** For parcels of land comprising multiple certificates of title, including cross-lease, strata title and unit title:

- a) each title will have an individual supply;
  - b) the Point of Supply for each title will be determined in accordance with the Regional Infrastructure Technical Specifications (RITS); and
  - c) each Point of Supply must be located outside the Boundary of the parcel of land in the position Approved by Council,
- unless Approved otherwise by Council.

**11.3.** For supply which was lawfully in existence prior to the coming into effect of this Bylaw, the location of the Point of Supply will be that in existence immediately prior to this Bylaw coming into effect, or as varied by agreement with Council.

## **12. Approval for Fire Protection Connection**

**12.1.** Approval under clause 9.1 of this Bylaw is required for any connection to the Water Supply System for fire protection by any person other than any Fire and Emergency New Zealand Personnel and nothing in this clause 12 applies to Fire and Emergency New Zealand Personnel exercising powers and functions under the Fire and Emergency New Zealand Act 2017.

**12.2.** The provision of an On-demand Supply for fire protection for Customers is at Council's discretion.

**12.3.** An application for an On-demand Supply for fire protection will be assessed by Council as an application for Approval under clause 9 of this Bylaw.

**12.4.** Council is under no obligation to provide an On-demand Supply to Customer for fire protection purposes at any particular flow or pressure, or maintain existing pressures or flows.

**12.5.** Where a Customer requires a specific flow and pressure for internal fire systems this must be provided by the Customer within their own system.

**12.6.** It is the Customer's responsibility to ascertain and monitor whether the On-demand Supply provided for fire protection purposes is adequate for the intended purpose.

**12.7.** Access by a Customer to the mains water supply for testing purposes in order to determine the adequateness of the supply for fire protection will require prior Council Approval.

**12.8.** Water used for the purpose of extinguishing fires by any person will be supplied free of charge. Where the fire protection connection is metered and water has been used for firefighting purposes, Council will estimate the quantity of water so used, and credit to the Customer's account an amount based on such an estimate.

**12.9.** Customers intending to test fire protection systems in a manner that requires the use of more than 1 cubic meter of water must obtain the Approval of Council prior to any testing being undertaken. The Approved quantity of water may be used for routine flushing and flow testing, but the quantity of water used may be assessed and charged for by Council.

## **13. Disconnection or Change of Ownership**

**13.1.** Upon receipt of notification of a change of ownership of Premises, Council will record the new owner as being the Customer at that Premises. The outgoing Customer must give Council at least three (3) Working Days' notice to arrange a final meter reading.

**13.2.** The owner of the Premises at the time of the consumption is responsible for any water charges.

**13.3.** Council reserves the right to reassess the conditions of supply when a change of ownership of Premises occurs.

**13.4.** The Customer must give at least three (3) Working Days' notice in writing to Council of the requirement for disconnection of the supply. Disconnection will be at the Customer's cost and

the Customer remains responsible for any water charges up to the time of disconnection.

## **14. Continuity of Supply**

- 14.1.** Council does not guarantee a constant flow of water or any maximum or minimum pressure. It will not be liable for any loss, damage or inconvenience which the Customer (or any other person using the supply) may sustain as a result of a reduced levels of service in, or interruptions to, the water supply.
- 14.2.** Nothing in this Bylaw should be construed as obliging Council to provide or continue to provide a supply of water to any property. No allowance or compensation will be made or allowed by Council if the water supply is restricted or interrupted, or if there is any change of pressure in the supply.
- 14.3.** If a Customer has a particular requirement for an uninterrupted flow, pressure or quality of water supply, it is the responsibility of that Customer to provide any necessary storage, back up facilities or equipment necessary to meet that Level of Service.

## **PART 4**

### **Management of Water Supply**

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## **15. Demand Management**

- 15.1.** The Council may restrict or prohibit the use of water supplied to Premises where the Council's ability to maintain an adequate supply of drinking water is, or may be, at risk due to:
- a) drought;
  - b) emergency;
  - c) excessive demand; or
  - d) for any other reason.
- 15.2.** Any restriction under clause 15.1 will be advised by Public Notice and may:
- a) specify types of use that are restricted;
  - b) specify times and days to which the restrictions apply;
  - c) apply to the entire Waipā District or one or more parts of the Waipā District; and
  - d) apply for any specified length of time.
- 15.3.** Customers must comply with any restrictions or prohibitions on the use of water made by Council pursuant to clause 15.1 of this Bylaw.

