
Agenda for a hearing of the Policy & Regulatory Committee (to hear and consider submissions and make recommendations on the proposed Water Supply Bylaw 2023) to be held in the Council Chambers, District Office, 15 Galileo Street, Ngaaruawaahia on **WEDNESDAY, 22 NOVEMBER 2023** commencing at **9.30am.**

1. APOLOGIES AND LEAVE OF ABSENCE

2. CONFIRMATION OF STATUS OF AGENDA

3. DISCLOSURES OF INTEREST

4. REPORTS

- | | | |
|-----|--|----|
| 4.1 | Hearing report for proposed Water Supply Bylaw 2023 | 5 |
| 4.2 | Deliberations report on the proposed Water Supply Bylaw 2023 | 34 |

5. EXCLUSION OF THE PUBLIC

It is intended to discuss this matter in the open section of the meeting, however, should in depth legal advice be requested from the Committee, a resolution may be passed to exclude the public to hold these discussions.

GJ Ion
CHIEF EXECUTIVE

Policy & Regulatory Committee

Reports to:	Council
Chairperson:	Deputy Mayor Carolyn Eyre
Deputy Chairperson:	Cr Crystal Beavis
Membership:	The Mayor and all Councillors
Meeting frequency:	Six-weekly
Quorum:	Majority of the members (including vacancies)

Purpose

The Policy & Regulatory Committee is responsible for the Council's governance policies and bylaws and reviewing the District Plan.

In addition to the common delegations on page 10, the Policy & Regulatory Committee is delegated the following Terms of Reference and powers:

Terms of Reference:

1. To establish, implement and review the governance policy framework that will assist in achieving the Council's strategic priorities and outcomes.
2. To develop, review and approve Council bylaws for consultation.
3. To consider and determine changes to the schedules and parking restrictions in the Public Places Bylaw 2016, including hearing any submissions relating to those proposed changes.
4. To hear and determine matters arising under current bylaws, including applications for dispensation from compliance with the requirements of bylaws, unless such matters are otherwise delegated by Council.
5. To administer the Council's District Plan in accordance with the Resource Management Act 1991.
6. To monitor the performance of regulatory decision-making by the District Licensing Committee¹, Regulatory Subcommittee and officers under their respective delegations.

¹ For clarity, the District Licensing Committee is a committee of Council under the Sale and Supply of Alcohol Act 2012.

The Committee is delegated the following powers to act:

Governance Policies

- Develop and agree governance policies for the purpose of consultation/engagement.
- Recommend to Council policy for adoption, amendment, or revocation.
- Monitor and review policy, including recommending amendments to any policy as and when required.

Bylaws

- Determine all preliminary matters in relation to bylaws, except where expressly reserved for Council under legislation or the bylaw itself. For clarity, this delegation includes those matters to be determined under section 155 Local Government Act 2002.
- Develop and approve the statement of proposal and associated documentation for new or amended bylaws for consultation.
- Make any resolution where in a bylaw the Council has specified that a matter be regulated, controlled or prohibited by the Council by resolution.
- Recommend to Council new or amended bylaws for adoption.

District Plan

- Review and approve for notification a proposed district plan, a proposed change to the District Plan, or a variation to a proposed plan or proposed plan change (excluding any plan change notified under clause 25(2)(a), Schedule 1 of the Resource Management Act 1991)
- Withdraw a proposed plan or plan change under clause 8D, Schedule 1 of the Resource Management Act 1991.
- Make the following decisions to facilitate the administration of plan changes, variations, designation and heritage order processes:
 - a. To decide whether a decision of a Requiring Authority or Heritage Protection Authority will be appealed to the Environment Court by the Council and authorise the resolution of any such appeal, provided such decisions are consistent with professional advice.
 - b. To consider and approve Council submissions on a proposed plan, plan changes, and variations, unless expressly delegated to another decision-making body.
 - c. To monitor the private plan change process.
 - d. To accept, adopt or reject private plan change applications under clause 25, Schedule 1, Resource Management Act 1991.

Other Resource Management Issues

- Pursuant to Section 34(1) of the Resource Management Act 1991, to exercise all of the Council's functions, powers, and duties under that Act, except the functions, powers and duties:
 - a. that cannot be delegated or that are otherwise retained by the Council under its terms of reference; or
 - b. expressly delegated to other Council committees or decision-making bodies, or officers.
- Monitor and approve submissions in relation to National Policy Statements and National Environmental Standards.

Other Delegations

- Exercise all the Council's functions, powers and duties under the Building Act 2004, the Health Act 1956, the Dog Control Act 1996, and the Food Act 2014, and the respective regulations made under these Acts, except the functions, powers, and duties:
 - a. that cannot be delegated or that are otherwise retained by the Council under its terms of reference; or
 - b. expressly delegated to other Council committees or decision-making bodies, or officers.
- Approval of attendance of elected members at conferences, seminars, training, or events, in accordance with Council policy.

To	Policy and Regulatory Committee
Report title	Hearings for the Proposed Water Supply Bylaw 2023
Date:	22 November 2023
Report Author:	Hannah Beaven, Principal Corporate Planner Deron Sharma, Acting Waters Manager
Authorised by:	Megan May, General Manager Service Delivery

1. Purpose of the report

Te Take moo te puurongo

To enable the receiving and hearing of submissions on the proposed Water Supply Bylaw 2023 (proposed Bylaw).

2. Executive summary

Whakaraapopototanga matua

The Policy and Regulatory Committee approved consultation for a proposed Water Supply Bylaw on 3 October 2023. The purpose of the proposed Bylaw is to protect Council's water supply network.

A Special Consultative Procedure took place between 5 October and 5 November 2023 on the proposed Bylaw.

A total of eight submissions were received, and two submitters are scheduled to speak at the hearing.

This report includes the hearing schedule (Attachment 1), submissions received (Attachment 2) and social media comments on the proposed Bylaw (Attachment 3).

The decisions and matters of this report are assessed as of moderate significance.

3. Staff recommendation

Tuutohu-aa-kaimahi

THAT the Policy and Regulatory Committee, pursuant to section 83 of the Local Government Act 2002, considers all submissions and, where requested, hears submissions on the Proposed Water Supply Bylaw 2023.

4. Background

Koorero whaimaarama

Council is responsible for ensuring a supply of 'potable' (drinking) water to ratepayers connected to a water supply system. Council's water supply network includes almost 18,000 connections, of which 99% are metered. It is estimated that 50% of rateable properties in the district are connected to a water supply network.

To protect its water supply system, Council previously had a Water Supply Bylaw 2014 (amended in 2021). Staff have become aware that, due to the timing of review, the Water Supply Bylaw 2014 (amended in 2021) is unenforceable. Therefore, a new Bylaw is required.

The purpose of the proposed Bylaw is to:

1. Promote the efficient use of water and protect against waste or misuse of water from our water supply system.
2. Protect our water supply and water supply system from pollution and contamination.
3. Manage and protect structures and infrastructure associated with the water supply system from damage, misuse, or loss of land.
4. Prevent the unauthorised use of land, structures or infrastructure associated with our water supply system.

The proposed changes to the bylaw include:

- New clauses about Council's duty regarding Te Ture Whaimana o Te Awa o Waikato (the vision and strategy for the Waikato River).
- Updating the proposed Bylaw to reflect legislative changes, including the Water Service Regulator Act 2020 and Water Services Entity Act 2022 and removing references to Ministry of Health.
- The 2014 (reviewed in 2021) Bylaw specified that Council may meter any premises for the purpose of determining water consumption. Water meters serve the purpose of allowing Council to track how much water each dwelling is using. The proposed Bylaw now notes that Council may also install water meters to any minor or ancillary dwelling, even in cases where there are multiple dwellings (such as ancillary dwellings) within a property title.
- The toby is a water shut-off valve that typically sit between Council's water main and the customer's private pipe. The proposed Bylaw is now clear the customer is responsible for the position of the toby, and if any additional water use occurs because of the position of the water valve, this is the responsibility of the customer.
- The proposed Bylaw includes rules for the flow and pressure of water. These rules have been changed so to define operating standards, instead of just design standards.
- Other minor changes include fixing of errors, minor readability changes, other updating references to Firefighting Water Supplies Code of Practice, and updating map links.

Submissions are included in Attachment 2.

5. Discussion and analysis

Taataritanga me ngaa tohutohu

A Special Consultative Procedure was undertaken between 5 October and 5 November 2023 to advise the public of the proposed bylaw. Staff used the following communication methods:

- News item on Council's website;
- Public notices;
- Online engagement tools;
- Emails to Community Boards and Committee and mana whenua groups;
- Emails and letters to targeted stakeholders;
- Council's Facebook page and Twitter account.

Social media comments on the proposed Bylaw are presented in Attachment 3. Please note that these are not considered to be formal submissions, however, Council can choose to have some level of regard to these comments during deliberations.

5.1 Options

Ngaa koowhiringa

No options are available to Council to consider because the purpose of the report is to receive and hear submissions. Council deliberations are scheduled to proceed immediately following hearings.

5.2 Financial considerations

Whaiwhakaaro puutea

There are no material financial considerations associated with the recommendations of this report.

5.3 Legal considerations

Whaiwhakaaro-aa-ture

Staff confirm that the staff recommendation complies with Council's legal and policy requirements. Consultation on the proposed Bylaw occurred under section 83 of the Local Government Act 2002.

5.4 Strategy and policy considerations

Whaiwhakaaro whakamaaherehere kaupapa here

The report and recommendations are consistent with the Council's policies, plans and prior decisions.

5.5 Maaori and cultural considerations

Whaiwhakaaro Maaori me oona tikanga

Mana whenua were contacted via email when consultation opened and invited to make a submission.

5.6 Climate response and resilience considerations Whaiwhakaaro-aa-taiao

The matters in this report have no known impact on climate change or resilience for the Council.

5.7 Risks Tuuraru

There are no risks associated with this report.

6. Significance and engagement assessment Aromatawai paahekoheko

6.1 Significance Te Hiranga

The decisions and matters of this report are assessed as of moderate significance, in accordance with the Council's [Significance and Engagement Policy](#).

The following criteria are particularly relevant in determining the level of significance for this matter:

- There is a legal requirement to engage when reviewing bylaws.
- Community views on the proposals are not already known.

6.2 Engagement Te Whakatuutakitaki

Highest level of engagement	Inform	Consult	Involve	Collaborate	Empower
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> • Special Consultative Procedure undertaken, as outlined in Section 86 of the Local Government Act 2002. • Public notices in local papers. • Social media posts on Council's Facebook and Twitter. • Information available at Council offices and libraries, and online at Council's website 'Say it' page. • Stakeholders advised of opportunity to provide feedback via letter and/or email. 				

The following stakeholders were contacted to advise of the opportunity to provide feedback.

Planned	In Progress	Complete	
<input type="checkbox"/>	<input type="checkbox"/>	✓	Internal
<input type="checkbox"/>	<input type="checkbox"/>	✓	Watercare
<input type="checkbox"/>	<input type="checkbox"/>	✓	Water Governance Board
<input type="checkbox"/>	<input type="checkbox"/>	✓	Community Boards/Community Committees
<input type="checkbox"/>	<input type="checkbox"/>	✓	Waikato-Tainui/Local iwi and hapuu
<input type="checkbox"/>	<input type="checkbox"/>	✓	Local Councils, including Waikato Regional Council and Hamilton City Council
<input type="checkbox"/>	<input type="checkbox"/>	✓	Previous submitters, including Fire and Emergency New Zealand and Genesis
<input type="checkbox"/>	<input type="checkbox"/>	✓	Water related services, including Watercare Auckland, Wai Tamaki ki te Hiku (Northland and Auckland Water Services Entity), Te Kauwhata Water Association
<input type="checkbox"/>	<input type="checkbox"/>	✓	Department of Internal Affairs

7. Next steps

Ahu whakamua

Deliberations on the Water Supply Bylaw is scheduled to commence immediately following hearings.

8. Confirmation of statutory compliance Te Whakatuuturutanga aa-ture

As required by the Local Government Act 2002, staff confirm the following:

The report fits with Council's role and the Policy and Regulatory Committee's Terms of Reference and Delegations.	Confirmed
The report contains sufficient information about all reasonably practicable options identified and assessed in terms of their advantages and disadvantages (<i>Section 5.1</i>).	Confirmed
Staff assessment of the level of significance of the issues in the report after consideration of the Council's Significance and Engagement Policy (<i>Section 6.1</i>).	Moderate
The report contains adequate consideration of the views and preferences of affected and interested persons taking account of any proposed or previous community engagement and assessed level of significance (<i>Section 6.2</i>).	Confirmed
The report considers impact on Maaori (<i>Section 5.5</i>)	Confirmed
The report and recommendations are consistent with Council's plans and policies (<i>Section 5.4</i>).	Confirmed
The report and recommendations comply with Council's legal duties and responsibilities (<i>Section 5.3</i>).	Confirmed

9. Attachments Ngaa taapirihanga

Attachment 1 – Hearings Schedule

Attachment 2 – Submissions on the proposed Water Supply Bylaw, ordered in accordance with the Hearing Schedule

Attachment 3 – Social media comments on the proposed Water Supply Bylaw

Attachment 1

Proposed Water Supply Bylaw Hearing Schedule

Wednesday 22 November 2023

Please note this schedule is subject to change and will be updated on the day of the hearing.

Submitters presenting at the hearing.

Time	Submission ID	Name	In person or online	Agenda page #
9:30 am	N/A	Introduction and overview of hearing report	N/A	
9:40 am	7240	Charles Fletcher, Tamahere Community Committee	In person	12
9:50 am	7242	Grace Margaret Wilcock	In person	17

Submitters not presenting at the hearing.

Submission ID	Name	Agenda page #
7241	Nicola Hine, Beca, Fire and Emergency New Zealand	20
7239	Lyn Harris	24
7238	Adrian Pyne, Tauwhare Community Committee	25
7237	Roger Bale	26
7236	Sarah	27
7232	Ca4l Ammon	28

Submission ID:	7240
Name:	Charles Fletcher
Organisation:	Tamahere Community Committee
Presenting at hearings:	Yes

Do you support the Proposed Water Supply Bylaw 2023?

In part

Please tell us why:

See attached submission

What changes would you like to see to the Proposed Water Supply Bylaw 2023?

See attached submission

Any additional comments?

See attached submission

Attachment

Yes



Submission

on

Proposed Water Supply Bylaw 2023

To: Waikato District Council
 Private Bag 544
 Ngaruawahia 3742
consult@waidc.govt.nz

Submitter: **Tamahere Community Committee**
 Contact: Charles Fletcher
 Address for Service: Tamahere Community Committee
TamahereCommunity@gmail.com and charlesnz@me.com
 Phone: 021 964 000
 Email: TamahereCommunity@gmail.com

Submission on: **Proposed Water Supply Bylaw 2023**
 Closing date for Submission: **5 November 2023**
 Project number: **BYL23/01**
 TCC **does wish to be heard** in support of this submission.
 TCC is making this submission as a Community organisation.

The Tamahere Community Committee [TCC] was established by the Waikato District Council [WDC] to support the Councillors representing the Tamahere Ward, being part of the new Tamahere-Woodland general ward. TCC members are publicly elected triennially and governed by the Council protocols for Community Boards and Committees.

This submission is made by TCC representing the wider interests of the Tamahere Community and its population of approx 9,000 living in a rural/country living environment. Tamahere Ward ratepayers are the largest financial contributors of rating income to the Council, other than rural farmers across the whole District.



TCC submits:

1. In clause 3 the Scope of the Bylaw suggests it applies to **ALL PROPERTY** in the Council District and provides it **shall apply to “any land, building, work, or property under the control of the Council.”**
2. This is a **serious over reach of the Councils powers and authority** as the Bylaw can only apply to properties where the Council supplies water directly as a Water Supply Authority, i.e. by pipe.
3. Given the largest portion of the Council District is farm land, where **property owners supply their own water** from within the boundaries of their property and **subject to the requirements of the Waikato Regional Council**, the **District Council** is seeking to inappropriately **duplicate the role and function of the Regional Council**.
4. Clause 7.1 sets out definitions which shall apply for the interpretation of the Bylaw. It specifically does not include a definition for:
 - a. “water supply network”, or
 - b. “water supply system”, or
 - c. “water connection”.
5. Both “water supply network” and “water supply system” are extensively used in the Bylaw, from which the Council has draconian powers and rights of control including the extensive ability to impose Council determined charges, penalties, fees and costs.
6. The cumulative effect of the prescriptive nature of this Bylaw is to significantly impact on water sources outside of the “pipeline” supply the Council provides that this Bylaw seeks to cover.
7. Specifically, water from “any natural source(s) such as a well, spring, river, stream”, as these words appear in the definition of Auxiliary Supply.
8. Specifically, the consequences of “contamination”, where the Council can seek to recover the “cost of remediation of contamination”.
9. Specifically, the potential for Council to “designate” “Surface water and groundwater catchment areas from which untreated water is drawn” as a:
 - a. Controlled Catchment; or
 - b. Restricted Catchment; or
 - c. Open Catchment.”which terms are NOT INCLUDED in the clause 7.1 definitions.



10. Clause 7.1 defines “Catchment” as “An area of land which drains to a waterbody from where a public water supply is drawn.” **so potentially includes all farm land** ... due to run off to, ultimately, the Waikato River.
11. The Bylaw seeks to include all:
 - a. properties at which agricultural, horticultural or viticultural land use is occurring
 - b. Lifestyle blocks (rural supplies);in the definition of “Extraordinary Use” then provides that those properties are subject to provision where “any use of water which is outside of ordinary use and which may be subject to specific conditions and limitations including but not limited to water alerts and emergency provisions.” irrespective of whether or not the Council supplies the water to such properties by pipe. This is a serious over-reach.
12. Clause 9.6. provides for meters and flow restrictors for all “water. Connections”. The assumption is a piped water connection, but the concept of what might be a “water connection” is not defined in clause 7.1 (so could be inappropriately construed as applying to ALL PROPERTIES which use water no matter its source).
13. Clause 9.6.1 (c) makes no distinction as to the property zoning or use, e.g multiple farm houses on a large dairy farm might caught by this provision to separately meter every dwelling. This provision makes sense in an urban environment where in-fill houses or the new 3x3 development rules apply in town centres, but is inappropriate for rural properties and lifestyle properties which have water tanks and (usually) a long-distance Supply Pipe to the Councils point of supply, where the Council is providing water by pipe.
14. This will be particularly onerous on an existing property which seeks to add a ‘granny flat’ as a secondary dwelling. The owner should have the option of maintaining just one meter for the whole property and the ability to simply meter the water to the secondary dwelling from anywhere in the line to the secondary dwelling, not the Councils ‘point of supply’ (if water use apportionment is considered essential).
15. Council needs to properly consider and address the ‘charges’ for any water supply by pipe to any rural or lifestyle (non-urban) property where the property has water tanks and fills those tanks from roof rain water. Often the water use from the Council piped supply will be low unless and until there is a serious drought or water shortage. Access to the Council supply should be a very modest charge, so as to encourage (not penalise) the owners to store water and utilise rain water as much as possible.
16. If an ancillary meter is to be installed, it should not be subject to a yearly charge attached to it (i.e., charges should only be for the water used). The



annual charge (for the connection but using no water) is already included in the rates.

TCC seeks the following changes from the WDC:

1. A clear qualification that the Scope of the Bylaw to only apply to properties to which the Council supplies water by pipe from its controlled water supply system.
 2. A clear statement that the Bylaw only applies to the Councils controlled water supply system and is not intended to duplicate or interfere with the water rights and responsibilities of the Waikato Regional Council including any consents granted by the Waikato Regional Council to a property.
 3. A review of the definitions to clearly address what is intended to be included in, and how, the Bylaw is interpreted.
 4. A clear statement that the Bylaw does not extend to any property in the District which does not have a connected Supply Pipe.
 5. A review of the minor/ancillary/secondary dwelling provision in clause 9.6.1 to exclude inappropriate or unintended consequences to properties outside of urban zoning and no additional annual meter charge.
-

This submission is filed electronically with the WDC on 5 November 2023

Charles Fletcher – Chair

Tamahere Community Committee



Submission ID:	7242
Name:	Grace Margaret Wilcock
Organisation:	
Presenting at hearings:	Yes

Do you support the Proposed Water Supply Bylaw 2023?

Please tell us why:

What changes would you like to see to the Proposed Water Supply Bylaw 2023?

Any additional comments?

Attachment

Yes

WAIKATO DISTRICT COUNCIL

Water Bylaw 2023

SUBMITTER

Name: Grace Margaret Wilcock

Postal Address: 117 Windmill Road, RD3, Hamilton 3283

Email: rogmag@xtra.co.nz

Telephone (Home): [07] 8567633 (Mobile): 021 024 88010

Tamahere/Gordonton Ward

Hearing: Would you like to present your submission to Council. **YES**

General comments:

Submissions were made on the 2014 Water Bylaw [as a member of the Tamahere Community Committee] and 2021 Water Bylaw as an individual. Council need a legal bylaw and support the need for validation. However some matters raised in 2021 still need to be included. So comments refer to the existing document as well as the Key Changes for the proposed revised bylaw.

Key Change 3

Fourth paragraph second sentence concerning cost of additional meters. There is ambiguity about fees; is it existing properties with only 1 meter that now require additional meters for ancillary buildings, or is it in reference to new builds?

Who has to pay and what comes out of the general is not clear.

Key Change 4

Isolation of council supply by 'Toby' and location now by property owner.

To ensure clear understanding of 'Toby' and 'Service valve' add 'Toby' to definition list. Will location of 'Toby' be part of the building consent sign off? Does Council intend to retrospectively relocate any 'Toby'?

8.1.3 Working around buried services

[a] Council drawings/records should be available for rate payers and access to them should be free; charges only made for any copies. 'As built drawings' should be a key component of Council's records. No 'guarantee of accuracy' yet property owner at risk of fees; where is Council's responsibility?

[c] 'Toby' in road reserve requiring road authority consent when work being carried out. Most 'Toby' are in road reserves and are the property of the Council so why is the owner responsible? How does Council see such consent being available in cases of urgency; eg failed isolation valve at the property?

[d] Requirement for independent supervision when access to 'Toby' and/or piping required. Who will this be; builder, developer or other? In a time of limited professional services being available how does Council think this is feasible? It appears that all risks are to the property owner; where is Council's responsibility?

9.1.1 Connection, disconnection and other services

[a] [iv] Prior approval appears to be required by Council in order to close 'Toby'. If water supply requires urgent isolation due to valve failure at the building how can this be done? Can the property owner be confident that the 'Toby' has been properly maintained?

[e] [iii] Council may refuse application if insufficient capacity in the network. If council have approved development or given building consent then all services should be available.

Note on Tamahere CLZ; HCC trickle feed supply was not mandatory; so any fees should be for connection only and not related to expansion. HCC trickle feed is a source of concern with the growth of the area; yet this supply is not mentioned in the bylaw.

9.3.1 Point of supply, advisory note

[a] Clarity around terminology required; "Toby", service valve, stopcock and/or isolation appear to be applied inconsistently. NB. See comment on 9.1.1 [a] [iv].

[d] Onus on the owner for not just location but setting of the 'Toby'; why? Valve is property of the Council so should be maintained by them. How will any property owner know that Council have carried out their work correctly?

