

Water Supply **BYLAW**

Table of Contents

1.	Title	3
2.	Commencement.....	3
3.	Purpose	3
4.	Definitions	4
5.	Conditions of Supply	6
6.	Customer Responsibilities	17
7.	Breaches, Offences and Disputes	20
8.	Enforcement.....	21
9.	Right to Vary	22
10.	Part 1 – Terms & Conditions – Supply of Water	22
	Part 2 – Water Supply	22
11.	Supply System.....	22
	Part 3 – Schedule of Performance Standards	23
12	Standards	23
13.0	Adoption of Bylaw	26
	Appendix A – Application for Water or Sewerage Connection	27
	Appendix B – Permit to Take Water from a Fire Hydrant Application Form	28

South Waikato District Council Water Supply Bylaw 2020



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1. Title

The title of the bylaw shall be the South Waikato District Council Water Supply Bylaw 2020.

2. Commencement

This bylaw shall come into force after passing of a resolution confirming the adoption of the bylaw and that date shall be affixed in the resolution.

3. Purpose

The South Waikato District Council makes this bylaw for one or more of the following purposes:

- a) Protecting, promoting and maintaining public health and safety;
- b) Promoting the efficient use of water and protecting against waste or misuse of water from the water supply system;
- c) For the protection of the water supply, and water supply system from pollution;
- d) Managing, regulating against or protecting from damage, misuse, or loss of, the land, structures or infrastructure associated with the water supply system;
- e) Preventing the unauthorised use of land, structure or infrastructure associated with the water supply system.

This bylaw is derived from NZS 9201 series of bylaws which are model bylaws covering various matters under local authority jurisdiction. It outlines the terms and conditions for the supply of water by the South Waikato District Council which is a Water Supply Authority (Council).

The revision of this bylaw has been necessary to reflect two developments:

- 1) Legislative changes; particularly the Resource Management Act 1991, the Building Act 2004, and the Health (Drinking Water) Amendment Act 2007 which have effectively made large parts of the previous 1989 bylaw redundant.
- 2) Trends and current practice in the utilities industry.

4. Definitions

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

Administration of Bylaws means the “Bylaws Administration Bylaw 2017”.

Air Gap Separation means a minimum vertical air gap between the outlet of the water supply fitting which fills a storage tank and the highest overflow water level of that storage tank.

Approved means approved by the Council or by any officer authorised on that behalf by the Council.

Authorised Agent/Officer means any person appointed or authorised in writing by the Chief Executive of Council and given powers to perform duties and functions under the bylaw, and includes an Enforcement Officer appointed under Section 177 of the Local Government Act 2002.

Backflow means the unplanned reversal of flow of water or mixtures of water and contaminants into the water supply system.

Bylaw means a bylaw of the Council for the time being in force, made under the provisions of any Act or authority enabling the Council to make bylaws.

Check Valve means a valve designed to prevent flow of water or mixtures of water and contaminants into the water supply system.

Clause means any numbered provision in this bylaw.

Council means South Waikato District Council or any officer authorised to exercise the authority of the Council.

Customer means a person who uses or has obtained the right to use or direct the manner of use of water supplied by the Council to any premises. The customer shall normally be the owner of the premises.

Designated means specified by the Council by resolution.

Detector Check Valve is a check (non-return) valve which has a positive closing pressure and a metered bypass to measure flows typically associated with leakage or unauthorized use on a dedicated fire supply.

District means the district within the jurisdiction and under the control of the Council.

Drinking Water Supply means a publicly or privately owned system for supplying drinking water to a person or group of persons, on a temporary or permanent basis, up to but not including the point of supply; and includes, without limitation, a “networked reticulation system”, a well, a reservoir, or a tanker.

Domestic leak means a leak or broken pipe that is located on the property owners side of the point of supply and is the responsibility of the property owner to repair.

Enforcement Officer means a person appointed by Council to exercise the powers of an enforcement officer in relation to offences against and infringement offences under the LGA 2002, including enforcement of this bylaw.

Extraordinary Supply means a category of “on demand” supply and includes all purposes for which water is supplied other than ordinary supply and which may be subject to specific conditions and limitations. Such purposes shall include: domestic – spa or swimming pool in excess of 10m³ capacity, fixed garden irrigation system, commercial and business, industrial, fire protection systems, temporary supply or any other purpose that is not an ordinary supply.

Home Occupation means a business, craft, or profession carried out within a dwelling or accessory building within a site, and which is incidental to the residential use of the site.

Level of Service means the measurable performance standards on which the Council undertakes to supply water to its customers.

LGA or LGA 2002 means the Local Government Act 2002.

Local Authority means the Council, person, or group of persons authorised by any Act to make bylaws and which has made this bylaw and includes the body corporate on behalf of which any such Council, person, or group acts.

Meter means a device for measuring the flow of water through a pipe.

Network Utility Operator has the meaning set out in Section 166 of the Resource Management Act 1991.

Offence includes any act or omission in relation to this bylaw or any part thereof for which any person can be punished either on indictment or by summary process.