**Guidance Note:**

Under section 25 of the Water Services Act 2021, Council may restrict or interrupt the provision of drinking water to a point of supply if this is necessary because of:

- a) Maintenance, improvement, or repairs to the drinking water supply or related infrastructure;
- b) Risks to public health;
- c) Environmental factors affecting a source of a drinking water supply; or
- d) An emergency; or
- e) Cultural factors affecting a source of a drinking water supply.

Under section 192 of the Local Government Act 2002, a person supplied with reticulated water from a local authority must not waste the water or allow it to be wasted.

Section 193 of the Local Government Act 2002 sets out powers of a local authority to restrict the water supply to a person's land or building if that person, among other things, fails to comply with a requirement of this Bylaw or the Local Government Act 2002 in respect of water, water pipes, waterworks, or water races.

## **16. Ownership and Maintenance**

- 16.1.** Council owns and maintains the Service Pipe and fittings up to the Point of Supply. The Customer owns and maintains the Supply Pipe and fittings beyond the Point of Supply.
- 16.2.** The Customer must maintain all Supply Pipes and fittings within their Premises in a serviceable and safe condition.
- 16.3.** The Customer must maintain the area in and around the Point of Supply, keeping it free of soil, growth, or other matter or obstruction which prevents, or hinders access to the Point of Supply.

**Guidance Note:**

Under section 175 of the Local Government Act 2002, a person who wilfully or negligently destroys, damages, stops, obstructs or otherwise interferes with any works or property owned by a local authority is liable for the amount of the destruction or damage, the cost incurred by the local authority in removing the stoppage or obstruction, or any loss or expense incurred by the local authority by the stoppage or obstruction or interference.

- 16.4.** Council will make every reasonable attempt to notify the Customer of a scheduled maintenance shutdown of supply before work commences. Where immediate action is required and notification is not practical, Council may shut down the water supply without notice.
- 16.5.** Where a Customer has obstructed access to the Water Supply System, Council will not be responsible for damage to that Customer's property resulting from any works necessary to gain access to the Water Supply System, or for any resulting scheduled or emergency maintenance shutdown to the Water Supply System.
- 16.6.** Where there is no Customer Stopcock/Toby, or where maintenance is required between the Service Valve and the Customer Stopcock/Toby, the Customer may use the Service Valve to isolate the supply. Council reserves the right to charge for maintenance for the Service Valve if it is damaged by Customer use.
- 16.7.** The Customer must not without Council Approval:



- a) extend a Supply Pipe, by hose or otherwise, beyond the Customer's Premises; and
- b) provide any water drawn from the Water Supply System to any third party.

**Guidance Note:**

Under section 225 of the Local Government Act 2002, it is an offence to wilfully or negligently take water from the Council supply of another person or supply a third party with that person's Council water supply.

## **17. Access to, and about, the Point of Supply**

- 17.1.** Where a Point of Supply is located on private property the Customer must allow Council access to and about the Point of Supply between 7.00am and 6.00pm on any day for:
- a) meter reading without notice being given; or
  - b) checking, testing and maintenance work with reasonable written notice being given where practicable to do so.
- 17.2.** If Council undertakes maintenance work to a Point of Supply located on private property outside the hours specified in clause 17.1, Council will give 48 hours written notice to the Customer.
- 17.3.** Where the Point of Supply is not made accessible to Council under clauses 17.1 and 17.2 and a return visit is required by Council, Prescribed Charges may be charged to the Customer.

## **18. Prevention of Water Loss and Wastage**

- 18.1.** The Customer must not allow:
- a) water to run to waste from any pipe, tap, or other fitting;
  - b) leaks to continue unchecked or unrepaired;
  - c) the unattended operation of hoses; or
  - d) the condition of the plumbing within any Premises to deteriorate to the point where leakage or wastage of water supply occurs, or contamination of water supply occurs or is likely to occur.
- 18.2.** Council may serve a notice on a Customer requiring action to be taken to repair an identified leak on the Premises within a specific time period or otherwise where repairs are required to the Customer's plumbing, pipes, taps or other fittings to ensure compliance with this Bylaw.
- 18.3.** Where Council serves a notice on a Customer in accordance with Clause 18.2 and the Customer fails to take the required action within the time period stated in the notice, Council may, after giving the Customer reasonable prior written notice, enter onto the Premises, repair the leak, plumbing, pipes, taps or other fittings and charge the Customer all associated costs of doing so.
- 18.4.** The Customer must not use water or water pressure for driving lifts, machinery, generators, or any other similar device, unless prior Approval for such use has been obtained from Council.
- 18.5.** The Customer must not without prior Council Approval use water from the Water Supply System for a single pass cooling system or to dilute trade waste prior to disposal.
- 18.6.** The Customer must not directly connect to a Supply Pipe any quick-closing valves, pumps, hydraulically driven equipment, or any other equipment which may cause pressure surges or fluctuations to be transmitted within the Water Supply System, or compromise the ability of Council to maintain water supply.