9.5.3 Restricted flow supply

Advisory note: Council gives no guarantee of the serviceability of valve on service pipe. This is a Council owned valve and therefore should be fit for purpose at all times.

9.6.4 Adjustment of charges

[b] In instances of significant variation in usage do council check with property owner that they are not overseas? Perhaps add as an advisory note how council liaise with property owner.

9.6.7 Leaks

Historically Council's leaks have been a large % of water losses. Add [d] to this section clarifying Council's responsibility not just the property owner.

9.11.2 Advisory note for backflow prevention

Annual testing and reporting to Council for the customer's backflow device is required. How, is this test requirement enforced, charged for, and where do owners find contractors? If this is required maybe property owners should ask Council for an annual test and report on their 'Toby'.

9.1.4 Prevention of water loss and waste

Onus on the property owner to minimise losses. See comment on Council leaks in 9.6.7.

Submission ID:	7241
Name:	c/- Nicola Hine, Beca
Organisation:	Fire and Emergency
Presenting at hearings:	Yes

Do you support the Proposed Water Supply Bylaw 2023?

In part

Please tell us why:

Please refer to attachment.

What changes would you like to see to the Proposed Water Supply Bylaw 2023?

Please refer to attachment.

Any additional comments?

Please refer to attachment.

Attachment

Yes

Water Supply Bylaw Submissions
Waikato District Council
Private Bag 544
Ngaruawahia 3742

2 November 2023

Via online submission

Dear Water Supply Bylaw Team

Fire and Emergency New Zealand Feedback: Draft Water Supply Bylaw 2023

This feedback is made on behalf of Fire and Emergency New Zealand (Fire and Emergency) regarding the Waikato District Council Water Supply Bylaw review.

Fire and Emergency provided feedback to Council in July 2021, when previous consultation on the Water Supply Bylaw 2014 review was carried out. Council and Fire and Emergency met and discussed the bylaw, and as a result some of the feedback provided at that time has been incorporated into the 2023 draft document. Thank you for your support to provide for the safety and wellbeing of our community.

In consideration of the draft Water Supply Bylaw 2023, Fire and Emergency propose minor amendments with the overall intention of creating clear alignment with SNZ PAS4509 Code of Practice Firefighting Water Supply.

Fire and Emergency Purpose

Fire and Emergency must perform and exercise the functions, duties, and powers conferred or imposed on Fire and Emergency as a main function by or under the Fire and Emergency New Zealand Act 2017 and any other enactment; and perform any other functions conferred on Fire and Emergency as a main function by the Minister in accordance with section 112 of the Crown Entities Act 2004.

As such, Fire and Emergency has an interest in Local Government Act 2002 Council bylaws to ensure that, where necessary, appropriate consideration is given to fire safety and operational firefighting requirements. This feedback seeks to ensure that Fire and Emergency are able to carry out its requirements under the Fire and Emergency New Zealand Act 2017 more effectively in the protection of lives, property, and the surrounding environment.

The primary objective of Fire and Emergency is to reduce the incidence of unwanted fire and the associated risk to life and property. To achieve this objective Fire and Emergency requires adequate water supply be available for firefighting activities.

It is critical for Fire and Emergency that water supply infrastructure is in place prior to any development commencing and that this water supply has adequate capacity and pressures available to service current and future growth. Fire appliances carry a limited amount of water; therefore, it is necessary that adequate water capacity and pressure be available to Fire and Emergency to control or extinguish a fire.


Capacity, pressure, sprinkler, and other needs can be determined through the SNZ PAS4509 Code of Practice Firefighting Water Supply. The Code of Practice is a non-mandatory New Zealand Standard that sets

out the minimum requirements for firefighting water and access for Fire and Emergency to operate effectively and efficiently in an emergency.

As such the code of practice is highly relevant to the Draft Water Supply Bylaw 2023 and Attachment A (follow) details the relief sought by Fire and Emergency to integrate these matters into the Bylaw.

Fire and Emergency would welcome the opportunity to discuss, or to provide further clarification, in relation to this feedback.

Yours sincerely,



Nicola Hine

Planner

on behalf of

Fire and Emergency New Zealand

Phone Number: + 6478383828

Email: Nccola.hinet@beca.com

Attachment A

Additions noted in red underline, proposed removals ~~striked through~~.

Clause/Provision	Recommended amendments	Reasoning/justification
9.1.1(e)(iv)	In Council's reasonable opinion, the connection could compromise its ability to maintain levels of service in relation to the water supply including volume and/or pressure required for firefighting; <u>Advice note: Refer to SNZ PAS 4509: 2008 New Zealand Fire Service Fire Fighting Water Supplies Code of Practice for acceptable volume and pressure levels.</u>	The addition of the advice note will provide guidance and clarity on the minimum acceptable standards for supply of firefighting water.
Schedule 1: Examples showing Single/Manifold Connection	<i>Example 4 – Industrial, commercial, domestic fire and service connections (including schools)</i> Include the following advice note to Figure 5: <u>Advice note: Refer to SNZ PAS 4509: 2008 New Zealand Fire Service Fire Fighting Water Supplies Code of Practice for guidance on appropriate fire supply connection location.</u>	SNZ PAS 4509: 2008 includes measurement length information and proximity distances for the provision of fire water connections. The addition of this advice note will direct customers to minimum requirements when designing and locating fire water connection.
Other suggested additions for consideration	Add SNZ PAS4509 Code of Practice Firefighting Water Supply as an appendix with a direct link to the document as it is publicly available on the Fire and Emergency New Zealand website.	This would ensure that the Code is used to ensure compliance is met and avoid processing delays further into the development for the applicant
	Consultation with Fire and Emergency New Zealand regarding adequate water supplies for any Commercial reticulated or non-reticulated area, new building or change of use renovation work.	This would provide adequate early-stage consultation for Fire and Emergency to ensure developers meet their obligations with regards to firefighting water supplies and property fire protection.

Submission ID:	7239
Name:	Lyn Harris
Organisation:	
Presenting at hearings:	No

Do you support the Proposed Water Supply Bylaw 2023?

In part

Please tell us why:

I do not believe that lifestyle blocks should have an extraordinary classification for water supply as per Definitions - Clause 7.1 (f). Homes on a lifestyle block will not use more water than those in an urban location.

Clause 9.5.2: I do not agree that a property should be charged an "availability charge" when they do not use the service - that is ridiculous!

Clause 9.5.2 (c) states that the Council is under no obligation to provide an extraordinary supply of water. This implies that Council could cut-off trickle feed at any time to lifestyle blocks. This is not an acceptable service level when it is a User pay system & we are already on meters.

What changes would you like to see to the Proposed Water Supply Bylaw 2023?

9.2 (a)iii refers to clause 8.5. This needs to be changed to 9.5 as there is no Clause 8.5 in the Proposed Water Supply Bylaw 2023.

Any additional comments?

I think Council needs to put serious thought into the difference between water service to urban areas versus water service to rural areas. Many farms are self reliant and should not be penalized for this. Farms already carry high rate demands when compared to the services' provided.

Attachment

No

Submission ID:	7238
Name:	Adrian Pyne
Organisation:	Tauwhare Community Committee
Presenting at hearings:	No

Do you support the Proposed Water Supply Bylaw 2023?

In part

Please tell us why:

We oppose the addition of "9.6.1(c) the Council may fit additional meters to any minor or ancillary dwelling located on any Premises, for the purposes of determining water consumption." This is unnecessary and inappropriate in very low density zones such as rural, rural-residential and country living zones. For an individual property this may result in a costly requirement to run a new and lengthy line from the Council supply and an additional water tank as per the requirements in 9.6.2 and 9.6.3. Note under 9.3.2, Council could self-approve an additional point of supply and require it to run from outside of the property as per Schedule I. We believe the rule was intended to address medium density developments commonly known as '3 x 3'.

What changes would you like to see to the Proposed Water Supply Bylaw 2023?

Change the rule so it clearly does not apply to very low density zones as rural, rural residential and country living zones.

Any additional comments?

Our general experience with Planners (not just Waikato District) is that they will typically take the most conservative position on a rule. So in this instance, should a property owner seek consent to build a minor or ancillary dwelling then there is some probability of this rule being applied. In very low density zones this rule will likely add thousands to the cost of the building process, and unnecessarily so, as the water supply to this building can already be measured by the existing meter.

Attachment

No

Submission ID:	7237
Name:	Roger Bale
Organisation:	
Presenting at hearings:	No

Do you support the Proposed Water Supply Bylaw 2023?

No

Please tell us why:

I don't yet understand the full implications of the proposed Water Supply Bylaw 2023.

What changes would you like to see to the Proposed Water Supply Bylaw 2023?

Auxiliary Supply - Council statement is "may include water from another" ... "or any natural sources(s) such as a well, spring, river, stream etc.

Any additional comments?

My question is, Is there any intention to metre rain fall supply I capture from my roof and store in my water tank for personal domestic supply??

Attachment

No

Submission ID:	7236
Name:	Sarah
Organisation:	
Presenting at hearings:	No

Do you support the Proposed Water Supply Bylaw 2023?

In part

Please tell us why:

This does not sort out the brown water issue many in Huntly have.

In the many years that we have lived here nothing has been done to fix this issue.

There have been plenty of excuses but no action.

What changes would you like to see to the Proposed Water Supply Bylaw 2023?

Number 2 states to "Protect our water supply and water supply system from pollution and contamination", they way I and many others see it brown water is said to be the buildup in the asbestos cement pipes, if our water is coming out brown from this issue then that is quite clear our water being contaminated. Testing stating the water is safe to drink is not acceptable if the water is still brown.

This needs to dealing with, now, not tomorrow. Our water quality is terrible and should not be ingested.

It even leaves a awful feeling after having to bathe in brown water. It is 2023, with all the money paid by rates we should have drinking water that is clean.

This needs action now!

Any additional comments?

Attachment

No

Submission ID:	7232
Name:	Ca4l Ammon
Organisation:	
Presenting at hearings:	No

Do you support the Proposed Water Supply Bylaw 2023?

In part

Please tell us why:

Some of the changes around government agencies is premature as the election could see changes - perhaps a generic reference.

What changes would you like to see to the Proposed Water Supply Bylaw 2023?

Any additional comments?


There is adequate reference to Tangata Te Whenua in over arching legislation which has precedence over your by laws.

Attachment

No

Attachment 3

Facebook post: 18 October 2023




Waikato District Council
18 October at 09:55 · 🌐

Our proposed new Water Supply Bylaw 2023 is out for consultation now.


It contains rules regarding accessing and connecting to the water supply system, protection of water sources and more.

Consultation is open until 5 November.


For more details, go to
<https://shape.waikatodistrict.govt.nz/watersupplybylaw2023>



👍🤔 5 20 💬 7 ➦

 Philip Muir
Why are some areas fluoridated and others not?
Considering the mountains of data collected over decades supporting the science behind its use?

Like Reply 1 w 


 Tony Johnson
Philip Muir studies actually show a 0.4% difference in children's to young adults teeth in fluoridated areas over non fluoridated areas. They also show a decline in brain function in the same fluoridated areas. I will take non fluoridated water all day!

Like Reply 1 w 

 Philip Muir
Tony Johnson citation?

Like Reply 1 w

 Philip Muir
Tony Johnson <https://www.who.int/publications/i/item/9241563192>



WHO.INT
Fluoride in drinking-water

J. Frenkel, K. Baltes, J. Chilton, C. Cook, E. Gorenst and K. Wogden

Like Reply 1 w

Like Reply 1 w



Tony Johnson

Philip Muir <https://ehp.niehs.nih.gov/doi/10.1289/ehp655> ...



EHP.NIEHS.NIH.GOV

Prenatal Fluoride Exposure and Cognitive Outcomes in Children at 4 and 6–12 Years of Age in Mexico |...



Like Reply 1 w



Tony Johnson

<https://www.theguardian.com/.../is-fluoride-good-for...>



THEGUARDIAN.COM

Something in the water: is fluoride actually good for cities?



Like Reply 1 w



Tony Johnson

How many citations do you want as I can do this all day.

Back before fluoride was in toothed paste and people rarely brushed their teeth it was deemed the thing to do to save the pressure on the dental service. Now it's actually been studied more in-depth and the reality is it's actually harmful. Most people have just accepted that fluoride is the right thing to do as it's been in the water for so long.









Like Reply 1 w



Philip Muir

Tony Johnson that's not an accrue interpretation of the data. That's incorrect

Like Reply 1 w

-
- 
Philip Muir
Tony Johnson this is a good article but its not agreeing with you overall. ⋮
 Like Reply 1 w
- 
Philip Muir
Tony Johnson we can both play that game
https://scholar.google.com/scholar?hl=en&as_sdt=0%2C5&q=befit+of+fluoride+&btnG=#d=gs_qabs&t=1697603046428&u=%23p%3DBc-FMKVHgJJ
 SCHOLAR.GOOGLE.CO 
 Google Scholar 
 Like Reply 1 w
- 
💎 Top fan
Adam Twydle
Tony Johnson sources? Alex Jones? 
 Like Reply 1 w
- 
Mihi Mariu-Fraser
Tony Johnson who did your studies you've read?
 Like Reply 6 d
- 
Tony Johnson
Mihi Mariu-Fraser studies conducted by professors and health professionals in England over 20+ years. And a researcher who has written over 150 papers, chapters in books etc and also been quoted in 1300 research papers.
 Like Reply 6 d
-



Tony Johnson

Mihi Mariu-Fraser <https://www.theguardian.com/.../is-fluoride-good-for...> ...

This led me to start looking into it



THEGUARDIAN.COM

Something in the water: is fluoride actually good for cities?



Like Reply 6 d



Mihi Mariu-Fraser

Tony Johnson so?

Like Reply 6 d



Mihi Mariu-Fraser

Tony Johnson who are those doctors paid by?

Like Reply 6 d



Tony Johnson

Mihi Mariu-Fraser actually there's a great article where a dr exposed the threats he got about not publishing fake results just to go along with the pro fluoride narrative

Like Reply 6 d



Reply to Tony Johnson...



Stephanie Henderson

Interesting discussion , we live rurally and have spring water , I had six children , we did use fluoride toothpaste , they are all adults and between them have less fillings than I have growing up with fluoride in the water .

Like Reply 1 w



Mihi Mariu-Fraser

Stephanie Henderson and

Like Reply 6 d

Newest is selected, so some replies may have been filtered out.



Reply to Philip Muir...



Mihi Mariu-Fraser

Rules for a basic human right? Okay

Like Reply 6 d



To	Policy and Regulatory Committee
Report title	Deliberations report on the Proposed Water Supply Bylaw 2023
Date:	22 November 2023
Report Author:	Hannah Beaven, Principal Corporate Planner Deron Sharma, Acting Waters Manager
Authorised by:	Megan May, General Manager Service Delivery

1. Purpose of the report

Te Take moo te puurongo

To assist the Policy and Regulatory Committee (the Committee) with their deliberations on the proposed Water Supply Bylaw 2023 (proposed Bylaw).

2. Executive summary

Whakaraapopotanga matua

The proposed Bylaw contains Council's rules for protecting water supply. Public consultation on the proposed Bylaw occurred from 5 October to 5 November 2023. A total of eight submissions were received and two submitters requested to speak at the hearing.

Seventy-five percent of the submitters supported the Bylaw in part. The feedback received addressed various aspects of the Bylaw, with a specific focus on the newly proposed rule 9.6.1(c), which notes that Council may require water meters for minor or ancillary dwellings.

Submitters raised concerns that Council would meter and charge for water obtained through rainwater tanks, and that properties in lifestyle or rural areas would be unfairly disadvantaged.

Minor changes are recommended by staff, working with Watercare, as a result of submissions, outlined in Table 1.

Following deliberations on the proposed Bylaw, staff will make changes as directed by the Committee. It is planned that the Bylaw will be adopted by Council on 18 December 2023 following a recommendation from the Policy and Regulatory Committee for Council to adopt the Bylaw.

Staff have reviewed submissions, as well as the proposed bylaws, and propose changes post consultation, outlined in Table 1.

This report has been assessed as having moderate significance.

Table 1: Proposed Water Supply Bylaw

Section of Bylaw	Staff recommendation
1. Introduction	Adopt as proposed.
2. Short Title, Commencement and Application	Adopt as proposed.
3. Scope	Adopt as proposed.
4. Purpose	Adopt as proposed.
5. Compliance with Other Acts and Codes	Amend Act titles where required and include updated drinking water standards.
6. Interpretation	Adopt as proposed.
7. Definition	Amend Bylaw to refer to 'Water Supply Network' instead of 'Water Supply System' throughout the bylaw, for consistency. Amend definition of isolation valve to explain this is also known as a service valve or toby.
8. Protection of Water Supply System	Adopt as proposed.
9. Conditions of Supply	Amend Bylaw to refer to 'isolation valve' instead of 'service valve', for consistency across the Bylaw. Isolation valve is the most commonly used term. Include an advisory note explaining where the isolation valve can be found on a property, so customers can find this if necessary. Include an advisory note clarifying that Council will only meter properties with a water connection to the water supply network. This is to address submitter concerns that Council may meter, and therefore charge, for water from private supply such as rainwater tanks.
10. Breaches	Adopt as proposed.
11. Offences and penalties	Adopt as proposed.
12. Schedules	Amend the image of Figure 7 under Schedule I to include two isolation valves, instead of one. This figure shows how Council's water main line connect to households. The change reflects on the ground practice and for accuracy.
13. General	Adopt as proposed.
Throughout Bylaw	Reference 'SNZ PAS 4509: 2008 New Zealand Fire Service Fire Fighting Water Supplies Code of Practice for acceptable volume and pressure levels' and amend clause numbering.

3. Staff recommendations Tuutohu-aa-kaimahi

THAT the Policy and Regulatory Committee:

- a. considers all submissions and the contents of this report in their deliberations on the proposed Water Supply Bylaw 2023;**
- b. determines that Council has followed the requirements for consultation under the Local Government Act 2002 Section 83;**
- c. confirms that further consultation is not required under section 76 of the Local Government Act 2002;**
- d. reconfirms, in accordance with Section 155 of the Local Government Act 2002, a bylaw is the most appropriate way of addressing the perceived problem(s) in relation to the water supply network;**
- e. confirms, in accordance with Section 155 of the Local Government Act 2002, that the bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990 and that the bylaw is the most appropriate form of bylaw;**
- f. recommends that Council revokes the Water Supply Bylaw 2014 (amended in 2021) (Attachment 2); and**
- g. recommends that Council adopts the Water Supply Bylaw 2023 (Attachment 1), subject to changes directed by the Committee.**

4. Background Koorero whaimaarama

4.1 Water supply system and regulations

Council is responsible for ensuring a supply of 'potable' (drinking) water to ratepayers connected to a water supply network. Council's water supply network includes almost 18,000 connections, of which 99% are metered. It is estimated that 50% of rateable properties in the district are connected to the water supply network.

Council provides a reticulated water supply to the community for domestic, dairy and agricultural use, predominantly through one of seven water treatment plants. However, Council also relies on associated service providers to maintain levels of service where appropriate.

On 1 October 2019, Council entered a long-term operations and maintenance contract with Watercare to provide operations, maintenance, planning and customer services for the three waters infrastructure. Watercare is responsible for collecting, treating, and distributing water for use by households, commercial industry, wet industry and firefighting. It is also responsible for providing safe and reliable drinking water.

In Aotearoa New Zealand, significant water reforms have been introduced to address issues related to water management and infrastructure. These reforms significantly impact local councils by shifting the responsibility for water services from individual Councils to new Water Service Providers. The impact of the recent change in government on the water reform programme is currently unknown.

4.2 Bylaws

The Council has general bylaw making powers prescribed under Sections 145 and 146 of the Local Government Act 2002 (**“the Act”**). Council can enforce breaches of bylaws and impose penalties not exceeding \$20,000, if required.

A Water Supply Bylaw 2023 will still have effect until the proposed establishment date of the Waikato Water Services Entity, which is currently intended to be between 1 January 2025 and 1 July 2026. Moreover, it is anticipated that the proposed Bylaw will remain in effect for the first few years of the entity’s operation, until such a time that the Waikato Water Services Entity establishes its own legal instrument to replicate the powers of the proposed Bylaw.

4.3 Process

Staff reviewed the Bylaw from August 2023, in conjunction with Watercare. The Policy and Regulatory Committee approved consultation on the proposed Bylaw on 3 October 2023.

The Special Consultative Procedure was undertaken between 5 October and 5 November 2023 to advise the public of the proposed bylaw. Staff used the following communication methods:

- News item on Council’s website;
- Public notices;
- Online engagement tool;
- Emails to Community Boards and Committees and mana whenua groups;
- Emails and letters to targeted stakeholders;
- Council’s Facebook page and Twitter account.

Shape Waikato is Council’s main portal for engagement with the community. The Proposed Bylaw page of Shape Waikato received 458 views and 310 individual visitors. In total, Council received eight submissions. Two submitters requested to be heard.

5. Discussion and analysis

Taataritanga me ngaa tohutohu

This section provides an overview of submissions received, with staff response and recommendations.

5.1 Proposed Water Supply Bylaw 2023

The proposed Bylaw contains Council’s rules for protecting the water supply network. It includes proposed rules regarding:

- Accessing and connection to the water supply network, including use of fire hydrants.
 - Protection of water sources.
 - Connection and disconnection to the water supply network.
 - Ownership and responsibility for maintenance.
 - Rules regarding meters and flow restrictors.
-

The main proposals that were consulted on were:

1. *Introduction*

New clauses regarding Council's duty regarding Te Ture Whaimana o Te Awa o Waikato (the vision and strategy for the Waikato River)

2. *5.1(a), 9.5.3(b)(iii), 9.8.2(a), 9.11.1, 11.1*

Updating the Proposed Bylaw to reflect legislative changes, including the Water Service Regulator Act 2020 and Water Services Entity Act 2022 and removing references to Ministry of Health.

3. *9.6.1(b) and 9.6.1(c)*

The 2014 (reviewed in 2021) Bylaw specified that Council may meter any premises for the purpose of determining water consumption. Water meters serve the purpose of allowing Council to track how much water each dwelling is using. The Proposed Bylaw now notes that Council may also install water meters to any minor or ancillary dwelling, even in cases where there are multiple dwellings (such as ancillary dwellings) within a property title.

4. *9.3.1(d)*

The toby is a water shut-off valve that typically sit between Council's water main and the customer's private pipe. The Proposed Bylaw is now clear the customer is responsible for the position of the toby, and if any additional water use occurs because of the position of the water valve, this is the responsibility of the customer.

5. *Schedule 2: Table 1 – Compatibility Features*

The Proposed Bylaw includes rules for the flow and pressure of water. These rules have been changed to define operating standards, instead of just design standards.

6. Other minor changes include fixing of errors, minor readability changes, updating references to Firefighting Water Supplies Code of Practice and updating map links.

5.2 Summary of submissions

Eight submissions were received. Seventy-five percent of submissions supported the proposed Bylaw in part, as shown in Table 1.

Table 1: Do you support the proposed Water Supply Bylaw?

Response	Number	Percentage
Yes	0	0%
No	1	12.5%
In part	6	75.0%
Did not respond	1	12.5%
<i>Total</i>	<i>8</i>	<i>100%</i>

5.3 Matters raised in submissions

The proposed changes by staff, in conjunction with Watercare, are included in Attachment 1.