“On Demand Supply” means a supply which is available on demand directly from the point of supply subject to the agreed level of service. It includes ordinary supply and extraordinary supply.

Ordinary Supply means a category of “on demand” supply and is the supply of water to a customer which is used solely for domestic purposes. It includes water used for:

- a) Washing down a car, boat etc;
- b) Spa or swimming pool up to and including 10m³ capacity;
- c) Garden watering by hand;
- d) Garden watering by portable sprinkler.

Permit means any approval or consent required or given by the Council under this bylaw and includes any approval whether or not on a prescribed form including by electronic communication.

Person means an individual but includes a corporation sole and also a body of persons, whether corporate or unincorporated.

Point of Supply means the point on the service pipe which marks the boundary of responsibility between the individual customer and the Council, irrespective of property boundaries.

Potable in relation to drinking water means water that does not contain or exhibit any determinants to any extent that exceeds the maximum values (other than aesthetic guideline values) specified in the New Zealand drinking water standards applicable at the time.

Premises means:

- a) A property or allotment which is held under a separate Record of Title or for which a separate Record of Title may be issued and in respect to which a building consent has been or may be issued; or
- b) A building that has been defined as an individual unit by a cross-lease, unit title or company lease and for which a Record of Title is available; or
- c) Land held in public ownership (eg reserve) for a particular purpose.

Public Notice shall have the meaning assigned to it from time to time by the Local Government Act 1974.

Public Place means any place that, at any material time, is under the control of the Council and is open to or being used by the public, whether free or on payment of a charge; and includes any road whether or not it is under the control of the Council. It also includes every reserve, park, domain, beach, foreshore, Council land and recreational grounds under the control of the Council.

Public Work means every activity which the Crown or any Local Authority is authorised to engage in and includes any investigation, enquiry, meeting or item required directly or indirectly for such activity.

Publicly Notified means published on one occasion in one daily newspaper and one weekly newspaper circulating in the Council water supply area; or under emergency conditions in the most effective way to suit the particular circumstances.

Ranger means that person responsible for the management of a Council controlled catchment area or water reserve.

Reserve means any land set aside for any public purpose and shall have the same meaning as in the Reserves Act 1977.

Restricted Flow Supply means 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 means a control device fitted to the service pipe to limit the flow of water to a customer’s premises.

Road Controlling Authority means in relation to a road:

- a) Means the authority, body or person having control of the road; and

- b) Includes a person acting under and within the terms of a delegation or authorisation by the controlling authority.

Rural Supply means a type of extraordinary supply operating only in a rural area (including rural residential) where there is no guarantee of levels of service. Rural supply does not guarantee a fire fighting capability.

Schedule of Fees and Charges means the list of items, terms and prices for services associated with the supply of water as adopted by the Council in accordance with the LGA 2002 and the Local Government (Rating) Act 2002.

Service Pipe means that section of water pipe between a watermain and the point of supply. This section of pipe is owned and maintained by the Council.

Service Valve means the valve or Council toby that typically regulates the water supply between the watermain and the point of supply. This is owned and maintained by the Council.

Storage Tank means any tank, having a free water surface under atmospheric pressure to which water is supplied across an air gap separation.

Supply Pipe means that section of pipe between the point of supply and the customer's premises through which water is conveyed to the premises. This section of pipe is owned and maintained by the customer.

Unit is the basis of measurement for a restricted flow supply. One unit equals a volume of 1.0 m³/day.

Termination means the physical cutting off of the supply to a premise.

Water Supply Area as defined by Section 376 of the Local Government Act 1974.

Water Conservation Management Plan means a document adopted by Council which sets out the initiatives and measures to use water more efficiently and reduce water consumption.

Water Filling Hydrant or Station means the designated fire hydrant or specifically designed filling station approved for use by water tankers and commercial operators.

Water Supply Authority (Council) is the operational unit of the Council responsible for the supply of water, including its authorised agents.

Water Use Level means the requirements for customers to restrict their water use including sprinkler and hose use for garden watering and household maintenance.

Writing, Written or any term of like import means and includes words printed, painted, engraved, lithographed, or otherwise traced or copied.

5. Conditions of Supply

5.1 Applications for supply

Any applicant that requires a new service pipe(s) to the property boundary will be advised in writing of the cost of the service and invited to respond with an application if the quotation is acceptable.

Every application for a supply of water shall be made in writing on the standard Council form (Refer Appendix A) together with the prescribed charges. The applicant shall provide all the details required by the Council.

Within 10 working days of the receipt of an application complying with these terms and conditions the Council shall, after consideration of the matters in 5.4, either:

- a) Proceed with the installation of the service pipes and ancillary equipment; or
- b) Refuse the application and notify the applicant of the decision giving the reasons for refusal.

For the agreed level of service to the applicant, the Council will determine the sizes of all pipes, fittings and any other equipment, up to the point of supply. The Council will maintain the service pipe up to the point of supply.

Any new water connection, installed after the adoption of the bylaw, must be located and installed in accordance with the Council's Engineering Standards.