## **19. Backflow Prevention**

- 19.1.** All Points of Supply must at all times have a Backflow Prevention Device installed at the Council side of the Point of Supply as Approved by Council.
- 19.2.** The type of Backflow Prevention Device required will be determined by Council classifying the backflow risk of the applicable Water Supply System connection. This will be determined by Council during consideration of any application pursuant to clause 9.
- 19.3.** All Backflow Prevention Devices must be supplied, installed and maintained by Council at the Customer's cost, unless otherwise agreed by Council, and thereafter will remain the property of Council.
- 19.4.** Council may, at any time in accordance with clauses 17.1 and 17.2, test a Backflow Prevention Device, at the Customer's cost.
- 19.5.** The Customer must notify the Council as soon as possible on becoming aware that a Backflow Prevention Device may require repair or maintenance.
- 19.6.** Fire protection systems that include appropriate backflow prevention measures are generally not required to have 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 operating pressure.

### **Guidance Note:**

Under section 27 of the Water Services Act 2021, Council may require the owner of the premises to install, maintain and test a backflow prevention device that incorporates a verifiable monitoring system in accordance with Council's requirements.

Where a Point of Supply is used by multiple users in a property, the property owner, as the Customer, is responsible for ensuring the appropriate Backflow Prevention Device is in place and is Approved by Council.

## **20. Metering and flow restrictors**

- 20.1.** All Points of Supply must be metered at all times.
- 20.2.** All Restricted Flow Supply uses of water must have a flow restrictor.
- 20.3.** The number of meters and flow restrictors per property and their location is subject to Council Approval.
- 20.4.** Where the Owner or Occupier of the Premises has a water supply, other than from the Water Supply System, they must provide Council with details of that supply.
- 20.5.** Unless otherwise Approved by Council, all meters and flow restrictors must be supplied, installed and maintained by Council, at the Customer's cost.
- 20.6.** All meters and flow restrictors are the property of Council.
- 20.7.** Meters and restrictors must be located:
  - a) as close as possible to the Point of Supply; and
  - b) in a position where they are readily accessible for reading and maintenance.
- 20.8.** Council may, at any time in accordance with clauses 17.1 and 17.2 of this Bylaw, test a meter or

flow restrictor, at the Customer's cost.

- 20.9.** Flow restrictors must be accurate to within  $\pm 10\%$  of their rated capacity ("the stipulated accuracy").
- 20.10.** Any Customer who disputes the accuracy of a meter or flow restrictor may apply to Council for it to be tested. Where a test has been conducted within six months of the request for testing, Council has discretion as to whether a further test will be carried out. If the test shows non-compliance with the stipulated accuracy, the Customer will not be charged for the test. If the test shows compliance with the stipulated accuracy, the Customer must pay a fee in accordance with Council's Prescribed Charges. A copy of independent certification of the test result must be made available to the Customer on request.
- 20.11.** Flow restrictors must be tested by measuring the quantity that flows through the restrictor in a period of not less than one hour at the expected minimum operating pressure.
- 20.12.** If, after being tested, any meter is found to register a greater or lesser consumption than the quantity of water actually passed through such a meter, Council will make an adjustment in accordance with the results shown by such tests, backdated for a period at the discretion of Council in accordance with section 41 of the Local Government (Rating) Act 2002, and the Customer will pay a greater or lesser amount according to such an adjustment.
- 20.13.** Where a meter is under-reading by more than 20% or has stopped, Council may charge for the amount of water assessed as having been used over the past billing period, taking into account any seasonal variations in demand.
- 20.14.** Where a meter is over-reading, Council will make appropriate adjustments to the Customer's account based on a period of similar use and backdated to when it is agreed the over-reading is likely to have occurred.
- 20.15.** Where a Customer disputes the amount of the assessments or adjustments of Council under clauses 20.13 or 20.14, they must advise Council of that dispute in writing within 15 Working Days of being advised of that amount. Council will then review the amount and determine whether it is to be varied or whether the amount is to be confirmed and advise the Customer accordingly.
- 20.16.** Where the meter is damaged, ceases to register, has been removed or where the seal or dial of the meter is broken, or the meter has otherwise been interfered with, the Council will 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 amount payable by the Customer will be the amount of that estimate.
- 20.17.** The Customer is liable for the cost of water which passes through the meter regardless of whether the water is actually used or is the result of leakage.
- 20.18.** Where an unauthorised connection has been made to Council's Water Supply System, Council will estimate and charge for the consumption for the period from when the connection was made.
- 20.19.** Where a situation occurs, other than as provided for in clauses 20.12, 20.13, 20.14 or 20.16 of this Bylaw, where the recorded consumption does not accurately represent the actual consumption in respect of the Premises, the account will 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 connection or use.
- 20.20.** Where an adjustment is required, in favour of Council or the Customer, this will be backdated for a period at the discretion of Council in accordance with section 41 of the Local Government

(Rating) Act 2002.