CLAUSE 1: Introduction

One submission (7232) noted the proposed Bylaw included adequate reference to Tangata Whenua as overarching legislation. Staff recommend that this clause is adopted as proposed.

CLAUSE 2: Short title, Commencement and Application

No submissions were received in relation to this clause. Staff recommend that this clause is adopted as proposed.

CLAUSE 3: Scope

One submission from Tamahere Community Committee (TCC) (7240) was received in relation to this clause. Staff recommend that this clause is adopted as proposed.

Submitter points	Staff response	Staff recommendation
<p>One submitter (TCC, 7240) opposed the proposed scope of the Bylaw.</p> <p>TCC seeks a clear qualification that the scope of the Bylaw only applies to properties to where the Council supplies water by pipe from its controlled water supply system.</p>	<p>Council is permitted by the Act to make Bylaws in the Waikato District and within land, building, work or property under control of Council.</p> <p>The Bylaw does not apply only to properties serviced by a Council owned reticulated water supply system. A number of the rules (such as 8.1.3 Buried Services and 9.2 Change of use) apply across the district.</p>	<p>Adopt as proposed.</p>
<p>One submitter (TCC, 7240) was concerned that the Bylaw will be in force in rural areas, where property owners supply their own water from their property, and the water is subject to requirements from Waikato Regional Council. TCC believes that Council is seeking to inappropriately duplicate the role and function of the Regional Council.</p>	<p>The proposed Bylaw does not duplicate requirements from Waikato Regional Council. The role of WRC is to manage the effects of using freshwater, considering issues such as water quality. The scope of the proposed Bylaw focuses on protecting Council's water supply network.</p>	<p>Adopt as proposed.</p>

CLAUSE 4: Purpose

No submissions were received in relation to this clause. Staff recommend that this clause is adopted with no changes.

CLAUSE 5: Compliance with other Acts and Codes

One submission (7232) and informal feedback from Taumata Arowai was received in relation to this clause. Staff recommend amending Act titles where required and include updated drinking water standards.

Submitter points	Staff response	Staff recommendation
One submitter (7232) notes that some of the changes around government agencies is premature as the election may bring changes.	The recent change in government will likely lead to a change in the water services reform programme. The extent to which the water services reform programme, including underpinning legislation, will change is unknown. Any changes in Acts will not affect the intent of the proposed Bylaw.	Adopt as proposed, apart from correcting the names of legislation and including the most up to date water drinking standards.
Taumata Arowai suggested the proposed Bylaw should refer to 'Water Services Act 2021, 'Water Services (Drinking Water Standards for New Zealand) Regulations 2022' and 'Drinking Water Quality Assurance Rules 2022'.	Supported by staff.	Adopt as proposed, apart from correcting the names of legislation and including the most up to date water drinking standards.

CLAUSE 6: Interpretation

No submissions were received in relation to this clause. Staff recommend that this clause is adopted with no changes.

CLAUSE 7: Definitions

Two submissions were received in relation to the definitions. Staff recommend the definition of 'Service Valve' is amended, and to refer to 'Water Supply Network' instead of 'Water Supply System' throughout bylaw.

Submitter points	Staff response	Staff recommendation
<p>Two submitters (7239 and TCC, 7240) believe that water supplied to lifestyle block should not be classified as 'Extraordinary Use'.</p> <p>Extraordinary Use of water refers to any use which is not ordinary or for domestic purposes.</p>	<p>Lifestyle blocks 'rural supplies' are included under 'Extraordinary Use'. This is in circumstances where Council is supplying water, in addition to other means, such as a water tank.</p> <p>The inclusion of lifestyle blocks (rural supplies) as part of the definition of 'Extraordinary Supply' is standard across Councils.</p>	<p>Adopt definition of 'Extraordinary Use' as proposed.</p>
<p>One submitter (TCC, 7240) notes that 'Water Supply Network', 'Water Supply System', and 'Water Connection' are not defined.</p> <p>TCC seeks a review of definitions to clearly address what is intended to be include in, and how, the Bylaw is interpreted.</p> <p>This relates to a concern that Council will meter and charge for water obtained via private means, such as a rainwater tank.</p>	<p>'Water Supply System' and 'Connection' are defined in the proposed Bylaw. However, 'Water Supply Network' is not defined. This term is used interchangeably with 'Water Supply System'.</p> <p>The definition of 'Connection' and the related definition of 'point of supply' specifies that a connection includes the water main. A water main is the connection to the main pipe in a water supply system.</p> <p>Therefore, water tanks with rainwater collection and bores are excluded from the definition of water connection.</p>	<p>For consistency, amend Bylaw to refer to 'Water Supply Network' instead of 'Water Supply System' throughout the bylaw.</p> <p>Amend definition of isolation valve to explain this is also known as a service valve or toby</p>

CLAUSE 8: Protection of Water Supply System

One submission was received in relation to this clause. Staff recommend that this clause is adopted with no changes.

'8.1.3 Working around buried services (a) No person shall carry out any excavation without first reviewing the Council's records of the location of its buried services to establish whether or not Council services are located in the vicinity of the proposed works. The Council may charge a fee for the provision of this information and does not guarantee the accuracy or completeness of such information.'

Submitter points	Staff response	Staff recommendation
<p>One submitter (7242) believes that access to information about buried services should be free for rate payers, and questions Council's responsibility regarding 'no guarantee of accuracy'.</p>	<p>Council fees are determined under the 'Fees and Charges' process. However, charging a fee aligns with Council's 'user pays' model. This will be consulted on alongside the 2024-2034 Long Term Plan.</p> <p>Requests for this type of information are rare and Watercare does not generally charge for this information. If it is a significant job, a fee may be charged to recover costs.</p> <p>Council does not guarantee the accuracy of buried information as Council relies on GIS and other historical records which may be inaccurate.</p>	<p>Adopt as proposed.</p>

8.1.3 Working around buried services (c) All excavations within the road reserve is subject to the permit process of the appropriate road controlling authority.

Submitter points	Staff response	Staff recommendation
<p>One submitter (7242) questions how Council would obtain consent if needed urgently, if a 'toby' or water valve is located within the road reserve.</p>	<p>The purview of this clause is not limited in application to a toby or water valve. The intention of this clause is to protect critical below ground water supply assets, including water mains.</p> <p>Council follows similar processes in terms of obtaining consent to obtain approval from relevant asset owners, where required.</p>	<p>Adopt as proposed.</p>

8.1.3 Working around buried services (d) The Council may require the independent supervision of works which may be in the vicinity of its buried services.

Submitter points	Staff response	Staff recommendation
<p>One submitter (7242) questions the type of professionals required for supervising works, and the feasibility of obtaining services in a time of limited professional service.</p>	<p>The clause references independent supervision, which is at the discretion of Council. This may be an Authorised Officer or Authorised Agent as determined appropriate by Council.</p> <p>The timeframe within which independent supervision can be obtained is outside the purpose of the proposed Bylaw.</p>	<p>Adopt as proposed.</p>

CLAUSE 9: Conditions of supply

Six submissions received related to points under Clause 9. Staff recommend aspects of this clause is amended.

Clause 9.1.1 (a) (iv) No person shall, without Council's approval: Tamper with any, access point, valve on, or otherwise with the water supply network.

Submitter points	Staff response	Staff recommendation
One submitter (7242) questions if water supply requires urgent isolation due to valve failure at the building, how can this be done? Can the property owner be confident that the 'Toby' has been properly maintained?	In the event of a valve or other malfunction, it is recommended to get in touch with the Council's call centre to initiate a service request to resolve the issue.	Adopt as proposed.

Clause 9.1.1 (e) (iii) Council may refuse an application for approval to connect or disconnect to a network where: in Councils reasonable opinion, there is insufficient capacity in the network to accommodate the connection.

Submitter points	Staff response	Staff recommendation
One submitter (7242) believes that if Council has approved development or approved building consent, then water services should be provided.	Council must have the ability to refuse connections to the water supply network at any point when connection would result in degradation of service to existing customers.	Adopt as proposed.

Clause 9.3.1 (a) Advisory Note: The Council gives no guarantee regarding the serviceability of the valve located on the service pipe. Where there is no Customer stopcock, or where maintenance is required between the service isolation valve and the Customer stopcock, the Customer may use the service isolation valve to isolate the supply. However, the Council reserves the right to charge for maintenance of this valve if damaged by such Customer use.

Submitter points	Staff response	Staff recommendation
One submitter (7242) notes that 'Toby', 'service valve', 'stopcock' and/or 'isolation' is applied inconsistently in Bylaw.	Supported by staff.	Amend Bylaw to refer to 'isolation valve' consistently across the bylaw, including in Figure 6 and 7 in Schedule 1.

Proposed new clause 9.3.1 (d) The Customer shall be solely responsible for maintaining the proper position of the Service Valve (Toby/Manifold) and ensuring it is correctly set at all times. If any additional water use occurs as a result of the Service Valve position, the cost of such use shall also be the responsibility of the Customer.

Submitter points	Staff response	Staff recommendation
One submitter (7242) questions why the owner is responsible both for the position of the Service Valve within a property, and the setting of the Service Valve to open or closed. The Valve is the property of the Council and should be maintained by Council. A property owner would not know if a Service Valve had been left correctly. The majority of Service Valves are in road reserves.	Staff recommend the clause replaces 'service valve' with 'isolation valve'. The customer is responsible for all water leaks and water supply infrastructure after the isolation valve. Our intention is that the customer is responsible for the open or closed position of the isolation valve. The location of the isolation valve on a property is made in agreement with customer.	Amended proposed clause 9.3.1 (d) to refer to 'isolation valve'. Include an advisory note explaining where the isolation valve can be found on a property.

9.5.2 (b) Any premises which are located within the on- demand water supply area but do not connect to the public water supply may still be charged an availability charge in accordance with Council's fees and charges.

Submitter points	Staff response	Staff recommendation
One submitter (7239) opposes the availability charge for premises located within the on-demand water supply area, but who do not connect to the public water supply.	Council fees are determined under the 'Fees and Charges' process. This will be consulted on alongside the 2024-2034 Long Term Plan.	Adopt as proposed.

9.5.2 (c) *The Council shall be under no obligation to provide an extraordinary supply of water (see also the provisions of clause 9.8.1 of the Bylaw).*

Submitter points	Staff response	Staff recommendation
One submitter (7239) believes it is an unacceptable that Council is not obliged to provide extraordinary supply, as Council could cut-off trickle feed at any time to lifestyle blocks. This is not an acceptable when it is a user pay system and extraordinary supply is metered.	Extraordinary supply of water refers to the use of water beyond ordinary use. Ordinary use involves water consumption solely for domestic purposes. This clause underscores that Council is only obliged to supply water for ordinary use.	Adopt as proposed.

9.5.3 *Advisory Note: The Council gives no guarantee regarding the serviceability of the valve located on the service pipe. Where there is no (Owner) stopcock or where maintenance is required between the service valve and the (Owner) stopcock, the (Owner) may use the service valve to isolate the supply in an emergency. However, Council reserves the right to charge for maintenance of this valve if it is damaged by the (Owner) during use for this purpose.*

Submitter points	Staff response	Staff recommendation
One submitter (7242) opposes the advisory note as the valve is owned by Council and therefore should be always fit for purpose.	If a Council asset is damaged, Council has the right to charge for remedial works. This clause does not reference operation and maintenance of the valve.	Adopt as proposed.

Proposed new clause 9.6.1 (c) 'The Council may fit additional meters to any minor or ancillary dwellings located on any Premises, for the purposes of determining water consumption.'

Submitter points	Staff response	Staff recommendation
Four submitters (TCC 7240, 7237, 7238, 7242, were concerned that Council would meter, and therefore charge, properties with rainwater tanks. This concern was higher for property owners in rural areas as they are more likely to have rainwater tanks or other sources of water.	Council only meters water that is connected to the public water supply network. There is no intention for Council to meter or charge for drinking water that is obtained from personal domestic supply, such as a rainwater tank.	For clarity, under 9.6.1, include an advisory note clarifying that Council will only meter properties with a water connection to the water supply network.

Submitter points	Staff response	Staff recommendation
<p>One submitter (TCC 7240) suggested a property owner should have the option of maintaining one water meter for the whole property.</p>	<p>It is proposed that all dwellings on a property, including in rural areas, if they have access to the water supply network, are required to have their own metered connection.</p> <p>Under Variation 3 up to three dwellings may be located on one property title. The cost of metering and supplying a lateral from the supply point is a cost required when building. The proposed rule is centred around sustainability and the good management of water.</p> <p>It is noted that under the Residential Tenancies Act 1986, tenants cannot be charged for water use if they are not independently metered.</p> <p>Without a meter per dwelling, understanding water utilisation and managing conservation becomes difficult if Council cannot target specific users or identify water utilisation patterns per dwelling.</p> <p>Water meters assists Council in identifying water leaks and how much water is used.</p>	<p>Adopt as proposed.</p>

Submitter points	Staff response	Staff recommendation
<p>Four submitters (TCC 7240, 7237, 7238, 7242) were concerned about the cost of installing meters for minor or ancillary dwellings, for property owners.</p>	<p>The Water Team recommends the rule requiring water meters for minor dwelling is retained. This applies only to properties that build minor and ancillary dwellings that are serviced by a public reticulated potable network.</p> <p>The cost of supplying the meter from Council to the customer is stipulated in Council's Fees and Charges and Development Contributions Policy. Customers are required to pay for additional meters/connections.</p> <p>Staff do not propose to enforce this rule retrospectively.</p>	<p>Adopt as proposed.</p>
<p>One submitter (7242) queried if the clause applied to new builds or existing buildings.</p>	<p>Waters Team propose to enforce this rule as new water connections to the water supply network are made, and do not foresee this rule being applied retrospectively.</p>	<p>Adopt as proposed.</p>

9.6.4 Adjustment of changes (b) Where a meter is under-reading by more than 20% or has stopped, the 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 water demand, and charge the customer accordingly.

Submitter points	Staff response	Staff recommendation
<p>Submitter (7242) suggests that in instances of significant variation in usage council checks with property owner that they are not overseas. This process could be added as an advisory note.</p>	<p>It is not the responsibility of Council to monitor usage of water. The owner could shut off the toby to prevent unforeseen charges.</p>	<p>Adopt as proposed.</p>

9.6.7 Leaks

Submitter points	Staff response	Staff recommendation
<p>Submitter (7242) suggests that historically Council's leaks have been a large percentage of water leaks and a section should be added to the clarifying Council's responsibility, not just the property owner.</p>	<p>Council undertakes routine leak detection. The requirement to meter all connections assists Council in detecting leaks.</p> <p>The Water Leak Remission Policy 2021 contains details about customer and Council responsibilities related to water leaks. It is the customer responsibility to detect leaks on their side of the property boundary.</p>	<p>Adopt as proposed.</p>

9.11.2 Advisory Note: Testable backflow prevention devices, require annual testing by a qualified or Council approved contractor. A test report shall be submitted to the Council for the Customer owned devices.

Submitter points	Staff response	Staff recommendation
<p>Submitter (7242) ask how the annual testing and reporting to Council for testable backflow devices is enforced, charged for, and where contractors are obtained from. If this is required maybe property owners should ask Council for an annual test and report on their 'Toby'.</p>	<p>This advisory note is for explanatory purposes. The Bylaw is not required to include detailed processes for testable backflow prevention devise.</p>	<p>Adopt as proposed.</p>

9.1.4 Prevention of water loss and waste

Submitter points	Staff response	Staff recommendation
Submitter (7242) notes that onus is on the property owner to minimise losses and to see comment on Council leaks.	<p>Council has programmes to prevent water loss, including district wide leak detection and metering of connections to aid in leak detection.</p> <p>Leak detection via FIDO bug technology and infrared drone technology is undertaken annually. Planned maintenance activities for water supply assets include leak detection for assets such as fire hydrants, bulk meters, critical pipes.</p>	Adopt as proposed.

Minor points

Submitter points	Staff response	Staff recommendation
Submitter (7239) notes 9.2 (a)iii incorrectly refers to 8.5 instead of 9.5.	Supported by staff.	Amend as proposed by submitter.
Submitter (Fire and Emergency NZ, 7241) request that Clause 9.1.1(e)(iv) includes an advisory note referencing SNZ PAS 4509: 2008 New Zealand Fire Service Fire Fighting Water Supplies Code of Practice for acceptable volume and pressure levels.	Supported by staff.	Amend as proposed by submitter.

CLAUSE 10: Breaches

No submissions were received in relation to this clause. Staff recommend that this clause is adopted with no changes.

CLAUSE 11: Offences and penalties

No submissions were received in relation to this clause. Staff recommend that this clause is adopted with no changes.

CLAUSE 12: Schedules

One submission was received in relation to the schedules. In addition, one improvement in Schedule I has been noted by staff.

Staff recommend amending the image of Figure 7 under Schedule I to include two isolation valves, instead of one. This figure shows how Council's water main line connect to households. This change more accurately demonstrates Council's standard practice.

Submitter points	Staff response	Staff recommendation
Submitter (Fire and Emergency NZ, 7241) suggests the SNZ PAS4509 Code of Practice Firefighting Water Supply is attached as an additional schedule.	Staff can attach this as a hyperlink to the Bylaw where the standard is referenced in the Proposed Bylaw, instead of an additional schedule, for brevity.	Adopt as proposed.

OTHER COMMENTS

Other comments were received which did not relate to a specific clause. No changes are proposed in relation to these changes.

Submitter points	Staff response
One submitter (7236) notes the proposed Bylaw does not address issues with brown water and poor water quality in Huntly. (Sarah, 7236).	This is considered an operational issue and outside of the scope of the Bylaw. Huntly's drinking water is compliant with Drinking Water Standards.
One submitter (7237) notes that Auxiliary Supply - Council statement is "may include water from another" ... "or any natural sources(s) such as a well, spring, river, stream etc.	No changes are requested from the submitters.
One submitter (7239) note that Council needs to put serious thought into the difference between water service to urban areas versus water service to rural areas.	The proposed Bylaw will only meter properties that are connected to the water supply network. Staff do not consider that farms will be penalised.

Submitter points	Staff response
<p>One submitter (Fire and Emergency NZ, 7241) requests that Council consult with Fire and Emergency NZ regarding adequate water supplies for any commercial reticulated or non-reticulated area, new building or change of use renovation work.</p>	<p>This is considered out of scope for the Bylaw as this process would likely be managed through Councils Building team.</p>
<p>One submitter (7242) noted that for Tamahere CLZ, HCC trickle feed supply was not mandatory; so any fees should be for connection only and not related to expansion. HCC trickle feed is a source of concern with the growth of the area; yet this supply is not mentioned in the bylaw. (Wilcock, 7242)</p>	<p>Trickle feed in Tamahere is provided from HCC. Council has a bulk supply agreement with HCC in terms of trickle feed. Any fees or concerns relating to this agreement is outside the scope of this Bylaw.</p>
<p>One submitter (TCC, 7240) believes the Bylaw will have a significant impact on water sources outside of the 'pipeline' supply. This is because:</p> <ul style="list-style-type: none"> • The definition of auxiliary supply includes water from 'any natural source(s) such as a well, spring, river, stream.' • Council to designate surface water and groundwater catchment areas. • Council can recover the 'cost of remediation of contamination'. • Definition of 'catchment' includes where a public water supply is drawn so includes all farmland, and due to run off, ultimately the Waikato River. 	<p>Under the proposed Bylaw, 'Water supply' also includes the source water, for example, river, bores and catchments. The purpose of the bylaw is to protect water supply, of which the source water is included.</p> <p>Clauses in the bylaw which refers to natural water sources which Council has an obligation to manage under different Acts, including the Resource Management Act 1991 and Te Ture Whaimana, which is enacted via the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010.</p> <p>Council to date has not needed to recover costs for contamination of water. Council could prosecute in relation to the breach of the Bylaw, but staff are of the view that issues relating to discharge to water would generally be addressed by Waikato Regional Council.</p>
<p>Comments on Facebook indicated that some members of the public believes that proposed Bylaw directs the fluoridation of the water supply in the Waikato District.</p>	<p>The Bylaw does not relate to the fluoridation of drinking water by Council. This is directed by Taumata Arowai through the Health (Fluoridation of Drinking Water) Amendment Act 2021.</p>

5.4 Options

Ngaa koowhiringa

There are two reasonable options and viable options for the Committee to consider. This assessment reflects the level of significance (see paragraph 6.1) and Council's legislative requirement. The options are set out below.

Option 1. The Committee deliberates and recommends to Council to adopt the Proposed Bylaw.

Option 2. Council undertakes further review and consultation of the Proposed Bylaw.

Staff recommend **Option 1** as Council does not currently have a Water Supply Bylaw 2023 and therefore has no regulatory tools to manage any issues arising from use of the water supply network.

If the Policy and Regulatory Committee request significant changes to the proposed Bylaw, staff can investigate and make the necessary amendments as directed. However, please note this will likely result in revised timeframes, and further consultation may be required. A new Bylaw will then not be adopted until early to mid-2024.

5.5 Financial considerations

Whaiwhakaaro puutea

Staff have assessed that there may exist material, financial considerations associated with the recommendations of this report. All procedural matters related to the renewing of the Bylaw are met within existing budgets.

Option 1 provides Council with the tool to enforce action upon illegal water takes, unauthorised tampering with the network, and contamination events. These events come at a surplus cost to Council and its ratepayers beyond business-as-usual operations and maintenance. The intent of the Bylaw, as proposed in **Option 1**, is to provide a mechanism for Council to primarily minimise such occurrences, and secondarily, to provide recourse to seek compensatory damages from perpetrators.

5.6 Legal considerations

Whaiwhakaaro-aa-ture

Section 145 of the Act 2002 (LGA) gives Council the power to make bylaws for one or more of the following purposes:

- a) Protecting the public from nuisance;
- b) Protecting, promoting, and maintaining public health and safety;
- c) Minimising the potential for offensive behaviour in public places.

The proposed Bylaw has been made to protect, promote and maintain public health and safety.

In accordance with their delegated authority, the Corporate Planning team have determined, under section 155 of the LGA, that the proposed Bylaw:

- a) Is the most appropriate way of addressing the problem or perceived problem.
- b) Is the most appropriate form of Bylaw.

A Bylaw is considered the most appropriate way of addressing of perceived problems regarding Council's water services networks.

Legal counsel has confirmed that, in accordance with section 155 of the Act, the proposed Bylaw does not give rise to any implications under the New Zealand Bill of Rights Act 1990.

5.7 Strategy and policy considerations

Whaiwhakaaro whakamaaherehere kaupapa here

The report and recommendations are consistent with the Council's policies, plans and prior decisions.

5.8 Maaori and cultural considerations

Whaiwhakaaro Maaori me oona tikanga

Council have considered the relationship between the water supply network and Waikato Te Awa as the source of this taaonga vital to life. Moreover, Council recognises the mana of Waikato Te Awa as tuupuna Awa to Waikato-Tainui under The Waikato Raupatu River Trust and Waikato District Council Joint Management Agreement.

Furthermore, Te Nehenehenui, the newly formed Post-Settlement Governance Entity representing Maniapoto Maaori Trust Board is recognised as having Te Awa o Waipaa a taaonga under our Joint Management Agreement pertaining to the Waipaa River Act.

The overarching principle that sits above this Bylaw is Te Ture Whaimana o Te Awa o Waikato. Whilst Council has positioned itself to give effect to Te Mana o Te Wai, we anticipate that this will be enshrined into the practice of three waters service delivery by the Waikato Water Services Entity.

5.9 Climate response and resilience considerations

Whaiwhakaaro-aa-taiao

The decisions sought by, and matters covered in, this report are consistent with the Council's [Climate Response and Resilience Policy](#) and [Climate Action Plan](#).

The widespread implementation of water meters in all dwellings is anticipated to raise consciousness regarding water as a valuable resource and promote favourable shifts in behaviour at reducing water consumption. Furthermore, the point previously raised regarding service valve positions being the customer's responsibility adds to Council's stance on behaviour change strategy, congruent with section 9.11 of the Climate Response and Resilience Policy and Action Categories 4 and 5 of the Climate Action Plan.

5.10 Risks

Tuuraru

There are risks associated with not having a valid Water Supply Bylaw. While Council has not been required to enforce under the 2014 (reviewed in 2021) Bylaw to date, staff recommend a new Bylaw is made. This is so Council can decline new water connections when there are concerns with system capacity, ensure that all dwellings have water meters in place, and enforce other rules within the Bylaw.

The Waters Services Reform program has been clear on the intent and direction of three waters service delivery in the future. This Bylaw, having observed and incorporated that intent and direction, forms part of the Waters Reform Transition Plan to best position Council, its Elected Members, staff, and ratepayers for the upcoming reforms.

6. Significance and engagement assessment

Aromatawai paahekoheko

6.1 Significance

Te Hiranga

The decisions and matters of this report are assessed as of moderate significance, in accordance with the Council's [Significance and Engagement Policy](#).

The following criteria are particularly relevant in determining the level of significance for this matter:

- There is a legal requirement to engage with the community. Under Section 156 of the Act, Council is required to consult with the community when making a bylaw, under Section 83.
- There is more than one viable option. Council has the choice to forgo having a Bylaw or draft the Bylaw with different rules in place.

6.2 Engagement

Te Whakatuutakitaki

The Special Consultative Procedure was undertaken from 5 October to 5 November 2023.

Highest level of engagement	Inform	Consult	Involve	Collaborate	Empower
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> • Special Consultative Procedure undertaken, as outlined in Section 83 of the Act. • Public notices in local papers. • Social media posts and news item in our newsletter. • Information available at Council offices and libraries, and online at Council's website 'Say it' page. • Stakeholders advised of opportunity to provide feedback via letter and/or email. 				

State below which external stakeholders have been or will be engaged with:

Planned	In Progress	Complete	
<input type="checkbox"/>	<input type="checkbox"/>	✓	Internal
<input type="checkbox"/>	<input type="checkbox"/>	✓	Watercare
<input type="checkbox"/>	<input type="checkbox"/>	✓	Water Governance Board
<input type="checkbox"/>	<input type="checkbox"/>	✓	Community Boards/Community Committees
<input type="checkbox"/>	<input type="checkbox"/>	✓	Waikato-Tainui/Local iwi and hapuu
<input type="checkbox"/>	<input type="checkbox"/>	✓	Local Councils, including Waikato Regional Council and Hamilton City Council
<input type="checkbox"/>	<input type="checkbox"/>	✓	Previous submitters, including Fire and Emergency New Zealand and Genesis
<input type="checkbox"/>	<input type="checkbox"/>	✓	Water related services, including Watercare Auckland, Wai Tamaki ki te Hiku (Northland and Auckland Water Services Entity), Te Kauwhata Water Association
<input type="checkbox"/>	<input type="checkbox"/>	✓	Department of Internal Affairs

7. Next steps Ahu whakamua

It is proposed that Committee deliberate, decide on changes to the proposed Bylaw, and recommend to Council that the Bylaw is adopted. It is planned the Bylaw will be adopted by Council on 18 December 2023 and in force from 22 December 2023.

If significant changes are made to the Bylaw by the Committee, a report will be drafted and brought to Council for adoption on 18 December 2023.

8. Confirmation of statutory compliance Te Whakatuuturutanga aa-ture

As required by the Local Government Act 2002, staff confirm the following:

The report fits with Council's role and the Policy and Regulatory Committee's Terms of Reference and Delegations.	Confirmed
The report contains sufficient information about all reasonably practicable options identified and assessed in terms of their advantages and disadvantages (<i>Section 5.1</i>).	Confirmed
Staff assessment of the level of significance of the issues in the report after consideration of the Council's Significance and Engagement Policy (<i>Section 6.1</i>).	Moderate
The report contains adequate consideration of the views and preferences of affected and interested persons taking account of any proposed or previous community engagement and assessed level of significance (<i>Section 6.2</i>).	Confirmed
The report considers impact on Maaori (<i>Section 5.5</i>)	Confirmed
The report and recommendations are consistent with Council's plans and policies (<i>Section 5.4</i>).	Confirmed
The report and recommendations comply with Council's legal duties and responsibilities (<i>Section 5.3</i>).	Confirmed

9. Attachments Ngaa taapirihanga

Attachment 1 – Proposed Water Supply Bylaw 2023

Attachment 2 – Water Supply Bylaw 2014 (amended in 2021)

Waikato District Council Water Supply Bylaw 2023

The Waikato District Council, in exercise of its powers and authorities conferred on it under the Local Government Act 2002 and its respective amendments, and all other relevant powers, makes the following bylaw.

1. Introduction

- 1.1. Waikato District Council (the Council) has the ability to make bylaws for the purposes of protecting, promoting and maintaining public health and safety.
- 1.2. Council has a duty under Section 17 of the Waikato River Settlement Act 2010, to have regard to Te Ture Whaimana o Te Awa o Waikato (the vision and strategy for the Waikato River). The vision is “for a future where a healthy Waikato River sustains abundant life and prosperous communities who, in turn, are all responsible for restoring and protecting the health and well-being of the Waikato River, and all it embraces, for generations to come”. In this regard, the Council recognizes the special, cultural, social, environmental and economic relationship of Waikato-Tainui with the Waikato River and the need to protect and restore the Waikato River.

Advisory Note: the above introduction does not form part of this Bylaw and is intended to be read as an introductory note.

2. Short Title, Commencement and Application

- 2.1. The Bylaw shall be known as the “Waikato District Council Water Supply Bylaw 2023”.
- 2.2. The Bylaw shall apply to the Waikato District.
- 2.3. The Bylaw shall come into force on 22 December 2023.

3. Scope

This Bylaw shall apply to the Waikato District (within the boundaries of the Waikato District pursuant to the Local Government Act 2002) and any land, building, work, or property under the control of the Council.

4. Purpose

- 4.1. The purposes of this Bylaw are:

(a) Promoting the efficient use of water and protecting against waste or

misuse of water from the water supply network.

- (b) Protecting the water supply and water supply network from pollution and contamination.
- (c) Managing and protecting from damage, misuse, or loss of land, structures and infrastructure associated with the water supply network.
- (d) Preventing the unauthorised use of land, structures or infrastructure associated with the water supply network.

5. Compliance with Other Acts and Codes

This Bylaw is made under the authority of the Local Government Act 2002 for the supply of water to its customers in its capacity as a Water Supply Authority. The supply and sale of water by the Council is subject to:

- (a) Statutory Acts and Regulations, including.
 - i. Building Act 2004.
 - ii. Fire and Emergency Act 2017.
 - iii. Local Government (Rating) Act 2002.
 - iv. Local Government Act 2002.
 - v. Resource Management Act 1991.
 - vi. Water Services Regulator Act 2020.
 - vii. Water Services Act 2021.
 - viii. Water Services Entities Act 2022.
 - ix. Te Ture Whaimana – the Vision and Strategy for the Waikato and Waipā Rivers.
- (b) This bylaw is subject to the relevant Codes and Standards, including:
 - i. Water Services (Drinking Water Standards for New Zealand) Regulations 2022.
 - ii. Drinking Water Quality Assurance Rules 2022.
 - iii. OIML R49: Water meters intended for the metering of cold potable

water and hot water. Part 1: Metrological and technical requirements; Part 2: Test methods and Part 3: Test report format.

- iv. SNZ PAS 4509: 2008 New Zealand Fire Service Fire Fighting Water Supplies Code of Practice.
- v. NZS 4503:2005 Hand operated fire-fighting equipment.
- vi. NZS 4517:2010 Fire sprinkler systems for houses.
- vii. NZS 4515:2009 Fire sprinkler systems for life safety in sleeping occupancies (up to 2000 square meters).
- viii. NZS 4541:2020 Automatic fire sprinkler systems.
- ix. Backflow Prevention for Drinking Water Suppliers Code of Practice 2006, Water New Zealand.
- x. Water Meter Code of Practice 2003, Water New Zealand.
- xi. Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007.
- xii. Waikato Regional Infrastructure Technical Specification.
- xiii. National Engineering Design Standards.

6. Interpretation

- 6.1. When interpreting this Bylaw, use the definitions set out in clause 7 unless the context requires otherwise. Where reference is made in this Bylaw to any repealed enactment, such reference should be taken as a reference to its replacement.
- 6.2. For the purpose of this Bylaw, the word 'shall' refers to requirements that are mandatory for compliance with this Bylaw, while the word 'should' refers to practices that are advised or recommended.

7. Definitions

- 7.1. For the purposes of this Bylaw, unless inconsistent with the context, the following definitions apply:

Advisory Note

A note which further explains a Bylaw clause but does not form part of the Bylaw.

Air Gap	A 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.
Approved	Approved in writing by the Council, either by an authorised officer of the Council or by resolution of the Council.
Authorised Agent	Any person authorised or appointed by the Council to do anything in respect of the water supply network.
Authorised Officer	Any officer of the Council or other person authorised under the Local Government Act 2002 and authorised by the Council to administer and enforce its Bylaws.
Auxiliary Supply	A water supply, other than the Council's system, on or available to a Customer system. These auxiliary supplies may include water from another provider's public potable water supply or any natural source(s) such as a well, spring, river, stream, or "used waters" or "industrial fluids."
Backflow	The unplanned reversal of flow of water or mixtures of water and contaminants into the water supply network.
Backflow Device	Backflow device or air gap that is designed to prevent the return of flow into the Council's water supply network. These devices can include non-return valves, reduce pressure zone devices, and double check valves.
Boundary	Legal boundary of the site, or in the case of more than one premise on a site, it is defined by the notional boundary of a complying unit site area.
Catchment	An area of land which drains to a waterbody from where a public water supply is drawn.

Commercial Use	The use of land and buildings for the display, offering, provision, sale or hire of goods, equipment or services and includes shops, markets, showrooms, restaurants, cafes, takeaway food bars, professional, commercial and administration offices, service stations, motor vehicle sales, visitor accommodation, the sale of liquor and parking areas associated with any of the above.
	<i>Advisory Note: Commercial components of retirement villages will be metered and classified as commercial activity.</i>
Connection	The valve, meter and associated fittings installed and maintained by the Council on the service pipe or at the point of supply.
Council	The Waikato District Council and includes an officer authorised to exercise the authority of the Council.
Customer	A person who has obtained the right to use or direct the manner of use of water supplied by the Council to any premises.
Domestic Water Use	Water taken and used for the purpose of providing for individual household use and for human drinking and sanitation needs and excludes any commercial or industrial use.
Development contribution	As defined in the Local Government Act 2002 and the relevant Waikato District Council Development Contributions Policy.
District	The Waikato District.
Extraordinary Supply	A category of on demand supply used for extraordinary use including all purposes for which water is supplied, other than an ordinary supply, and which may be subject to specific conditions and limitations.
Extraordinary Use	Any use of water which is outside of ordinary use and which may be subject to specific conditions and limitations including but not limited to water

alerts and emergency provisions. This applies to the following water users:

- (a) Residential properties with spas, swimming pools or collapsible pools in excess of 6 cubic metres capacity;
- (b) Residential properties with fixed garden irrigation systems;
- (c) Commercial or business premises (including home-based commercial activities);
- (d) Industrial premises.
- (e) Any properties at which agricultural, horticultural or viticultural land use is occurring;
- (f) Lifestyle blocks (rural supplies);
- (g) Fire protection systems other than sprinkler systems installed to comply with NZS 4517;
- (h) Outside of Waikato District customers (supply to, or within another local authority);
- (i) Temporary suppliers;
- (j) Any other property found by Council to be using water above 15m³/day (a consent from the Waikato Regional Council is required);
- (k) Water carriers;
- (l) Any other auxiliary supply.

Fees and Charges

The fees and charges for water supply set by the Council.

Fire Main Supply

A category of supply from pipework installed for the purpose of fire protection only.

Individual Customer Agreement	An agreement between the Council and a water user that outlines both parties' rights and responsibilities for the supply and use of water.
Isolation Valve	The valve at the Customer end of the service pipe used to control and/or isolate the supply. This is also known as the service valve or toby.
Level of Service	The measurable performance standards on the basis of which the Council undertakes to supply water to its Customers.
NZS	New Zealand Standard.
On Demand Supply	A supply which is available on demand direct from the point of supply, subject to the agreed level of service.
On Demand Water Supply Area	An area serviced by a Council owned reticulated water supply network as defined in Schedule 3: Water Supply Area Maps, that is intended to supply water to Customers via on demand supplies with firefighting capability.
Ordinary Supply	A category of on demand supply used solely for domestic purposes, excluding any identified extraordinary water use.
Owner	The person or entity having legal ownership of the premises receiving a supply of water from the Council.
Occupier	The person or legal entity having a legal right to occupy, use all or part of the premises receiving a supply of water from the Council that includes a tenant, lessee, licensee, manager, foreperson or any other person acting in the general management of any premises.
Permit	A permit or written authority issued by an authorised officer.
Person	An individual, 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 the Council.

Potable Water Water that does not contain or exhibit any determinants to any extent that exceeds the maximum acceptable values (other than aesthetic guideline values) specified in the New Zealand Drinking Water Standards applicable at the time.

Premises The physical location to which a water supply is provided and includes:

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

Advisory Note: Allotment means the same as defined in the Land Transfer Act 1952.

Property A property or allotment which is held under separate certificate of title and a separate rating unit and showing on the Rating Information Database.

Prescribed charges Charges applicable at the time of connection may include:

- (a) Payment to the Council for the cost of the physical works required to provide the connection.
- (b) A development contribution determined in accordance with the Local Government Act

2002.

- (c) A financial contribution determined in accordance with the Resource Management Act 1991.
- (d) Bacteriological and chemical testing as per the Drinking Water Standards for New Zealand to ensure connection is safe.
- (e) Individual agreement charges.

Public Notice

A notice published in:

- (a) One or more daily newspapers circulated in the region or district of the Council;
- (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; or
- (c) Includes any other public notice that the Council thinks desirable in the circumstances.

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 demand fluctuations.

Restrictor

A flow control device installed within the connection to control the flow rate of water to a Customer's premises.

Restricted Water Supply Area

An area serviced by a Council owned reticulated water supply network outside on demand areas and defined in Schedule 3: Water Supply Area Maps Water is supplied through a flow control device and customers are required to provide onsite storage to cater for demand fluctuations.

Service Pipe

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

Storage Tank

Any tank having a free water surface in which

water supplied by the Council is stored for use.

Supply Pipe

The section of pipe between the point of supply and the Customer's premises through which water is conveyed to the premises.

Water Alert Level

Classification system used for applying water conservation restrictions.

Water Carrier

Any individual drinking-water carrier or company registered with the Taumata Arowai as a recognised carrier of drinking- water.

Water Supply Network

All those components of the water supply system between the point of abstraction from the natural environment and the point of supply. This includes but is not limited to:

- (a) catchments, wells, infiltration galleries, intake structures, open raw water storage ponds/lakes/reservoirs, falling and rising 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 water supply as determined by the Council. One unit is equal to one cubic metre.

8. Protection of Water Supply Network

8.1. Water Supply Network

8.1.1. Access and connection to Network

- (a) No person other than the Council and its authorised agents shall have access to any part of the water supply network, unless with prior approval.
- (b) Except as set out in Clause 8.1.2 (Fire Hydrants), no person shall make any connection or interfere with any part of the water supply network, unless with prior approval.

- (c) Where the water supply network becomes contaminated due to unauthorised access, the Council may recover cost of remediation of contamination.
- (d) Any person causing damage which occurs to a Council water supply network during unauthorised access shall be liable for the cost of repair and any other costs the Council incurs as a result of the incident.

8.1.2. Fire Hydrants

- (a) No person may take water from a fire hydrant unless that person is:
 - i. taking the water for the purposes of firefighting and is a Fire and Emergency New Zealand personnel – as defined in the Fire and Emergency New Zealand Act 2017; or
 - ii. authorised to do so either by Council directly or through the granting of a permit in which case the taking of water is in accordance with any conditions attached to such approval.
- (b) Any person using a fire hydrant in breach of 8.1.2 (a) must immediately remove the standpipe when requested to do so by Council or their agent.
- (c) Any person using a fire hydrant pursuant to 8.1.2(a)(ii) is liable to Council for any damage or loss caused to the fire hydrant or the water supply network as a result of that use.
- (d) Without prejudice to other remedies available, the Council may seize and impound any equipment used by an offender to gain access to, or draw water from a fire hydrant, and assess and recover the value of water drawn without authorisation and any other associated costs.
- (e) Permit holders shall only use approved blue coloured metered standpipes and have two non-return valves to draw water from fire hydrants.

8.1.3. Working around Buried Services

- (a) No person shall carry out any excavation without first reviewing the Council's records of the location of its buried services to establish whether or not Council services are located in the vicinity of the proposed works. The Council may charge a fee for the provision of this information and does not guarantee the accuracy or completeness of such information.

- (b) Where appropriate the Council may in its absolute discretion mark out to within $\pm 0.5\text{m}$ on the ground the location of its services and nominate in writing any restrictions on the work it considers necessary to protect the integrity of the water supply network. The Council shall charge for this service.
- (c) All excavations within the road reserve is subject to the permit process of the appropriate road controlling authority.
- (d) The Council may require the independent supervision of works which may be in the vicinity of its buried services.
- (e) Every person excavating or working around the Council's buried water supply services shall take due care to ensure that the services are not damaged and that bedding and backfill is reinstated in accordance with the appropriate Council specification.
- (f) Any damage which occurs to the Council services shall be reported to the Council immediately. The person causing the damage shall be liable for the cost of repair and any other costs the Council incurs as a result of the damage.

Advisory Note: All excavation and trenching work carried out within the road corridor must be carried out in accordance with the National Code of Practice for Utility Operators' Access to the Transport Corridor.

8.2. Protection of Water Sources

8.2.1. Catchment Classes

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

- (a) Controlled Catchment; or
- (b) Restricted Catchment; or
- (c) Open Catchment.

Advisory Note: These catchments are also subject to National Environmental Standards for Sources of Human Drinking Water.

8.2.2. Controlled Catchments

- (a) No person shall enter Controlled Catchments except those specifically authorised or permitted in writing by the Council.

- (b) Every person on any Controlled Catchment Area or land held by the Council as a water reserve will, upon demand, produce any such permit for inspection.
- (c) The Council may, at any time, by notice in writing, revoke or suspend any such permit for such time as may be stated in such notice.
- (d) No permit issued by Council may be transferred. Every person shall, upon the request of an authorised officer of the Council, immediately leave the controlled catchment area or land held by the Council as a water reserve.
- (e) No person shall obstruct or hinder any duly appointed officer of the Council in the exercise of any powers vested in that officer under this Bylaw.

8.2.3. Restricted Catchments

- (a) Certain activities are permitted within Restricted Catchment areas, such activities being limited to:
 - i. Tramping;
 - ii. Hunting;
 - iii. Trapping;
 - iv. Shooting; or
 - v. Fishing
- (b) No person may camp overnight in a Restricted Catchment area.
- (c) Every person shall, upon the request of an authorised officer of the Council, immediately leave the Restricted Catchment area.

8.2.4. Open Catchments

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

8.2.5. Spillages and Adverse Events

- (a) In the event of a spillage, or any event which may compromise potable water or the water supply network, the person responsible for the event

shall advise the Council immediately. This requirement shall be in addition to those other notification procedures which are required for other authorities.

- (b) Where the owner or occupier of a premise allows or permits any item or items on the premises that may potentially contaminate or leach into the water supply and to accumulate on the premises contained within the catchment, the Council may request the owner or occupier to contain and remove the item or items using a Council approved method and location.
- (c) If the item(s) are not removed within the period specified, the Council or its authorised agents may remove the items and recover the costs from the Customer associated with containment, removal and disposal.

9. Conditions of supply

9.1. Connection, Disconnection and other works

- (a) No person shall, without Council's approval:
 - i. Connect to the water supply network;
 - ii. Disconnect from the water supply network;
 - iii. Carry out any other works on, or in relation to, the water supply network;
 - iv. Tamper with any, access point, valve on, or otherwise with the water supply network.
- (b) Any person wishing to connect to or disconnect from the water supply network, or to otherwise carry out works on such a network or change level of service or end use of water supplied or supply changes or increase supply, must make a written application for approval to Council on the prescribed form, and must provide with that application all information relating to the application as specified by Council.
- (c) Council may grant approval to such connection, disconnection or other works, as the case may be, and may impose conditions which must be complied with in the exercise of the approval.

The Council may require a Customer to enter into an individual Customer agreement and supply a Water Conservation and Demand Management Plan based on the Customer's water demand requirements.

- (d) Without limiting subclause 9.1(c), a condition imposed under that

subclause may require that the connection, disconnection or works comply with any relevant code of practice.

- (e) Council may refuse an application for approval to connect or disconnect to a network where:
- i. The applicant has not paid fees or charges associated with the connection (including development contributions) within 20 working days that have been required by Council to continue with installation, or has refused to provide such information relating to the application as has been specified by Council; or
 - ii. Council has a documented record of the applicant's non-compliance with this Bylaw or any previous water supply Bylaw, codes of practice, or approvals granted under such Bylaws or codes of practice; or
 - iii. in Council's reasonable opinion, there is insufficient capacity in the network to accommodate the connection; or
 - iv. in Council's reasonable opinion, the connection could compromise its ability to maintain levels of service in relation to the water supply including volume and/or pressure required for firefighting; or

Advisory Note: Refer to [SNZ PAS 4509: 2008 New Zealand Fire Service Fire Fighting Water Supplies Code of Practice](#) for acceptable volume and pressure levels.

- v. the connection is outside the area currently served by the water supply, regardless of its proximity to any specific component of the water supply; or
- vi. in Council's reasonable opinion, refusal is necessary to protect the water supply network, the health and safety of any person, or the environment.

9.2. Change of Use

- (a) An application shall be submitted to the Council for approval if a Customer seeks:
- i. a change in the level of service; or
 - ii. end use of water supplied to the premises; or
 - iii. a change in supply from ordinary to extraordinary (see clause 9.5)

or vice versa; or

- iv. a physical change of location or size.
- (b) Any application under this clause 9.2 shall be treated as a new application for the purposes of clause 9.1 of this Bylaw.

9.3. Point of Supply

9.3.1. Ownership and Responsibility for Maintenance

- (a) The Council shall own and maintain the service pipe and fittings up to the point of supply. The Customer shall maintain the supply pipe and fittings beyond the point of supply.