- 20.21.** Where a meter has remained unread for whatever reason, Council may charge for all water registered on the meter or shown since the previous reading.

## **21. Transfer of Rights and Responsibilities**

- 21.1.** The Customer must not transfer to any other party the rights and responsibilities set out in this Bylaw.
- 21.2.** Individual Customer Agreements must not be transferred unless Approved by Council first.

## **PART 5**

### **Payments, Enforcement and Transitional Provisions**

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## **22. Payment**

- 22.1.** The Customer must pay Council any Prescribed Charges for the supply for water and related services by the time period specified by Council.
- 22.2.** Council may recover all unpaid charges in respect of water supply as prescribed in the Local Government (Rating) Act 2002 from the Owner of Premises, the Occupier of Premises, or both.

## **23. Reviewing, Revoking or Modifying an Approval**

- 23.1.** Any person granted Council Approval under this Bylaw must comply with any conditions subject to that Approval.
- 23.2.** Council may revoke, modify or cancel any Council Approval granted under this Bylaw if:
- a) any conditions of the Approval are not complied with; or
  - b) there is a material change in circumstances which requires the Approval to be revoked or modified; or
  - c) the information provided to Council in support of the Approval application is found to be incorrect or misleading.
- 23.3** Council will give the Customer written notice of its intention to revoke, modify or cancel any Council Approval under clause 23.2, describe why it considers this necessary, and will provide the Customer with the opportunity to submit information to Council to consider before it makes its final decision.

## **24. Offences**

**24.1.** Any person who breaches this Bylaw commits an offence against section 239 of the Act.

**Guidance Note:**

Under section 193 of the Local Government Act 2002, the Council has the power to restrict water supply if a person fails to comply with this bylaw relating to their land.

Under section 25 of the Water Services Act 2021, the Council may also restrict water supply if a Customer has unpaid accounts or fails to remedy water leaks it is obliged to remedy.

A person who is convicted of an offence against this Bylaw may be liable to pay:

- a) the penalty set out in section 242 of the Act; and
- b) the Council costs of remedying any damage caused in the course of committing the offence.

## **25. Removal of Works**

**25.1.** Council may under section 163 of the Act:

- 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 doing so from the person who committed the breach.

## **26. Transitional Provisions**

**26.1.** Any Approval which originated under or was continued by the Council's Water Supply Bylaw 2013 revoked in clause 1.4 that is continuing at the commencement of this Bylaw, continues to have full force and effect for the purposes of this Bylaw, but is subject to the application of any relevant clauses in this Bylaw.

**26.2.** The resolutions of the Council made or continued under the Council's Water Supply Bylaw 2013 revoked under clause 1.4 continue to have full force and effect for the purposes of this Bylaw as if they were resolutions made under this Bylaw. These resolutions are subject to the application of any relevant clauses in this Bylaw.

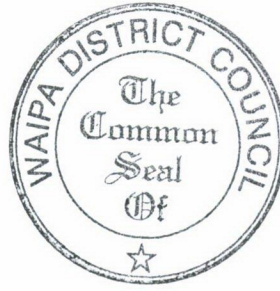
**26.3.** Without limiting clause 26.2, any area categorised under the Water Supply Bylaw 2013 as a "Open Catchment Area", "Restricted Catchment Area", "Controlled Catchment Area", "Restricted Water Supply Area" or "On-demand Water Supply Area" is deemed to be categorised as such under this Bylaw, and is subject to the application of any relevant clauses in this Bylaw.

**26.4.** The revocation of the Council's Water Supply Bylaw 2013 under clause 1.4 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.

**26.5.** Any application for an Approval made under Council's Water Supply Bylaw 2013, for which an Approval has not been granted at the time of this Bylaw coming into force, is deemed to be an application made under clause 9.1.

**26.6.** Every existing duly executed Individual Customer Agreement between a Customer and Council which is current at the date this Bylaw comes into force continues on the same terms and conditions as if it was an Individual Customer Agreements issued under this replacement Bylaw.

Signed on Behalf of Waipa District Council by:



*Angela West*  
Mayor

30-08-22  
Date

*[Signature]*

Chief Executive

30-08-22  
Date