Advisory Note: The Council gives no guarantee regarding the serviceability of the valve located on the service pipe. Where there is no Customer stopcock, or where maintenance is required between the isolation valve and the Customer stopcock, the Customer may use the isolation valve to isolate the supply. However, the Council reserves the right to charge for maintenance of this valve if damaged by such Customer use.

- (b) The Customer shall maintain the area in and around the point of supply by keeping it free of soil, growth, or other matter or obstruction which prevents, or is likely to prevent, convenient access to the point of supply.
- (c) Unless otherwise specified in this Bylaw, change of ownership (between Council and Customer), of water supply pipes and fittings occurs at the point of supply.
- (d) The Customer shall be solely responsible for maintaining the proper position (open or closed) of the Isolation Valve, commonly referred to as the Toby, and ensuring it is correctly set at all times. If any additional water use occurs as a result of the Isolation Valve position, the cost of such use shall also be the responsibility of the Customer.

Advisory Note: The isolation valve is normally located at the front of the property under a blue or black plastic cover alongside the water meter.

9.3.2. Location

- (a) For each individual property there shall be only one point of supply, unless otherwise approved in writing by the Council. A point of supply shall be located in the position as shown in Schedule 1. Where fences, walls or other permanent structures make it difficult to locate it at the required position, the point of supply shall be located as close as possible

to the required position indicated in Schedule 1. The location of the point of supply in any position other than the required position shall require specific approval from Council. Any new point of supply shall be located outside the boundary of the premises in the position approved by the Council.

- (b) Existing points of supply may be located either inside or outside the property boundary. The Council may relocate the point of supply when deemed appropriate or on request from the Customer. The relocation of the point of supply, pipework and fittings from the new point of supply to the existing Customer supply pipe shall be the responsibility of the Council for six months from the time of relocation.

9.3.3. Multiple Ownership of Premises

Where the premises are held in multiple ownership, the point of supply shall be as follows:

- (a) In respect of company ownership for a company share/block scheme (Body Corporate), the point of supply shall be located as shown in Schedule 1 or as or as close as possible where fences, walls, or other permanent structures make it difficult to locate it at the required position, unless otherwise approved. Other positions shall require specific approval from Council.
- (b) For Leasehold/Tenancy in Common Scheme (Cross Lease), Strata Title, Unit Title and any other form of multiple ownership, each Customer shall have an individual supply with the point of supply determined by agreement with the Council. In specific cases other arrangements may be acceptable, subject to the Council's approval.
- (c) Where a bulk meter feeds multiple units, a unit title must be nominated by the company or body corporate (whichever is relevant) to hold the bulk meter for payment purposes.

9.4. Access to and about the Point of Supply

9.4.1. Rights of Access

- (a) Where the point of supply is on private property the Customer shall allow the Council access to the point of supply between 7.30am and 6.00pm on any day for:
 - i. Meter reading without notice being given.
 - ii. Checking, testing and maintenance work, with notice being given

when possible.

- (b) For works required outside the above hours (such as for night-time leak detection), the Council shall provide notice to the Customer.
- (c) If, after giving reasonable notice, an authorised agent is prevented from accessing the point of supply at any of the above times and a return visit is required, a fee may be charged in accordance with the fees and charges. Where the point of supply is on private property the Customer shall allow the Council access to the point of supply between 7.30am and 6.00pm on any day.
- (d) In accordance with section 173 of the Local Government Act 2002, where there is an emergency, the Council shall enter the property without notice and the Customer shall allow the Council unobstructed access to, and about the point of supply at any hour.

9.5. Types of Water Supply

9.5.1. General

Water supplies shall be classified as either 'on demand' or 'restricted flow' and the use of water from the supply shall be either 'ordinary' or 'extraordinary'.

9.5.2. On Demand Supply

- (a) All premises situated within the on demand water supply area shall be entitled to an ordinary supply of water subject to:
 - i. Any restrictions on water use made by the Council under clause 9.8.1 of this Bylaw;
 - ii. Payment of the appropriate charges in respect of supply to that premises;
 - iii. Any other charges or costs associated with subdivisional development; and
 - iv. Any other relevant conditions in section 8 of this bylaw.
- (b) Any premises which are located within the on- demand water supply area but do not connect to the public water supply may still be charged an availability charge in accordance with Council's fees and charges.
- (c) The Council shall be under no obligation to provide an extraordinary supply of water (see also the provisions of clause 9.8.1 of the Bylaw).

- (d) The Council shall charge customers for the provision of the on-demand supply by either:
- i. A targeted rate based on rating unit; or
 - ii. The volume passing through a meter per cubic metre; or
 - iii. Both (i) and (ii) – These charges are as set by the Council.
- (e) For premises which use a fire protection system complying with SNZ PAS 4509: 2008, in order for that use to be classified as ordinary, the Customer shall comply with the conditions set under clause 9.8.

9.5.3. Restricted Flow Supply

- (a) Restricted flow supply shall be available to premises in restricted supply areas under special conditions set by the Council. Customers receiving a restricted flow supply shall make provision for onsite water storage of a minimum volume of 22m³ or equivalent of at least 48 hours of average water use where this is greater than 22m³.
- (b) This may include for the purposes of:
- i. Rural supply within district; or
 - ii. Water demand management (including for drought, misuse and non-remedy of water leaks); or
- (c) The water supply shall be restricted so as to deliver 1.8m³ per day or the agreed number of water units at a steady flow rate through a water meter.
- (d) The Council shall charge for the restricted supply by:
- i. A targeted rate based on rating unit; or
 - ii. The volume passing through a meter per m³; or
 - iii. Both (i) and (ii) – These charges are as set by the Council.
- (e) All restricted supply storage tanks must include a suitable, testable backflow prevention device located at the boundary of the property.
- (f) Properties identified without flow restrictors in restricted supply areas may be given twelve weeks written notice to install onsite water storage

of a minimum volume of 22 cubic metres or the equivalent of at least 48 hours of average water use where this is greater than 22 cubic metres. After this period Council shall install the appropriately sized flow restrictor.

- i. Any property owner who receives written notice may make a written application within 10 working days of receiving such notice for an exemption.
 - ii. Matters which will be taken into account when assessing an application for exemption include (but are not limited to):
 - Location of the property;
 - The basis on which the exemption is claimed;
 - Any other matter which the Council deems relevant.
- (g) Owners are allowed to transfer water allocations subject to following conditions:
- i. The initial property retains a 1.8 cubic metre allocation;
 - ii. The transfer has to take place within the same water supply;
 - iii. The new property to which water allocation is transferred or sold has to be located at a place where the Council is able to supply the allocation without further upgrading or extension works;
 - iv. If upgrading or extension works are required then the Customer transferring the allocation has to pay up-front for the full cost of the upgrading or extension works; and
 - v. The Customer transferring the allocation has to pay for the connection cost to the new property and a transfer fee.
- (h) Council allows property owners to apply for disconnection from the restricted water supply. No refund either in part or whole of any development contribution will be made. Such an application must state the alternative water source the consumer will rely on. Council charges those property owners a disconnection fee to recover costs of effecting the disconnection. Should the owner wish to reconnect to a Council water scheme, reconnection fees will be charged.

Advisory Note: The Council gives no guarantee regarding the serviceability of the valve located on the service pipe. Where there is no (Owner) stopcock or where maintenance is required between the isolation valve and the (Owner) stopcock, the (Owner) may use the isolation valve to

isolate the supply in an emergency. However, Council reserves the right to charge for maintenance of this valve if it is damaged by the (Owner) during use for this purpose.

9.6. Meters and Flow Restrictors

All water connections in Waikato District shall be metered.

9.6.1. Installation of meters

- (a) Meters for on demand supplies, and restrictors for restricted flow supplies shall be supplied, installed and maintained by the Council, and shall remain the property of the Council.
- (b) The Council may fit a meter to any connection on any Premises at any time for the purposes of determining water consumption.
- (c) The Council may fit additional meters to any minor or ancillary dwelling located on any Premises, for the purposes of determining water consumption.
- (d) Where a premises is supplied with an on demand water supply and is not metered, the Council reserves the right to fit a meter at the Customers cost and charge accordingly.

Advisory Note: Clauses 9.6.1 (a) to (d) shall only apply to properties which have a connection to the water supply network.

9.6.2. 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.

9.6.3. Accuracy

- (a) Meters shall be tested as and when required by the Council.
- (b) The flow restrictors shall be accurate to within $\pm 10\%$ of their rated capacity.
- (c) Any Customer who disputes the accuracy of a meter or restrictor may apply to the Council for it to be tested provided that the testing is not requested within six months of any previous test. If the test shows the meter is accurate, the Customer shall pay a fee in accordance with the Council's fees and charges. A copy of independent certification of the test

result shall be made available to the Customer on request.

- (d) Restrictors shall be tested by measuring the quantity of water that flows through the restrictor within a period of not less than one hour, at the expected minimum operating pressure.

9.6.4. Adjustment

- (a) If a test is carried out and the meter is found to register a consumption which is different to the quantity of water which has actually passed through the meter, the Council shall make an adjustment in accordance with the results shown by such tests, backdated for a period determined by the Council but not exceeding 12 months, and the Customer shall pay a greater or lesser amount according to the adjustment.
- (b) Where a meter is under-reading by more than 20% or has stopped, the 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 water demand, and charge the customer accordingly.
- (c) Where a meter is over-reading, the Council shall 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.

9.6.5. Estimating Consumption

- (a) Where a 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 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 be liable for the amount estimated.
- (b) If the average of the previous four billing periods would be an unreasonable estimate of the consumption (due to seasonal or other causes), the Council may consider other evidence for the purpose of arriving at a reasonable estimate, and the Customer shall pay according to such an estimate.
- (c) Where the Customer is a non-profit organisation, and the meter indicates a significant increase in consumption, and it is established that the increase is caused by a previously unknown leak, the Council may estimate consumption as provided for in clause 9.6.5 (a) providing that the Customer repairs the leak as soon as is practicable.

- (d) Where an unauthorised connection has been made to the Council's water supply network, the Council will estimate the consumption for the period from when the connection was made, using the uniform charge for water on a pro rata basis. Where a meter has been installed without approval, and such meter complies with Council's standards for meters and installation, the full consumption registered on the meter shall be payable by the current occupier of the premises. Payment of the estimated charge does not preclude Council from taking any other enforcement action available to it.

9.6.6. Incorrect Accounts

- (a) Where a situation occurs, other than as described in clause 9.6.5, and the recorded consumption does not accurately represent the actual consumption on a property, the account shall be adjusted using the best information available to the 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 water supplies.
- (b) Where an adjustment is required in favour of the Council or the Customer, the adjustment shall not be backdated more than 12 months from the date the error was detected.

9.6.7. Leaks

- (a) It is the Customer's responsibility to detect and fix all leaks from taps and pipes, stop overflows from cisterns, hot water cylinder exhausts or stock troughs. If a leak is visible from fixtures and is not repaired, no leak relief remission will be available.
- (b) Relief may be available, at Council's discretion for leaks which are undetected.
- (c) Any Customer wishing to apply for relief must make such application in writing in accordance with Council's Water Leak Remission Policy.

9.7. Levels of Service and Continuity of Supply

- (a) Although Council shall make all endeavors to provide water in accordance with the level of service set out in Schedule 2, due to practical and physical limitations, the Council cannot guarantee an uninterrupted or constant supply of water in all circumstances, or the continuous maintenance of any particular water pressure.
- (b) Where planned permanent or temporary works will affect an existing

supply, the Council shall inform or give notice to all Customers who, in the opinion of Council, are likely to be substantially affected.

- (c) 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.

9.8. Demand Management

- (a) Where required by rules in a District Plan, owners must maintain devices that have been installed for the purposes of water demand management and in accordance with an associated integrated catchment management plan.

9.8.1. Water Alert and Emergency Restrictions

- (a) In circumstances where natural hazards (such as floods, droughts or earthquakes) or accidents result in disruptions to the supply of water, Council may declare a water alert level or an emergency for the purposes of the supply of water and shall be exempt from the levels of service requirements.
- (b) During a water alert and/or emergency the Council may restrict or prohibit the use of water for any specified purpose or period, and for any or all of its Customers. Such restrictions shall be advised by public notice. The Customer shall comply with any restrictions imposed by Council, until such time as Council advises the restrictions are no longer in place.
- (c) The Council may, after serving notice and taking all practicable steps to contact a Customer, restrict and or meter the supply to reduce unnecessary and unauthorised water use and wastage where it deems necessary.

9.8.2. Maintenance and Repair

- (a) In circumstances where a scheduled maintenance shutdown of the supply is required, Council shall make all practicable attempts to notify Customers prior to any work commencing. Where Council is unable to notify the Customer, or immediate action is required, the Council may restrict the supply without notice.
- (b) Where a Customer has assets restricting the maintenance of a Council water supply network, the Council shall not be responsible for damage caused to the asset in order to maintain the Council water supply network.

- (c) If Council must carry out repairs or maintenance to privately owned supply pipes and/or water assets, the costs of such repairs or maintenance may be recovered from the Customer responsible for the pipes and/or assets.

9.9. Liability

The Council shall not be liable for any loss, damage or inconvenience incurred by a Customer (or any person using the supply) because of a reduced level of service of, or interruptions to the water supply.

9.10. Fire Protection Connection

9.10.1. Connection Application

An application to install a connection for fire protection purposes must be made, in writing, to the Council. Council may impose any conditions it determines are appropriate.

9.10.2. Design of Fire Protection Systems

As part of the application to install a connection for fire protection purposes, the Customer shall demonstrate to the Council that the available supply is adequate for the intended purpose. It shall also be the Customers responsibility to monitor the supply to ensure it continues to be adequate for the intended purpose.

Advisory Note: For further information on fire safety water sprinkler or storage requirements refer to the [SNZ PAS 4509: 2008 New Zealand Fire Service Fire Fighting Water Supplies Code of Practice](#). Customers may also wish to consult with the New Zealand Fire Service Fire and Emergency New Zealand about suitable measures to provide firefighting protection for their properties.

9.10.3. Fire Protection Connection Metering

- (a) Where a fire connection has been installed (or located) so that it is likely or possible that water may be drawn from it by any person for purposes other than firefighting, the Council may charge for the usage.
- (b) 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 4503:2005 Hand operated fire-fighting equipment.
- (c) 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, the Council shall estimate the quantity of water used, and credit to the Customer's account an amount based on such an estimate.

- (d) Owners intending to test fire protection systems in a manner that requires a draw-off of water must obtain the approval of the 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 the Council.

9.11. Backflow Prevention

9.11.1. Customer Responsibility

It is the Customer's responsibility 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. All necessary measures shall include:

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

Advisory 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 the Council's normal minimum operating pressure.

Advisory Note: The type of back flow prevention device to be used is dependent on the risk to the water supply posed by the Customer.

9.11.2. Unmanaged Risk

Where a Customer is unable to demonstrate that the risk of backflow is adequately managed or fails to take all necessary measures as required in clause 9.11.1 of the Bylaw, the Council may undertake the required works and fit a backflow prevention device on the Council side of the point of supply. In accordance with section 186 of the Local Government Act 2002, Council may recover such costs as a debt from the Customer.

Council will undertake a periodic surveying of existing connections to determine integrity and suitability of the backflow prevention device installed from each point of supply.

Advisory Note: Testable backflow prevention devices, require annual testing by a qualified or Council approved contractor. A test report shall be submitted to the Council for the Customer owned devices.

9.12. Council Equipment and Inspection

9.12.1. Care of Water Supply Network

The Customer of the premises shall not damage or tamper with any part of the water supply network, including but not limited to pipe-work, valves, meters, restrictors, chambers, and backflow prevention devices. Should any damage occur which requires repairs, the Council reserves the right to recover the cost of such damage and/or repairs as a debt from the Customer.

9.12.2. Inspection

In accordance with section 182 of the Local Government Act 2002, the Customer shall allow the Council or its agents, with or without equipment, access to any area of the premises for the purposes of determining compliance with this Bylaw.

9.13. Plumbing System

9.13.1.

The Customer's plumbing system shall be designed, installed and maintained, both in its component parts and its entirety, to ensure it complies with the Regional Infrastructure Specifications (RITS) or its amendments, Building Act 2004 and the New Zealand Building Code and is compatible with the water supply service as listed in Schedule 2.

9.13.2.

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 network or compromise the ability of the Council to maintain its stated levels of service, shall not be used on any piping beyond the point of supply. In special circumstances such equipment may be approved by the Council at its discretion. A gate valve shall not be used to control the water supply flow to the premises.

9.14. Prevention of Water Loss and Waste

9.14.1.

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

9.14.2.

Water is provided by the Council for consumption purposes only. The Customer shall not use water or water pressure directly from the supply for driving lifts, machinery, educators, generators, or any other similar device, unless specifically approved by the Council.

9.14.3.

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

9.14.4.

Where a Customer ignores advice from the Council to repair an on-going leak, the Council may after serving notice, repair the leak and charge the Customer all associated cost as provided in the Local Government Act 2002.

Advisory Note: The Waikato District Plan sets out water saving measures required for water supply connections.

9.15. Payment

9.15.1.

The Customer shall be liable to pay for the supply of water and related services in accordance with the Council's rates, fees and charges prevailing at the time.

9.15.2.

The Council may recover unpaid water rates in respect of the supply of water as prescribed in the Local Government (Rating) Act 2002 from the owner of a

premises, the occupier of a premises, or both.

9.16. Transfer of Rights and Responsibilities

9.16.1.

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

9.17. Change of Ownership

9.17.1.

In the event of a premises changing ownership the new owner will be recorded as the customer at those premises from the date of notification. Where the premises are metered, the outgoing Customer shall give the Council ten working days' notice to arrange a final meter reading.

9.17.2.

The Council reserves the right to reassess the conditions of supply when a change of ownership occurs.

9.17.3.

The owner of the premises at the time of the consumption is responsible for any water charges.

9.18. Disconnection at the Customer's Request

The Customer shall give 10 working days' notice in writing to the Council of a requirement for disconnection of the supply. Disconnection shall be at the Customer's cost.

10. Breaches

10.1. Breaches of conditions of supply

10.1.1

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

- (a) An incorrect application for supply which fundamentally affects the conditions of supply;
- (b) Failure to meet any obligations placed on the Customer under all Codes

and Standards specified in this Bylaw;

- (c) An act or omission including but not limited to any of the following:
- i. Any tampering or interference with Council equipment/assets, either directly or indirectly;
 - ii. Failure to pay the appropriate charges by the due date;
 - iii. Frustration of the Council's ability to adequately and effectively carry out its obligations;
 - iv. Failure to repair a leak, or in any way willfully allowing water to run to waste, or to be misused;
 - v. 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 network, or compromise the ability of the Council to maintain its stated levels of service (subject to clause 9.5 of this Bylaw);
 - vi. Failure to prevent backflow;
 - vii. Failure to maintain or inspect backflow;
 - viii. Using water or water pressure directly from supply for driving lifts, machinery, educators, generators, or any other similar device, unless specifically approved by the Council;
 - ix. Using water for a single pass cooling or heating system, or to dilute trade waste prior to disposal, unless specifically approved;
 - x. Extending by hose or any other pipe a private water supply beyond that Customer's property;
 - xi. Providing water drawn from the Council supply to any other party without approval of the Council;
 - xii. Unauthorised removal of flow restrictors.
- (d) Every person commits a breach of this Bylaw and commits an offence who:
- i. Does, permits or allows anything to be done, which is contrary to this Bylaw;

- ii. Fails to do or perform any act, or thing, that they are required to do by this Bylaw, within the time and in the manner required by the Bylaw, or any part of it;
- iii. Commits any breach of the terms and conditions of this Bylaw;
- iv. Does anything prohibited by this Bylaw;
- v. Fails to comply with any notice given under this Bylaw or any part of it or any condition that is part of any notice granted by the Council;
- vi. Where required, fails to obtain written approval or having obtained written approval fails to abide by the conditions (if any);
- vii. Obstructs or hinders any authorised officer in the performance of any duty or in exercising any power conferred by this Bylaw;
- viii. Tampers or interferes with any part of the Council owned water supply network without a permit;
- ix. Withdraws water from a fire hydrant without authorisation from the Council for any other purpose than fire protection;
- x. Fails to comply with water use restriction or prohibitions introduced by the Council for any specific purpose;
- xi. Fails to meet any obligations placed on the Customer through any permit conditions;
- xii. Fails to meet any obligations placed on the Customer through an individual Customer agreement;
- xiii. Other than the Council or its authorised agents, who accesses the water supply network without a valid permit breaches this Bylaw.

10.1.2

In the event of a breach of any provision of this Bylaw, the Council shall serve notice on the Customer advising the nature of the breach, the steps to be taken, and required timeframe to remedy the breach to the satisfaction of the Council beyond timeframe indicated. If the Customer persists with the breach the Council reserves the right to:

- (a) Reduce the flow rate of water to the Customer without notice. Reinstatement of full supply shall be re-established only after the Customer completes payment of the appropriate fee and remedy of the

breach to the satisfaction of the Council.

- (b) Install a water meter. The Customer will also be charged for the ongoing supply of water as per Council's fees and charges for water supply as determined by Council from time to time.
- (c) For extraordinary supply – disconnect the water supply for all purposes other than domestic water use.
- (d) If the breach is such that the Council is required to disconnect the supply for health or safety reasons, disconnection may occur immediately and without further notice to the Customer.

10.2. Interference with equipment

Any tampering or interfering with Council equipment, either directly or indirectly, shall constitute a breach of this Bylaw.

11. Offences and Penalties

A person who fails to comply with the requirements of this Bylaw commits a breach of this Bylaw and is liable to a penalty under the Local Government Act 2002.

12. Schedules

The following schedules can be amended through a Council resolution.

Schedule 1: Examples showing Single/Manifold Connection

Schedule 2: Table 1 Compatibility Features

Schedule 3: Water Supply Area Maps

13. General

Any notice, order or other document which is required by this Bylaw to be served or given or sent to any person shall be deemed to have been duly served given or sent if delivered to such person or left at his or her residence or workplace or posted to such person at his or her last known address.

Any resolution of the Council may be amended, rescinded or reinstated by a further resolution of the Council.

This Bylaw was made pursuant to a resolution passed by the Waikato District Council on [To be inserted].

THE COMMON SEAL of WAIKATO DISTRICT COUNCIL was hereto affixed in the presence of:

Mayor

Chief Executive

Activity	Key Date	Council resolution
Bylaw made	[To be inserted]	[To be inserted]
Bylaw reviewed		
Next review due date		

Schedule 1: Examples showing Single/Manifold Connection

Example 1: With Street Frontage

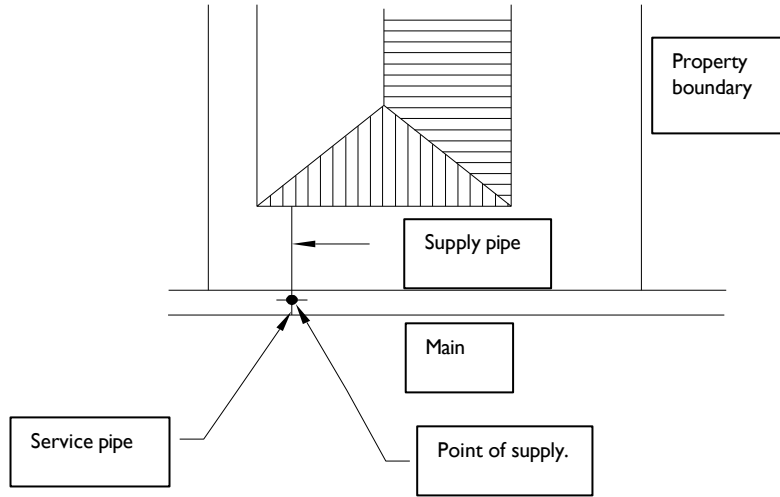


Figure 1: Point of supply outside property boundary

Example 2: Rear lots on right of way (up to 2 customers)

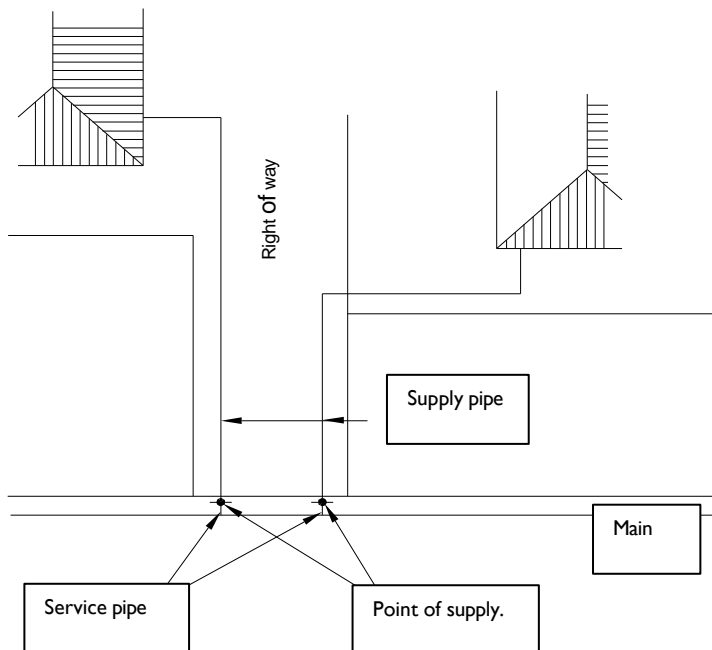


Figure 2: Point of supply outside property boundary

Example 3: Rear lots on right of way (3 or more customers)

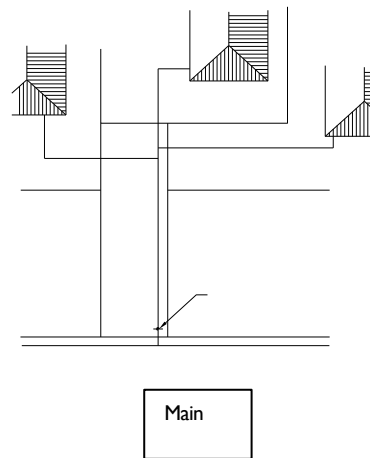
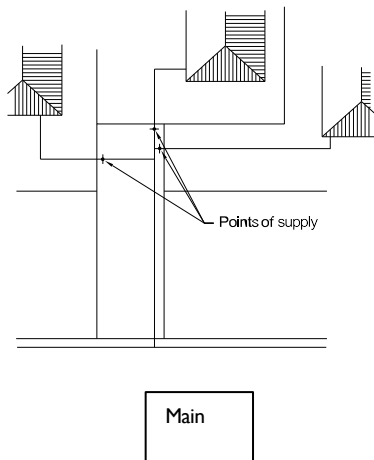


Figure 3: Point of supply outside property boundary

Figure 4: Common point of supply

Example 4: Industrial, commercial, domestic fire and service connections including schools)

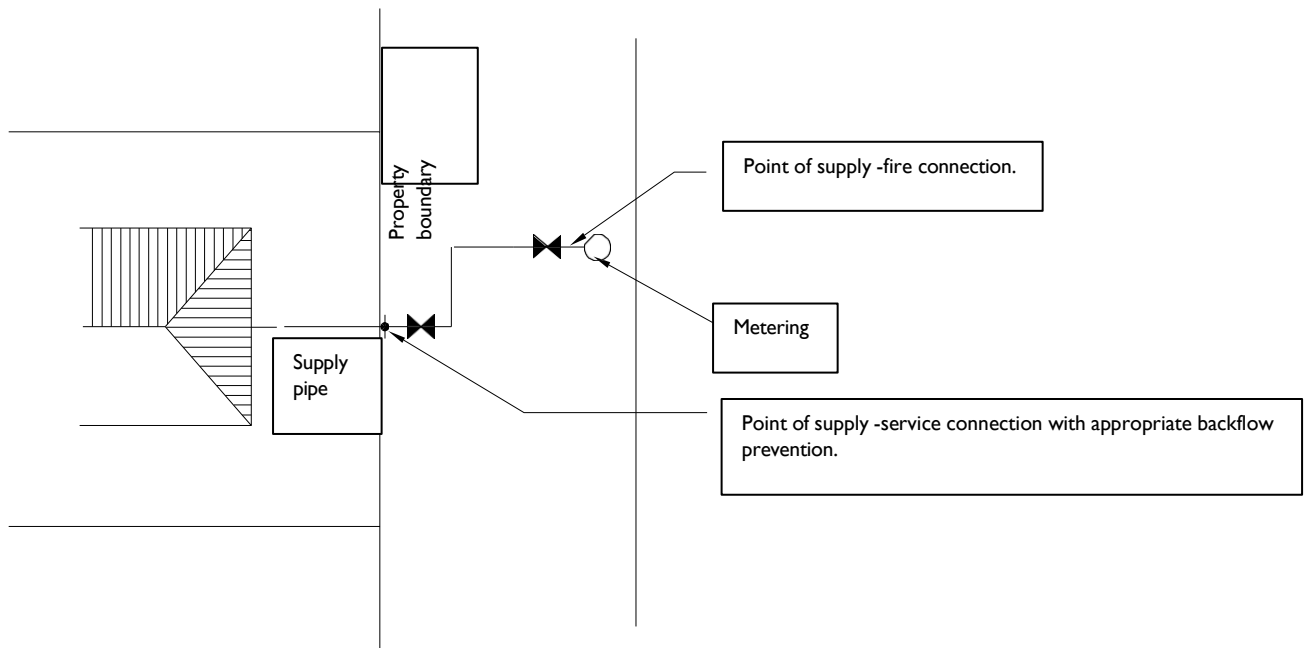


Figure 5: Combined fire and service connection

Advisory Note: Refer to SNZ PAS 4509: 2008 New Zealand Fire Service Fire Fighting Water Supplies Code of Practice for guidance on appropriate fire supply connection location.

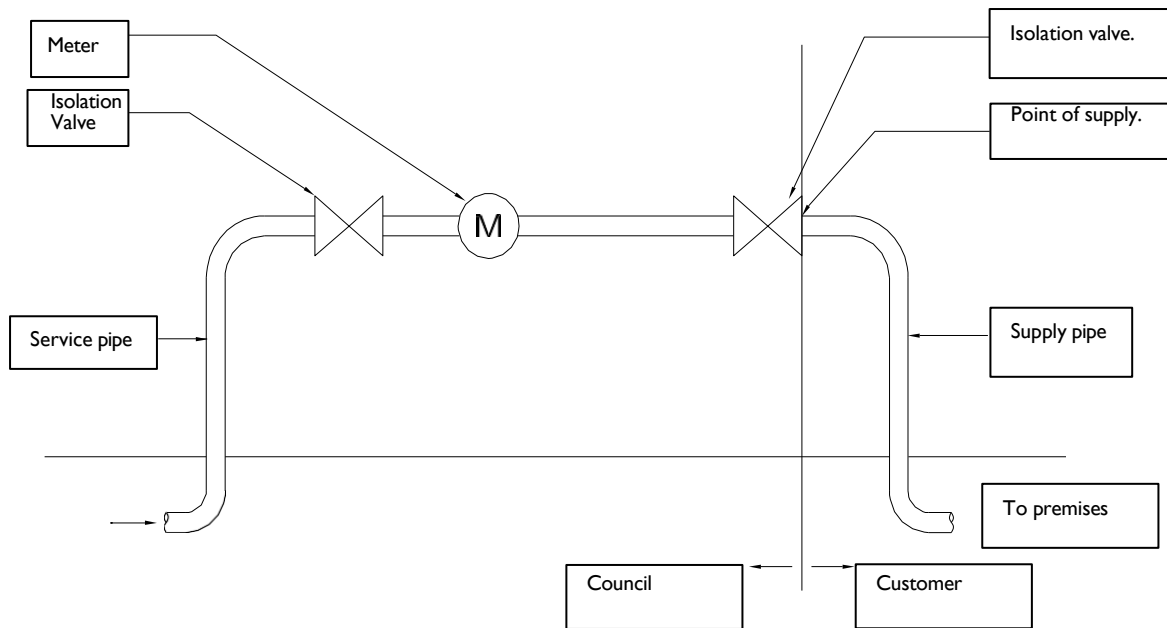


Figure 6: Domestic metered supply

Note:

1. Point of supply is tail piece of boundary box, meter, or isolation 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.

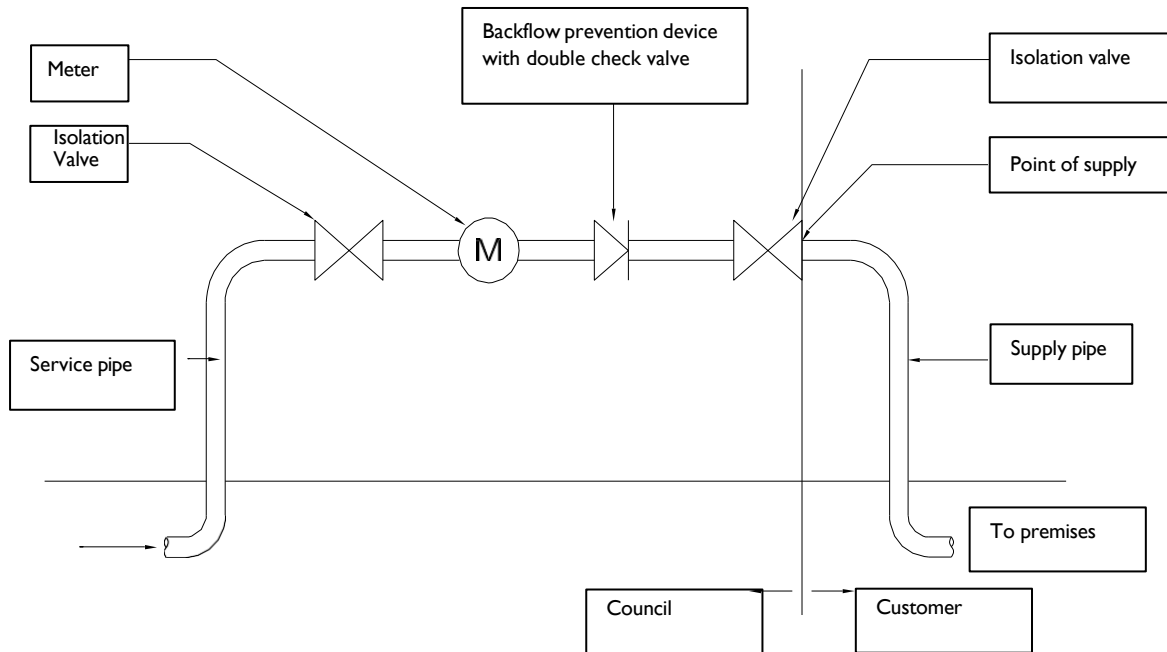


Figure 7: Metered supply with backflow prevention device owned by Council

Note:

1. Point of supply is tail piece of boundary box, meter, or isolation 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.

Schedule 2: Table 1 Compatibility Features

Specific features of the Council supply which need to be taken into account are contained in Table 1 below.

Table 1: Compatibility features

Feature	Value
Maximum operating pressure	100 metres head (1, 000 kPa)
Minimum operating pressure*	20 metres head (100 kPa)
Normal operating pressure	30 – 40metres head (200 - 300 kPa)
Free available chlorine	Up to 1.5 g/m ³
Min operating pressure (for rural supplies)	10 meters head (100 kPa)

**Minimum pressure refers to on demand water supplies only*

Schedule 3: Water Supply Area Maps

Pokeno

<https://waikatodc.spatial.t1cloud.com/spatial/intramaps/?project=Public&module=Utilities&configId=e6b2fca7-5d63-4aed-b49c-c32dc8cb1002&startToken=6ee29987-d21a-4765-9f52-ed1f51e620e2>

Raglan, Te Akau, Western Districts & Onewhero

<https://waikatodc.spatial.t1cloud.com/spatial/intramaps/?project=Public&module=Utilities&configId=e6b2fca7-5d63-4aed-b49c-c32dc8cb1002&startToken=0f63eb87-3a54-4580-8bba-8dbfe04db53d>

Ngaaruawaahia, Taupiri & Hopuhopu

<https://waikatodc.spatial.t1cloud.com/spatial/intramaps/?project=Public&module=Utilities&configId=e6b2fca7-5d63-4aed-b49c-c32dc8cb1002&startToken=e78963c8-bdcb-4b3a-8a5a-e62e601ef967>

Huntly

<https://waikatodc.spatial.t1cloud.com/spatial/intramaps/?project=Public&module=Utilities&configId=e6b2fca7-5d63-4aed-b49c-c32dc8cb1002&startToken=e19282d9-22b6-4a6d-939a-b02c85e2539d>

Southern Districts

<https://waikatodc.spatial.t1cloud.com/spatial/intramaps/?project=Public&module=Utilities&configId=e6b2fca7-5d63-4aed-b49c-c32dc8cb1002&startToken=639f77f4-2657-42a1-8502-8ab72db49071>

Te Kauwhata and Surrounds

<https://waikatodc.spatial.t1cloud.com/spatial/intramaps/?project=Public&module=Utilities&configId=e6b2fca7-5d63-4aed-b49c-c32dc8cb1002&startToken=324a9778-4b44-4938-891e-97454262fef2>

Tuakau

<https://waikatodc.spatial.t1cloud.com/spatial/intramaps/?project=Public&module=Utilities&configId=e6b2fca7-5d63-4aed-b49c-c32dc8cb1002&startToken=3fec4d6-c5aa-468e-a672-9cc0aeb499d4>

Port Waikato

<https://waikatodc.spatial.t1cloud.com/spatial/intramaps/?project=Public&module=Utilities&configId=e6b2fca7-5d63-4aed-b49c-c32dc8cb1002&startToken=cfc4af0a-72da-443b-8885-4450b5bdee3d>

Waikato District Council Water Supply Bylaw 2014

The Waikato District Council, in exercise of its powers and authorities conferred on it under the Local Government Act 2002 and the Health Act 1956 and their respective amendments, and all other relevant powers, makes the following bylaw.

1. Short Title, Commencement and Application

- 1.1 The bylaw shall be known as the “Waikato District Council Water Supply Bylaw 2014”.
- 1.2 The bylaw shall apply to the Waikato District.
- 1.3 The bylaw shall come into force on 1 October 2014.

2. Scope

This bylaw shall apply to the Waikato District (within the boundaries of the Waikato District pursuant to the Local Government Act 2002 and any land, building, work, or property under the control of the Council, although situated beyond the Council’s district pursuant to the Health Act 1956.

3. Purpose

3.1 The purposes of this bylaw are:

- (a) Promoting the efficient use of water and protect against waste or misuse of water from the water supply system;
- (b) Protecting the water supply and water supply system from pollution and contamination;
- (c) Managing and protecting from damage, misuse, or loss of land, structures and infrastructure associated with the water supply system; and
- (d) Preventing the unauthorised use of land, structures or infrastructure associated with the water supply system.

4. Compliance with Other Acts and Codes

- 4.1 This Bylaw is made under the authority of the Local Government Act 2002 for the supply of water to its customers in its capacity as a Water Supply Authority. The supply and sale of water by the Council is subject to:

- (a) Statutory Acts and Regulations
 - (i) Building Act 2004.
 - (ii) Fire and Emergency Act 2017.
 - (iii) Health Act 1956.
 - (iv) Local Government (Rating) Act 2002.
 - (v) Local Government Act 2002.
 - (vi) Resource Management Act 1991.

- (b) Relevant Codes and Standards, including:
 - (i) Drinking Water Standards for New Zealand 2005 (revised 2008).
 - (ii) OIML R49: Water meters intended for the metering of cold potable water and hot water. Part 1: Metrological and technical requirements; Part 2: Test methods and Part 3: Test report format.
 - (iii) SNZ PAS 4509: 2008 New Zealand Fire Service Fire Fighting Water Supplies Code of Practice.
 - (iv) NZS 4503:2005 Hand operated fire-fighting equipment.
 - (v) NZS 4517:2010 Fire sprinkler systems for houses.
 - (vi) NZS 4515:2009 Fire sprinkler systems for life safety in sleeping occupancies (up to 2000 square meters).
 - (vii) NZS 4541:2020 Automatic fire sprinkler systems.
 - (viii) Backflow Prevention for Drinking Water Suppliers Code of Practice 2006, Water New Zealand.
 - (ix) Water Meter Code of Practice 2003, Water New Zealand.
 - (x) Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007.
 - (xi) Waikato Regional Infrastructure Technical Specification.

5. Interpretation

- 5.1 When interpreting this Bylaw, use the definitions set out in clause 7 unless the context requires otherwise. Where reference is made in this Bylaw to any repealed enactment, such reference should be taken as a reference to its replacement.
- 5.2 For the purpose of this Bylaw, the word 'shall' refers to requirements that are mandatory for compliance with this Bylaw, while the word 'should' refers to practices that are advised or recommended.

6. Definitions

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

Advisory Note	A note which further explains a bylaw clause but does not form part of the bylaw.
Air Gap	A 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.
Approved	Approved in writing by the Council, either by an authorised officer of the Council or by resolution of the Council.
Authorised Agent	Any person authorised or appointed by the Council to do anything in respect of the water supply system.
Authorised Officer	Any officer of the Council or other person authorised under the Local Government Act 2002 and authorised by the Council to administer and enforce its Bylaws.
Auxiliary Supply	A water supply, other than the Council's system, on or available to a Customer system. These auxiliary supplies may include water from another provider's public potable water supply or any natural source(s) such as a well, spring, river, stream, or "used waters" or "industrial fluids."
Backflow	The unplanned reversal of flow of water or mixtures of water and contaminants into the water supply system.
Backflow Device	Backflow device or air gap that is designed to prevent the return of flow into the Councils water supply system. These devices can include non-return valves, reduce pressure zone devices, and double check valves.
Boundary	Legal boundary of the site, or in the case of more than one premise on a site, it is defined by the notional boundary of a complying unit site area.

Catchment	An area of land which drains to a waterbody from where a public water supply is drawn.
Commercial Use	<p>The use of land and buildings for the display, offering, provision, sale or hire of goods, equipment or services and includes shops, markets, showrooms, restaurants, cafes, takeaway food bars, professional, commercial and administration offices, service stations, motor vehicle sales, visitor accommodation, the sale of liquor and parking areas associated with any of the above.</p> <p><i>Advisory note: Commercial components of retirement villages will be metered and classified as commercial activity.</i></p>
Connection	The valve, meter and associated fittings installed and maintained by the Council on the service pipe or at the point of supply.
Council	The Waikato District Council and includes any officer authorised to exercise the authority of the Council.
Customer	A person who has obtained the right to use or direct the manner of use of water supplied by the Council to any premises.
Detector Check Valve	A check (non-return) valve which has a positive closing pressure and a metered bypass to measure flows typically associated with leakage or unauthorised use of a dedicated fire supply.
Domestic Use	Water taken and used for the purpose of providing for individual household use and for human drinking and sanitation needs and excludes any commercial or industrial use.
Development contribution	As defined in the Local Government Act 2002 and the relevant Waikato District Council Development Contributions Policy.
District	The Waikato District.
Extraordinary Supply	A category of on demand supply used for extraordinary use including all purposes for which water is supplied, other than an ordinary supply, and which may be subject to specific conditions and limitations.
Extraordinary Use	<p>Any use of water which is outside of ordinary use and which may be subject to specific conditions and limitations including but not limited to water alerts and emergency provisions. This applies to the following water users:</p> <ul style="list-style-type: none"> (a) Residential properties with –spas, swimming pools or collapsible pools in excess of 6 cubic metres capacity; (b) Residential properties with fixed garden irrigation systems;

- (c) Commercial or business premises (including home-based commercial activities);
- (d) Industrial premises.
- (e) Any properties at which agricultural, horticultural or viticultural land use is occurring;
- (f) Lifestyle blocks (rural supplies);
- (g) Fire protection systems other than sprinkler systems installed to comply with NZS 4517;
- (h) Outside of Waikato District customers (supply to, or within another local authority);
- (i) Temporary suppliers;
- (j) Any other property found by Council to be using water above 15m³/day (a consent from the Waikato Regional Council is required);
- (k) Water carriers;
- (l) Any other auxiliary supply.

Fees and Charges

The fees and charges for water supply set by the Council.

Fire Main Supply

A category of supply from pipework installed for the purpose of fire protection only.

Individual Customer Agreement

An agreement between the Council and a water user that outlines both parties' rights and responsibilities for the supply and use of water.

Industrial Activity

Any industrial activity and includes:

- (a) All types of processing, manufacturing, bulk storage, warehousing, service and repair activities.
- (b) Laboratories and research facilities.

Level of Service

The measurable performance standards on the basis of which the Council undertakes to supply water to its Customers.

NZS

New Zealand Standard.

On Demand Supply	A supply which is available on demand direct from the point of supply, subject to the agreed level of service.
On Demand Water Supply Area	An area serviced by a Council owned reticulated water supply system as defined in Schedule 3: Water Supply Area Maps, that is intended to supply water to Customers via on demand supplies with firefighting capability.
Ordinary Supply	A category of on demand supply used solely for domestic purposes, excluding any identified extraordinary water use.
Owner	The person or entity having legal ownership of the premises receiving a supply of water from the Council.
Occupier	The person or legal entity having a legal right to occupy, use all or part of the premises receiving a supply of water from the Council that includes a tenant, lessee, licensee, manager, foreperson or any other person acting in the general management of any premises.
Permit	A permit or written authority issued by an authorised officer.
Person	An individual, 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 the Council.
Potable Water	Water that does not contain or exhibit any determinants to any extent that exceeds the maximum acceptable values (other than aesthetic guideline values) specified in the New Zealand Drinking Water Standards applicable at the time.
Premises	<p>The physical location to which a water supply is provided and includes:</p> <ul style="list-style-type: none"> (a) a property or allotment which is held in a separate certificate of title or for which a separate certificate of title may be issued, and in respect of which a building consent has been or may be issued; (b) a building or part of a building which has been defined as an individual unit by a cross-lease, unit title or company lease; (c) an individual unit in a building where units are separately leased; or

- (d) land held in public ownership (e.g. reserve) for a particular purpose.

Allotment means the same as defined in the Land Transfer Act 1952.

Property

A property or allotment which is held under separate certificate of title and a separate rating unit and showing on the Rating Information Database

Prescribed charges

Charges applicable at the time of connection may include:

- (a) Payment to the Council for the cost of the physical works required to provide the connection.
- (b) A development contribution determined in accordance with the Local Government Act 2002.
- (c) A financial contribution determined in accordance with the Resource Management Act 1991.
- (d) Bacteriological and chemical testing as per the Drinking Water Standards for New Zealand to ensure connection is safe.
- (e) Individual agreement charges.

Public Notice

A notice published in:

- (a) One or more daily newspapers circulated in the region or district of the Council;
- (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; or
- (c) Includes any other public notice that the Council thinks desirable in the circumstances.

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 demand fluctuations.

Restrictor

A flow control device installed within the connection to control the flow rate of water to a Customer's premises.

Restricted Water Supply Area

An area serviced by a Council owned reticulated water supply system outside on demand areas and defined in Schedule 3: Water Supply Area Maps Water is supplied through a flow control device and customers are required to provide onsite

storage to cater for demand fluctuations.

Service Pipe	The section of water pipe between a water main and the point of supply.
Service Valve	The valve at the Customer end of the service pipe used to control and/or isolate the supply.
Storage Tank	Any tank having a free water surface in which water supplied by the Council is stored for use.
Supply Pipe	The section of pipe between the point of supply and the Customer's premises through which water is conveyed to the premises.
Water Alert Level	Classification system used for applying water conservation restrictions.
Water Carrier	Any individual drinking-water carrier or company registered with the Ministry of Health as a recognised carrier of drinking-water.
Water Supply System	<p>All those components of the water supply network between the point of abstraction from the natural environment and the point of supply. This includes but is not limited to:</p> <p>(a) catchments, wells, infiltration galleries, intake structures, open raw water storage ponds/lakes/reservoirs, falling and rising 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.</p>
Water Unit	The basis of measurement for water supply as determined by the Council. One unit is equal to one cubic metre.

7. Protection of Water Supply System

7.1 Water Supply System

7.1.1 Access and connection to System

- (a) No person other than the Council and its authorised agents shall have access to any part of the water supply system, unless with prior approval.
- (b) Except as set out in Clause 7.1.2 (Fire Hydrants), no person shall make any connection or interfere with any part of the water supply system, unless with prior approval.

- (c) Where the water supply system becomes contaminated due to unauthorised access, the Council may recover cost of remediation of contamination.
- (d) Any person causing damage which occurs to a Council water supply system during unauthorised access shall be liable for the cost of repair and any other costs the Council incurs as a result for the incident.

7.1.2 Fire Hydrants

- (a) No person may take water from a fire hydrant unless that person is:
 - (i) is taking the water for the purposes of firefighting and is a fire and emergency personnel – as defined in the Fire and Emergency New Zealand Act; or
 - (ii) is Council or its authorised agents; or
 - (iii) Is a current permit holder, being those persons who, after having submitted an application to the Council are subsequently approved to draw water from designated tanker filling points or a fire hydrant, and the taking of water is in accordance with any conditions attached to that approval.
- (b) Any person using a fire hydrant in breach of subclause (a) must immediately remove the standpipe when requested to do so by Council or their agent.
- (c) Any person using a fire hydrant pursuant to subclause (a) (3) is liable to Council for any damage or loss caused to the fire hydrant or the water supply network as a result of that use.
- (d) Without prejudice to other remedies available, the Council may seize and impound any equipment used by an offender to gain access to, or draw water from a fire hydrant, and assess and recover the value of water drawn without authorisation and any other associated costs.
- (e) Permit holders shall only use approved blue coloured metered standpipes and have two non-return valves to draw water from fire hydrants.

7.1.3 Working around Buried Services

- (a) No person shall carry out any excavation without first reviewing the Council's records of the location of its buried services to establish whether or not Council services are located in the vicinity of the proposed works. The Council may charge a fee for the provision of this information and does not guarantee the accuracy or completeness of such information.
- (b) Where appropriate the Council may in its absolute discretion mark out to within $\pm 0.5\text{m}$ on the ground the location of its services, and nominate in writing any restrictions on the work it considers necessary to protect the integrity of the water supply system. The Council shall charge for this service.

- (c) All excavations within the road reserve is subject to the permit process of the appropriate road controlling authority.
- (d) The Council may require the independent supervision of works which may be in the vicinity of its buried services.
- (e) Every person excavating or working around the Council's buried water supply services shall take due care to ensure that the services are not damaged and that bedding and backfill is reinstated in accordance with the appropriate Council specification.
- (f) Any damage which occurs to the Council services shall be reported to the Council immediately. The person causing the damage shall be liable for the cost of repair and any other costs the Council incurs as a result of the damage.

Advisory note: All excavation and trenching work carried out within the road corridor must be carried out in accordance with the National Code of Practice for Utility Operators' Access to the Transport Corridor.

7.2 Protection of Water Sources

7.2.1 Catchment Classes

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

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

These catchments are also subject to National Environmental Standards for Sources of Human Drinking Water.

7.2.2 Controlled Catchments

- (a) No person shall enter Controlled Catchments except those specifically authorised or permitted in writing by the Council.
- (b) Every person on any Controlled Catchment Area or land held by the Council as a water reserve will, upon demand, produce any such permit for inspection.
- (c) The Council may, at any time, by notice in writing, revoke or suspend any such permit for such time as may be stated in such notice.
- (d) No permit issued by Council may be transferred. Every person shall, upon the request of an authorised officer of the Council, immediately leave the controlled catchment area or land held by the Council as a water reserve.

- (e) No person shall obstruct or hinder any duly appointed officer of the Council in the exercise of any powers vested in that officer under this bylaw.

7.2.3 Restricted Catchments

- (a) Certain activities are permitted within Restricted Catchment areas, such activities being limited to:
 - (i) Tramping;
 - (ii) Hunting;
 - (iii) Trapping;
 - (iv) Shooting; or
 - (v) Fishing
- (b) No person may camp overnight in a Restricted Catchment area.
- (c) Every person shall, upon the request of an authorised officer of the Council, immediately leave the Restricted Catchment area.

7.2.4 Open Catchments

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

7.2.5 Spillages and Adverse Events

- (a) In the event of a spillage, or any event which may compromise potable water or the water supply system, the person responsible for the event shall advise the Council immediately. This requirement shall be in addition to those other notification procedures which are required for other authorities.
- (b) Where the owner or occupier of a premise allows or permits any item or items on the premises that may potentially contaminate or leach into the water supply and to accumulate on the premises contained within the catchment, the Council may request the owner or occupier to contain and remove the item or items using a Council approved method and location.
- (c) If the item(s) are not removed within the period specified, the Council or its authorised agents may remove the items and recover the costs from the Customer associated with containment, removal and disposal.

8. CONDITIONS OF SUPPLY

8.1 Connection, Disconnection and other works

- (a) No person shall, without Council's approval:
- (i) connect to the water supply network;
 - (ii) disconnect from the water supply network;
 - (iii) carry out any other works on, or in relation to, the water supply network;
 - (iv) tamper with any, access point, valve on, or otherwise with the water supply network.
- (b) Any person wishing to connect to or disconnect from the water supply network, or to otherwise carry out works on such a network or change level of service or end use of water supplied or supply changes or increase supply, must make a written application for approval to Council on the prescribed form, and must provide with that application all information relating to the application as is specified by Council.
- (c) Council may grant approval to such connection, disconnection or other works, as the case may be, and may impose conditions which must be complied with in the exercise of the approval.
- The Council may require a Customer to enter into an individual Customer agreement and supply a Water Conservation and Demand Management Plan based on the Customer's water demand requirements.
- (d) Without limiting subclause (c), a condition imposed under that subclause may require that the connection, disconnection or works comply with any relevant code of practice.
- (e) Council may refuse an application for approval to connect or disconnect to a network where:
- (i) the applicant has not paid fees or charges associated with the connection (including development contributions) within 20 working day that have been required by Council to continue with installation, or has refused to provide such information relating to the application as has been specified by Council; or
 - (ii) Council has a documented record of the applicant's non-compliance with this bylaw or any previous water supply bylaw, codes of practice, or approvals granted under such bylaws or codes of practice; or
 - (iii) in Council's reasonable opinion, there is insufficient capacity in the network to accommodate the connection; or

- (iv) in Council's reasonable opinion, the connection could compromise its ability to maintain levels of service in relation to the water supply including volume and/or pressure required for firefighting; or
- (v) the connection is outside the area currently served by the water supply, regardless of its proximity to any specific component of the water supply; or
- (vi) in Council's reasonable opinion, refusal is necessary to protect the water supply network, the health and safety of any person, or the environment.

8.2 Change of Use

- (a) An application shall be submitted to the Council for approval if a Customer seeks:
 - (i) a change in the level of service; or
 - (ii) end use of water supplied to the premises;
 - (iii) a change in supply from ordinary to extraordinary (see clause 8.5) or vice versa; or
 - (iv) a physical change of location or size.
- (b) Any application under this clause 8.2 shall be treated as a new application for the purposes of clause 8.1 of this Bylaw.

8.3 Point of Supply

8.3.1 Ownership and Responsibility for Maintenance

- (a) The Council shall own and maintain the service pipe and fittings up to the point of supply. The Customer shall maintain the supply pipe and fittings beyond the point of supply.

Advisory Note: The Council gives no guarantee regarding 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 the Council reserves the right to charge for maintenance of this valve if damaged by such Customer use.

- (b) The Customer shall maintain the area in and around the point of supply by keeping it free of soil, growth, or other matter or obstruction which prevents, or is likely to prevent, convenient access to the point of supply.
- (c) Unless otherwise specified in this Bylaw, change of ownership (between Council and Customer), of water supply pipes and fittings occurs at the point of supply.

8.3.2 Location

- (a) For each individual property there shall be only one point of supply, unless otherwise approved in writing by the Council. A point of supply shall be located in the position as shown in Schedule I. Where fences, walls or other permanent structures make it difficult to locate it at the required position, the point of supply shall be located as close as possible to the required position indicated in Schedule I. The location of the point of supply in any position other than the required position shall require specific approval from Council. Any new point of supply shall be located outside the boundary of the premises in the position approved by the Council.
- (b) Existing points of supply may be located either inside or outside the property boundary. The Council may relocate the point of supply when deemed appropriate or on request from the Customer. The relocation of the point of supply, pipework and fittings from the new point of supply to the existing Customer supply pipe shall be the responsibility of the Council for six months from the time of relocation.

8.3.3 Multiple Ownership of Premises

Where the premises are held in multiple ownership, the point of supply shall be as follows:

- (a) In respect of company ownership for a company share/block scheme (Body Corporate), the point of supply shall be located as shown in Schedule I or as or as close as possible where fences, walls, or other permanent structures make it difficult to locate it at the required position, unless otherwise approved. Other positions shall require specific approval from Council.
- (b) For Leasehold/Tenancy in Common Scheme (Cross Lease), Strata Title, Unit Title and any other form of multiple ownership, each Customer shall have an individual supply with the point of supply determined by agreement with the Council. In specific cases other arrangements may be acceptable, subject to the Council's approval.
- (c) Where a bulk meter feeds multiple units, a unit title must be nominated by the company or body corporate (whichever is relevant) to hold the bulk meter for payment purposes.

8.4 Access to, and about the Point of Supply

8.4.1 Rights of Access

- (a) Where the point of supply is on private property the Customer shall allow the Council access to the point of supply between 7.30am and 6.00pm on any day for:
 - (i) Meter reading without notice being given.

- (ii) Checking, testing and maintenance work, with notice being given when possible.
- (b) For works required outside the above hours (such as for night-time leak detection), the Council shall give notice to the Customer.
- (c) If, after giving reasonable notice, an authorised agent is prevented from accessing the point of supply at any of the above times and a return visit is required, a fee may be charged in accordance with the fees and charges. Where the point of supply is on private property the Customer shall allow the Council access to the point of supply between 7.30am and 6.00pm on any day for:
- (d) In accordance with section 173 of the Local Government Act 2002, where there is an emergency, the Council shall enter the property without notice and the Customer shall allow the Council unobstructed access to, and about the point of supply at any hour.

8.5 Types of Water Supply

8.5.1 General

Water supplies shall be classified as either 'on demand' or 'restricted flow' and the use of water from the supply shall be either 'ordinary' or 'extraordinary'.

8.5.2 On Demand Supply

- (a) All premises situated within the on demand water supply area shall be entitled to an ordinary supply of water subject to:
 - (i) Any restrictions on water use made by the Council under clause 8.8.1 of this Bylaw;
 - (ii) Payment of the appropriate charges in respect of supply to that premises;
 - (iii) Any other charges or costs associated with subdivisional development; and
 - (iv) Any other relevant conditions in section 8 of this bylaw.
- (b) Any premises which are located within the on-demand water supply area but do not connect to the public water supply may still be charged an availability charge in accordance with Council's fees and charges.
- (c) The Council shall be under no obligation to provide an extraordinary supply of water (see also the provisions of clause 8.8.1 of the Bylaw).
- (d) The Council shall charge customers for the provision of the on-demand supply by either:

- (i) A targeted rate based on rating unit; or
 - (ii) The volume passing through a meter per cubic metre; or
 - (iii) Both (i) and (ii) – These charges are as set by the Council.
- (e) For premises which use a fire protection system complying with NZS 4517, in order for that use to be classified as ordinary, the Customer shall comply with the conditions set under clause 8.8.

8.5.3 Restricted Flow Supply

- (a) Restricted flow supply shall be available to premises in restricted supply areas under special conditions set by the Council. Customers receiving a restricted flow supply shall make provision for onsite water storage of a minimum volume of 22m³ or equivalent of at least 48 hours of average water use where this is greater than 22m³.
- (b) This may include for the purposes of:
 - (i) Rural supply within district.
 - (ii) Water demand management (including for drought, misuse and non-remedy of water leaks).
 - (iii) Properties subject to restriction under section 69ZH (Duty to provide information to territorial authority) of Health Act 1956.
- (c) The water supply shall be restricted so as to deliver 1.8m³ per day or the agreed number of water units at a steady flow rate through a water meter.
- (d) The Council shall charge for the restricted supply by:
 - (i) A targeted rate based on rating unit; or
 - (ii) The volume passing through a meter per m³; or
 - (iii) Both (i) and (ii) – These charges are as set by the Council.
- (e) All restricted supply storage tanks must include a suitable, testable backflow prevention device located at the boundary of the property.
- (f) Properties identified without flow restrictors in restricted supply areas may be given twelve weeks written notice to install onsite water storage of a minimum volume of 22 cubic metres or the equivalent of at least 48 hours of average water use where this is greater than 22 cubic metres. After this period Council shall install the appropriately sized flow restrictor.

- (i) Any property owner who receives written notice may make a written application within 10 working days of receiving such notice for an exemption.
- (ii) Matters which will be taken into account when assessing an application for exemption include (but are not limited to):
 - Location of the property;
 - The basis on which the exemption is claimed;
 - Any other matter which the Council deems relevant.
- (g) Owners are allowed to transfer water allocations subject to following conditions:
 - (i) The initial property retains a 1.8 cubic metre allocation;
 - (ii) The transfer has to take place within the same water supply;
 - (iii) The new property to which water allocation is transferred or sold has to be located at a place where the Council is able to supply the allocation without further upgrading or extension works;
 - (iv) If upgrading or extension works are required then the Customer transferring the allocation has to pay up-front for the full cost of the upgrading or extension works; and
 - (v) The Customer transferring the allocation has to pay for the connection cost to the new property and a transfer fee.
- (h) Council allows property owners to apply for disconnection from the restricted water supply. No refund either in part or whole of any development contribution will be made. Such an application must state the alternative water source the consumer will rely on. Council charges those property owners a disconnection fee to recover costs of effecting the disconnection. Should the owner wish to reconnect to a Council water scheme, reconnection fees will be charged.

Advisory Note: The Council gives no guarantee regarding the serviceability of the valve located on the service pipe. Where there is no (Owner) stopcock or where maintenance is required between the service valve and the (Owner) stopcock, the (Owner) may use the service valve to isolate the supply in an emergency. However, Council reserves the right to charge for maintenance of this valve if it is damaged by the (Owner) during use for this purpose.

8.6 Meters and Flow Restrictors

All water connections in Waikato District shall be metered.

8.6.1 Installation of meters

- (a) Meters for on demand supplies, and restrictors for restricted flow supplies shall be supplied, installed and maintained by the Council, and shall remain the property of the Council.

- (b) The Council may fit a meter to any connection on any Premises at any time for the purposes of determining water consumption.
- (c) Where a premises is supplied with an on demand water supply and is not metered, the Council reserves the right to fit a meter at the Customers cost and charge accordingly.

8.6.2 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.

8.6.3 Accuracy

- (a) Meters shall be tested as and when required by the Council.
- (b) The flow restrictors shall be accurate to within $\pm 10\%$ of their rated capacity.
- (c) Any Customer who disputes the accuracy of a meter or restrictor may apply to the Council for it to be tested provided that the testing is not requested within six months of any previous test. If the test shows the meter is accurate, the Customer shall pay a fee in accordance with the Council's fees and charges. A copy of independent certification of the test result shall be made available to the Customer on request.
- (d) Restrictors shall be tested by measuring the quantity of water that flows through the restrictor within a period of not less than one hour, at the expected minimum operating pressure.

8.6.4 Adjustment

- (a) If a test is carried out and the meter is found to register a consumption which is different to the quantity of water which has actually passed through the meter, the Council shall make an adjustment in accordance with the results shown by such tests, backdated for a period determined by the Council but not exceeding 12 months, and the Customer shall pay a greater or lesser amount according to the adjustment.
- (b) Where a meter is under-reading by more than 20% or has stopped, the 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 water demand, and charge the customer accordingly.
- (c) Where a meter is over-reading, the Council shall 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.

8.6.5 Estimating Consumption

- (a) Where a 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 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 be liable for the amount estimated.
- (b) If the average of the previous four billing periods would be an unreasonable estimate of the consumption (due to seasonal or other causes), the Council may consider other evidence for the purpose of arriving at a reasonable estimate, and the Customer shall pay according to such an estimate.
- (c) Where the Customer is a non-profit organisation, and the meter indicates a significant increase in consumption, and it is established that the increase is caused by a previously unknown leak, the Council may estimate consumption as provided for in clause 8.6.5 (a) providing that the Customer repairs the leak as soon as is practicable.
- (d) Where an unauthorised connection has been made to the Council's water supply system, the Council will estimate the consumption for the period from when the connection was made, using the uniform charge for water on a pro rata basis. Where a meter has been installed without approval, and such meter complies with Council's standards for meters and installation, the full consumption registered on the meter shall be payable by the current occupier of the premises. Payment of the estimated charge does not preclude Council from taking any other enforcement action available to it.

8.6.6 Incorrect Accounts

- (a) Where a situation occurs, other than as described in clause 8.6.5, and the recorded consumption does not accurately represent the actual consumption on a property, the account shall be adjusted using the best information available to the 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 water supplies.
- (b) Where an adjustment is required in favour of the Council or the Customer, the adjustment shall not be backdated more than 12 months from the date the error was detected.

8.6.7 Leaks

- (a) It is the Customer's responsibility to detect and fix all leaks from taps and pipes, stop overflows from cisterns, hot water cylinder exhausts or stock troughs. If a leak is visible from fixtures and is not repaired, no leak relief remission will be available.

- (b) Relief may be available, at Council's discretion for leaks which are undetected.
- (c) Any Customer wishing to apply for relief must make such application in writing in accordance with Council's Water Leak Remission Policy.

8.7 Levels of Service and Continuity of Supply

- (a) Although Council shall make all endeavors to provide water in accordance with the level of service set out in Schedule 2, due to practical and physical limitations, the Council cannot guarantee an uninterrupted or constant supply of water in all circumstances, or the continuous maintenance of any particular water pressure.
- (b) Where planned permanent or temporary works will affect an existing supply, the Council shall inform or give notice to all Customers who, in the opinion of Council, are likely to be substantially affected.
- (c) 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.

8.8 Demand Management

- (a) Where required by rules in a District Plan, owners must maintain devices that have been installed for the purposes of water demand management and in accordance with an associated integrated catchment management plan.

8.8.1 Water Alert and Emergency Restrictions

- (a) In circumstances where natural hazards (such as floods, droughts or earthquakes) or accidents result in disruptions to the supply of water, Council may declare a water alert level or an emergency for the purposes of the supply of water and shall be exempt from the levels of service requirements.
- (b) During a water alert and/or emergency the Council may restrict or prohibit the use of water for any specified purpose or period, and for any or all of its Customers. Such restrictions shall be advised by public notice. The Customer shall comply with any restrictions imposed by Council, until such time as Council advises the restrictions are no longer in place
- (c) The Council may after serving notice and taking all practicable steps to contact a Customer, restrict and or meter the supply to reduce unnecessary and unauthorised water use and wastage where it deems necessary.

8.8.2 Maintenance and Repair

- (a) In circumstances where a scheduled maintenance shutdown of the supply is required, Council shall make all practicable attempts to notify Customers prior to any work commencing. Where Council is unable to notify the Customer, or immediate action is required, the Council may restrict the supply without notice, subject to its obligations under the Health Act 1956.
- (b) Where a Customer has assets restricting the maintenance of a Council water supply system, the Council shall not be responsible for damage caused to the asset in order to maintain the Council water supply system.
- (c) If Council must carry out repairs or maintenance to privately owned supply pipes and/or water assets, the costs of such repairs or maintenance may be recovered from the Customer responsible for the pipes and/or assets.

8.9 Liability

The Council shall not be liable for any loss, damage or inconvenience incurred by a Customer (or any person using the supply) because of a reduced level of service of, or interruptions to the water supply.

8.10 Fire Protection Connection

8.10.1 Connection Application

An application to install a connection for fire protection purposes must be made, in writing, to the Council. Council may impose any conditions it determines are appropriate.

8.10.2 Design of Fire Protection Systems

As part of the application to install a connection for fire protection purposes, the Customer shall demonstrate to the Council that the available supply is adequate for the intended purpose. It shall also be the Customers responsibility to monitor the supply to ensure it continues to be adequate for the intended purpose.

Advisory Note: For further information on fire safety water sprinkler or storage requirements refer to the SNZ PAS 4509: 2008 New Zealand Fire Service Fire Fighting Water Supplies Code of Practice. Customers may also wish to consult with the New Zealand Fire Service Fire and Emergency New Zealand about suitable measures to provide firefighting protection for their properties.

8.10.3 Fire Protection Connection Metering

- (a) Where a fire connection has been installed (or located) so that it is likely or possible that water may be drawn from it by any person for purposes other than firefighting, the Council may charge for the usage.

- (b) 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 4503:2005 Hand operated fire-fighting equipment.
- (c) 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, the Council shall estimate the quantity of water used, and credit to the Customer's account an amount based on such an estimate.
- (d) Ongoing Testing and Monitoring Owners intending to test fire protection systems in a manner that requires a draw-off of water must obtain the approval of the 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 the Council.

8.11 Backflow Prevention

8.11.1 Customer Responsibility

In accordance with the Health Act 1956, the Building Act 2004 and clause G12 Water Supplies of the Building Regulations 1992, it is the Customer's responsibility 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. All necessary measures shall include:

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

Advisory 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 the Council's normal minimum operating pressure

Advisory Note: The type of back flow prevention device to be used is dependent on the risk to the water supply posed by the Customer.

8.11.2 Unmanaged Risk

Where a Customer is unable to demonstrate that the risk of backflow is adequately managed or fails to take all necessary measures as required in clause 8.11.1 of the Bylaw, the Council may undertake the required works and fit a backflow prevention device on the Council side of the point of supply. In accordance with section 186 of the Local Government Act 2002, Council may recover such costs as a debt from the Customer.

Council will undertake a periodic surveying of existing connections to determine integrity and suitability of the backflow prevention device installed from each point of supply.

Advisory Note: Testable backflow prevention devices, require annual testing by a qualified or Council approved contractor. A test report shall be submitted to the Council for the Customer owned devices.

8.12 Council Equipment and Inspection

8.12.1 Care of Water Supply System

The Customer of the premises shall not damage or tamper with any part of the water supply system, including but not limited to pipe-work, valves, meters, restrictors, chambers, and backflow prevention devices. Should any damage occur which requires repairs, the Council reserves the right to recover the cost of such damage and/or repairs as a debt from the Customer.

8.12.2 Inspection

In accordance with section 182 of the Local Government Act 2002, the Customer shall allow the Council or its agents, with or without equipment, access to any area of the premises for the purposes of determining compliance with this Bylaw.

8.13 Plumbing System

8.13.1 The Customer's plumbing system shall be designed, installed and maintained, both in its component parts and its entirety, to ensure it complies with the Regional Infrastructure Specifications (RITS), Building Act 2004 and the New Zealand Building Code and is compatible with the water supply service as listed in Schedule 2.

8.13.2 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 the Council to maintain its stated levels of service, shall not be used on any piping beyond the point of supply. In special circumstances such equipment may be approved by the Council at its discretion. A gate valve shall not be used to control the water supply flow to the premises.

8.14 Prevention of Water Loss and Waste

- 8.14.1** The Customer shall not allow water to run to waste from any pipe, tap, or other fitting, nor allow the condition of the plumbing within the premises to deteriorate to the point where leakage or wastage occurs.
- 8.14.2** Water is provided by the Council for consumption purposes only. The Customer shall not use water or water pressure directly from the supply for driving lifts, machinery, educators, generators, or any other similar device, unless specifically approved by the Council.
- 8.14.3** The Customer shall not use water for a single pass cooling system or to dilute trade waste prior to disposal, unless specifically approved by the Council.
- 8.14.4** Where a Customer ignores advice from the Council to repair an on-going leak, the Council may after serving notice, repair the leak and charge the Customer all associated cost as provided in the Local Government Act 2002.

Advisory Note: The Waikato District Plan sets out water saving measures required for water supply connections.

8.15 Payment

- 8.15.1** The Customer shall be liable to pay for the supply of water and related services in accordance with the Council's rates, fees and charges prevailing at the time.
- 8.15.2** The Council may recover unpaid water rates in respect of the supply of water as prescribed in the Local Government (Rating) Act 2002 from the owner of a premises, the occupier of a premises, or both.

8.16 Transfer of Rights and Responsibilities

- 8.16.1** The Customer shall not transfer to any other party the rights and responsibilities set out in this bylaw.

8.17 Change of Ownership

- 8.17.1** In the event of a premises changing ownership the new owner will be recorded as the customer at those premises from the date of notification. Where the premises are metered, the outgoing Customer shall give the Council ten working days' notice to arrange a final meter reading.
- 8.17.2** The Council reserves the right to reassess the conditions of supply when a change of ownership occurs.
- 8.17.3** The owner of the premises at the time of the consumption is responsible for any water charges.

8.18 Disconnection at the Customer's Request

The Customer shall give 10 working days notice in writing to the Council of a requirement for disconnection of the supply. Disconnection shall be at the Customer's cost.

9. BREACHES

9.1 Breaches of conditions of supply

9.1.1 The following are deemed to be breaches of the conditions to supply water.

- (a) An incorrect application for supply which fundamentally affects the conditions of supply;
- (b) Failure to meet any obligations placed on the Customer under all Codes and Standards specified in clause 5 of this Bylaw;
- (c) An act or omission including but not limited to any of the following:
 - (i) Any tampering or interference with Council equipment/assets, either directly or indirectly;
 - (ii) Failure to pay the appropriate charges by the due date;
 - (iii) Frustration of the Council's ability to adequately and effectively carry out its obligations;
 - (iv) Failure to repair a leak, or in any way willfully allowing water to run to waste, or to be misused;
 - (v) 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 the Council to maintain its stated levels of service (subject to clause 8.5 of this Bylaw);
 - (vi) Failure to prevent backflow;
 - (vii) Failure to maintain, inspect backflow;
 - (viii) Using water or water pressure directly from supply for driving lifts, machinery, educators, generators, or any other similar device, unless specifically approved by the Council;
 - (ix) Using water for a single pass cooling or heating system, or to dilute trade waste prior to disposal, unless specifically approved;
 - (x) Extending by hose or any other pipe a private water supply beyond that Customer's property;

- (xi) Providing water drawn from the Council supply to any other party without approval of the Council;
 - (xii) Unauthorised removal of flow restrictors.
- (d) Every person commits a breach of this Bylaw and commits an offence who:
- (i) Does permits or allows anything to be done, which is contrary to this bylaw;
 - (ii) Fails to do or perform any act, or thing, that he or she is required to do by this Bylaw, within the time and in the manner required by the Bylaw, or any part of it;
 - (iii) Commits any breach of the terms and conditions of this Bylaw;
 - (iv) Does anything prohibited by this Bylaw;
 - (v) Fails to comply with any notice given under this Bylaw or any part of it or any condition that is part of any notice granted by the Council;
 - (vi) Where required, fails to obtain written approval or having obtained written approval fails to abide by the conditions (if any);
 - (vii) Obstructs or hinders any authorised officer in the performance of any duty or in exercising any power conferred by this bylaw;
 - (viii) Tampers or interferes with any part of the Council owned water supply system without a permit;
 - (ix) Withdraws water from a fire hydrant without authorisation from the Council for any other purpose than fire protection;
 - (x) Fails to comply with water use restriction or prohibitions introduced by the Council for any specific purpose;
 - (xi) Fails to meet any obligations placed on the Customer through any permit conditions;
 - (xii) Fails to meet any obligations placed on Customer through an individual Customer agreement;
 - (xiii) Other than the Council or its authorised agents, who accesses the water supply system without a valid permit breaches this bylaw.

9.1.2 In the event of a breach of any provision of this bylaw, the Council shall serve notice on the Customer advising the nature of the breach, the steps to be taken, and required timeframe to remedy the breach to the satisfaction of the Council beyond timeframe indicated. If the Customer persists with the breach the Council reserves the right to:

- (a) Reduce the flow rate of water to the Customer without notice. Reinstatement of full supply shall be re-established only after the Customer completes payment of the appropriate fee and remedy of the breach to the satisfaction of the Council.
- (b) Install a water meter. The Customer will also be charged for the ongoing supply of water as per Council's fees and charges for water supply as determined by Council from time to time.
- (c) For extraordinary supply – disconnect the water supply for all purposes other than domestic water use.
- (d) If the breach is such that the Council is required to disconnect the supply for health or safety reasons, disconnection may occur immediately and without further notice to the Customer.

9.2 Interference with equipment

Any tampering or interfering with Council equipment, either directly or indirectly, shall constitute a breach of this Bylaw.

10. Offences and Penalties

- 10.1** A person who fails to comply with the requirements of this Bylaw commits a breach of this Bylaw and is liable to a penalty under the Local Government Act 2002 or under the Health Act 1956.

11. Schedules

The following schedules can be amended through a Council resolution.

Schedule 1: Examples showing Single/Manifold Connection

Schedule 2: Table I Compatibility Features

Schedule 3: Water Supply Area Maps

12. General

- 12.1** Any notice, order or other document which is required by this bylaw to be served or given or sent to any person shall be deemed to have been duly served given or sent if delivered to such person or left at his or her residence or workplace or posted to such person at his or her last known address.
- 12.2** Any resolution of the Council may be amended, rescinded or reinstated by a further resolution of the Council.



This bylaw was made pursuant to a resolution passed by the Waikato District Council on 8 September 2014.

THE COMMON SEAL of WAIKATO DISTRICT COUNCIL was hereto affixed in the presence of:

Mayor

Chief Executive



This bylaw was reviewed and amended on 20 September 2021. A further review will occur on or before 20 September 2028.

Activity	Key Date	Council Resolution
Bylaw made	01 October 2014	
Bylaw reviewed	20 September 2021	
Next review due date	20 September 2028	

Schedule I: Examples showing Single/Manifold Connection

Example 1 – With Street Frontage

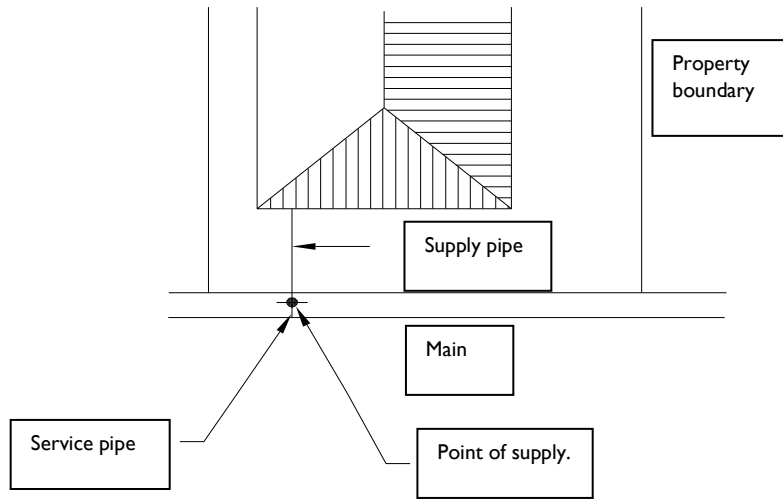


Figure 1: Point of supply outside property boundary

Example 2 – Rear lots on right of way (up to 2 customers)

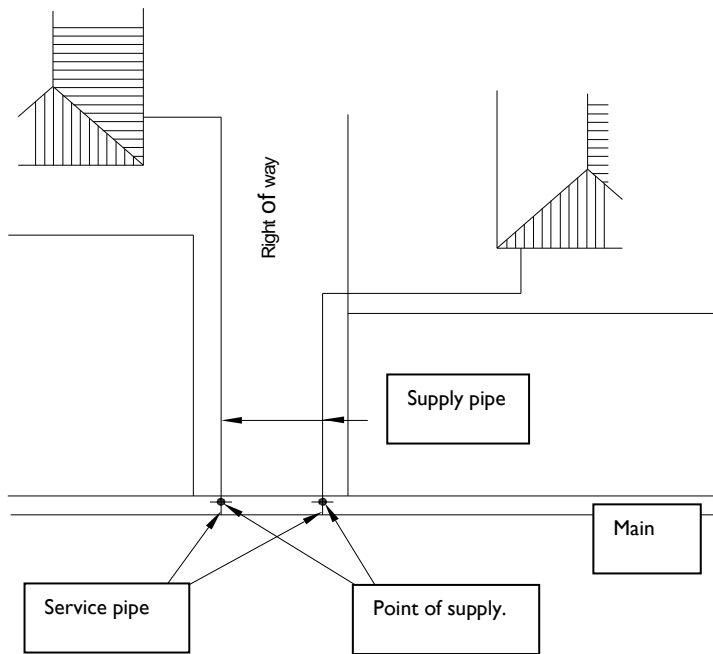


Figure 2: Point of supply outside property boundary

Example 3 – Rear lots on right of way (3 or more customers)

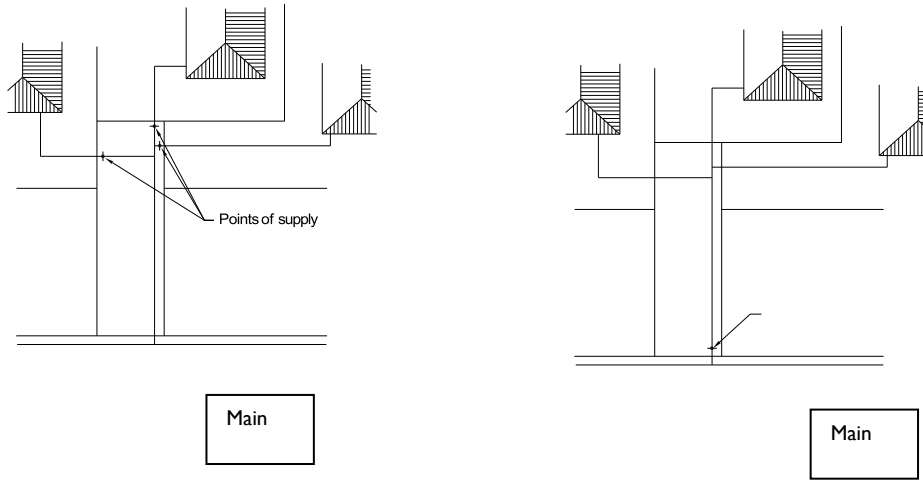


Figure 3: Point of supply outside property boundary

Figure 4: Common point of supply

Example 4 – Industrial, commercial, domestic fire and service connections (including schools)

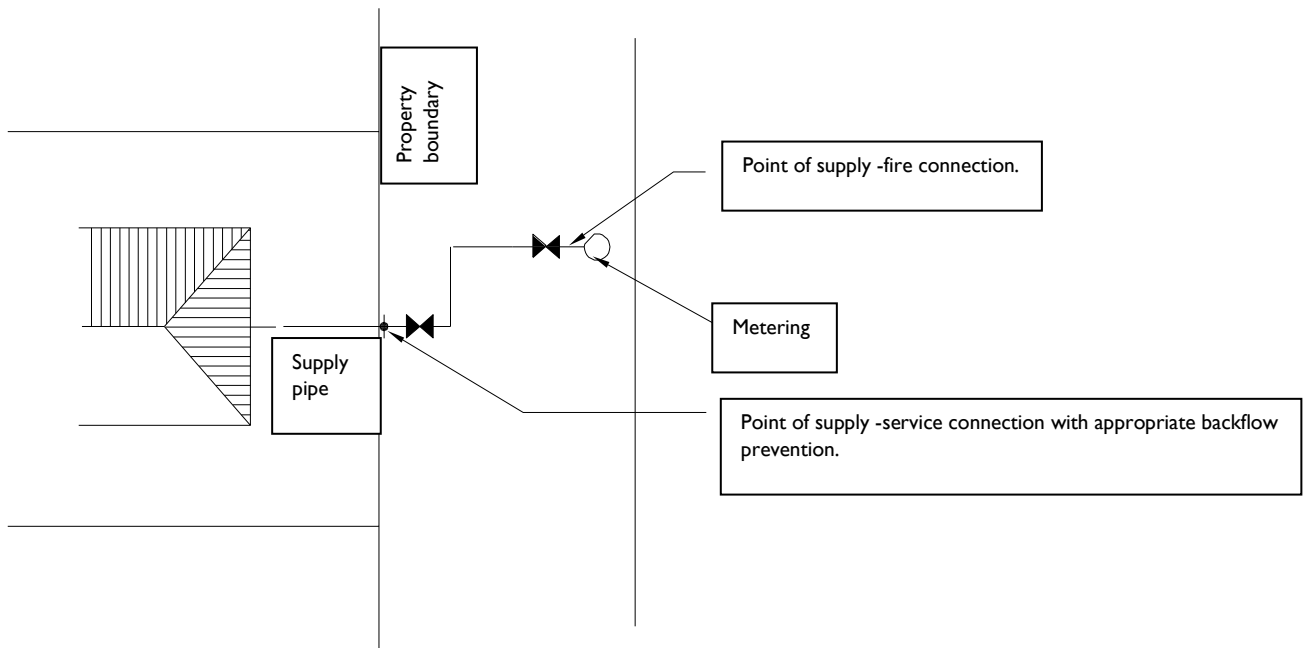


Figure 5: Combined fire and service connection

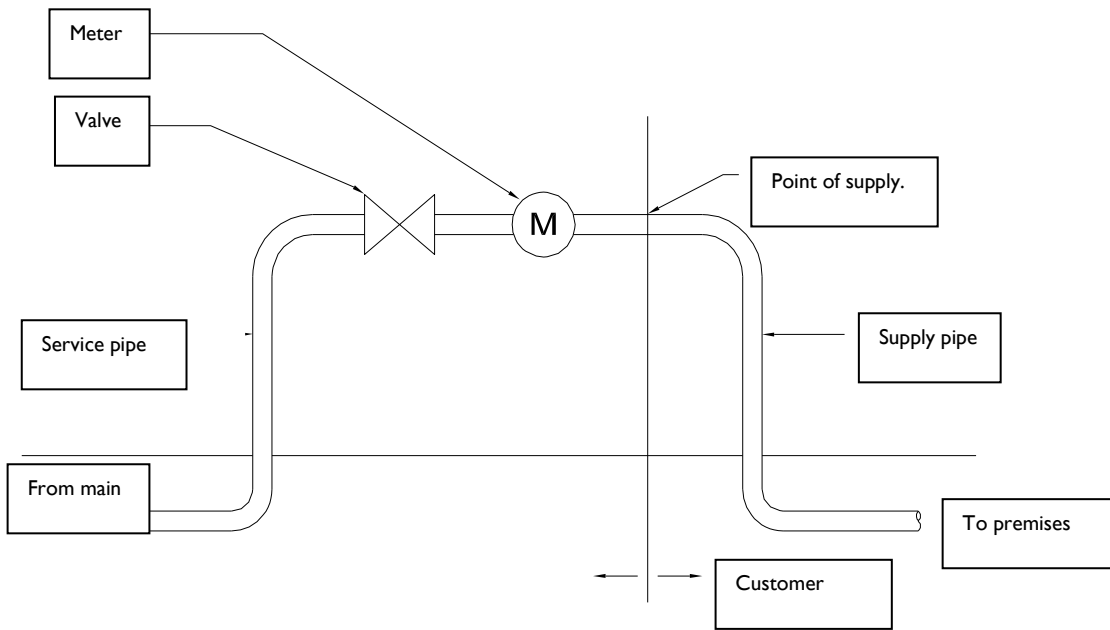
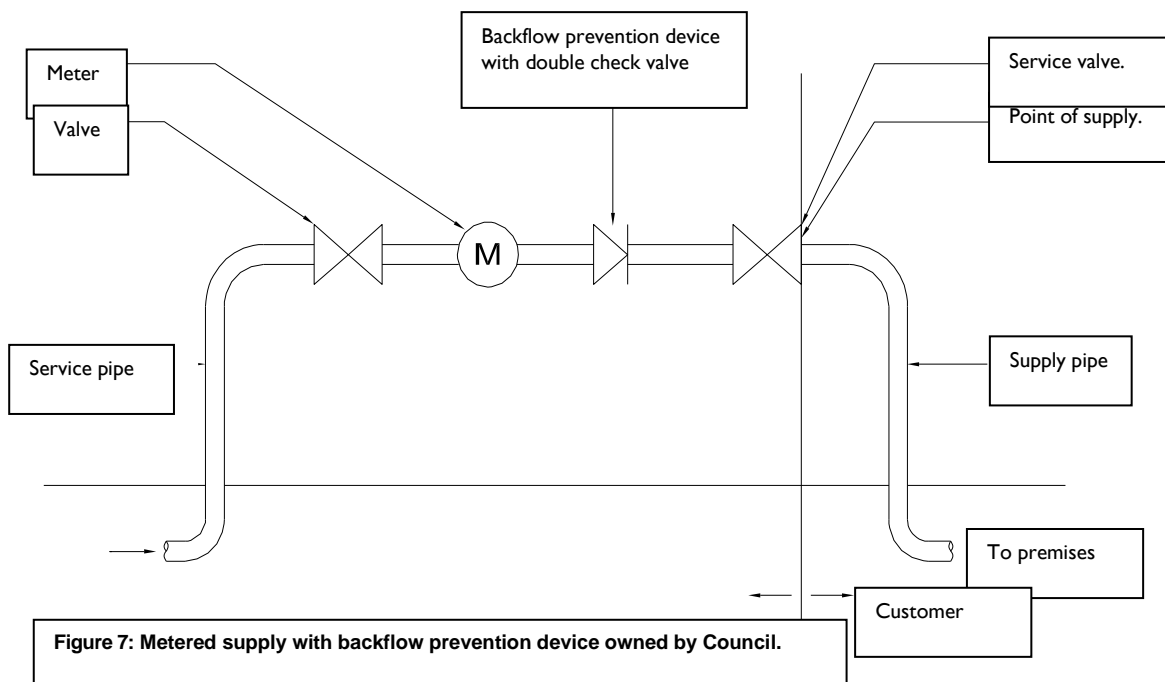


Figure 6: Domestic metered supply

Note:

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



Note:

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

Schedule 2: Table I Compatibility Features

Specific features of the Council supply which need to be taken into account are contained in Table I below.

Table I - Compatibility features

Feature	Value
Maximum pressure	100 metres head (1,000 kPa)
Minimum pressure*	10 metres head (100 kPa)
Normal operating pressure	20-30 metres head (200 - 300 kPa)
Free available chlorine	Up to 1.5 g/m ³

*Minimum pressure refers to on demand water supplies only

Schedule 3: Water Supply Area Maps

Pokeno

<https://enterprise.mapimage.net/IntraMaps21B/?project=Waikato&module=Utilities&configId=4773e32d-66d0-4755-a825-a9313c15040d&startToken=dd694266-ac2c-4047-bc42-00b2e749cde9>

Raglan, Te Akau, Western Districts & Onewhero

<https://enterprise.mapimage.net/IntraMaps21B/?project=Waikato&module=Utilities&configId=4773e32d-66d0-4755-a825-a9313c15040d&startToken=946cba20-a57b-4301-98b3-d6fe17c6c7f0>

Ngaaruawaahia, Taupiri & Hopuhopu

<https://enterprise.mapimage.net/IntraMaps21B/?project=Waikato&module=Utilities&configId=4773e32d-66d0-4755-a825-a9313c15040d&startToken=6cdcd6e4-1c45-4afe-860b-71f89510fd3a>

Huntly

<https://enterprise.mapimage.net/IntraMaps21B/?project=Waikato&module=Utilities&configId=4773e32d-66d0-4755-a825-a9313c15040d&startToken=97e3bf90-a4db-4644-8011-3798b8f6390c>

Southern Districts

<https://enterprise.mapimage.net/IntraMaps21B/?project=Waikato&module=Utilities&configId=4773e32d-66d0-4755-a825-a9313c15040d&startToken=39f8efc2-54e0-4d59-8196-4da9cc9d226d>

Te Kauwhata and Surrounds

<https://enterprise.mapimage.net/IntraMaps21B/?project=Waikato&module=Utilities&configId=4773e32d-66d0-4755-a825-a9313c15040d&startToken=9701c6e9-0592-47b6-8835-62711a5725d4>

Tuakau and Port Waikato

<https://enterprise.mapimage.net/IntraMaps21B/?project=Waikato&module=Utilities&configId=4773e32d-66d0-4755-a825-a9313c15040d&startToken=95517b65-23d5-4201-87a5-5943ec3e1912>