The applicant must have the authority to act on behalf of the owner of the premises for which the supply is sought and shall produce written evidence of this if required.

A new application for supply shall be required if a customer wishes to change his/her type of supply.

5.2 Payment (charge)

The Council will require an "Administration Fee" as payment to be paid with the formal application for the supply of water. The amount of the payment shall be in accordance with the Council's current schedule of fees and charges and credited to the customer.

5.3 Point of Supply

5.3.1 Single Ownership

The point of supply to an individual customer is the point on the service pipe which marks the boundary of responsibility between the customer and the Council, irrespective of property boundaries.

For each individual customer there shall only be one point of supply, unless otherwise approved. Note that Council shall determine the point of supply based on individual rating assessments.

The Council shall own and maintain the service pipe up to the point of supply including any water meter where fitted. The owner shall own and maintain the supply pipe beyond the point of supply.

A customer who has altered or who seeks to alter the ground levels in the vicinity of the connection is responsible for the alteration of the existing service pipe and cover to ensure that this complies with Council's engineering standards. Such work shall be carried out at the owner's expense.

The Council gives no guarantee as to the serviceability of the "toby" 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 toby valve to isolate the supply.

Figure 1 – Typical layout of a point of supply

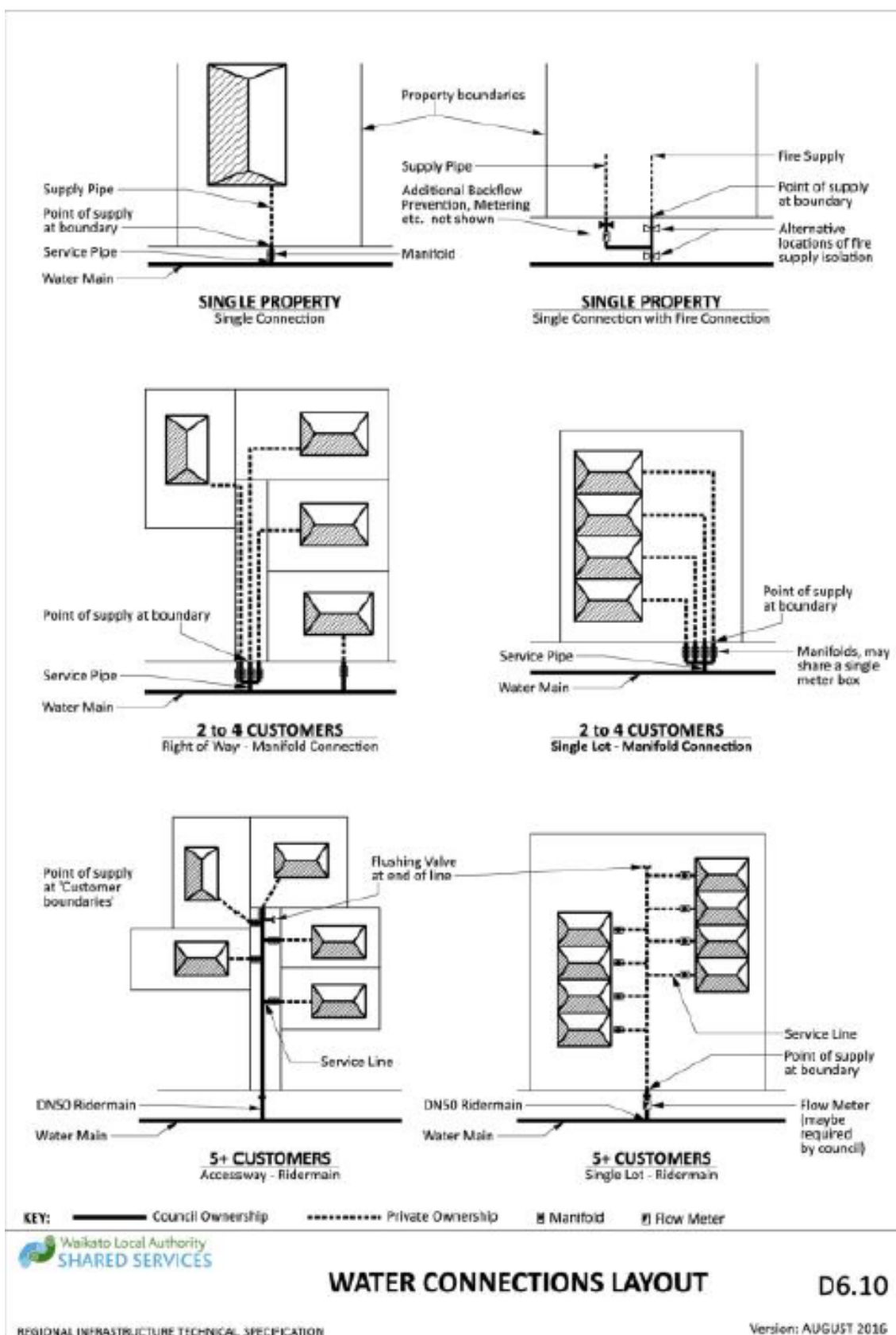
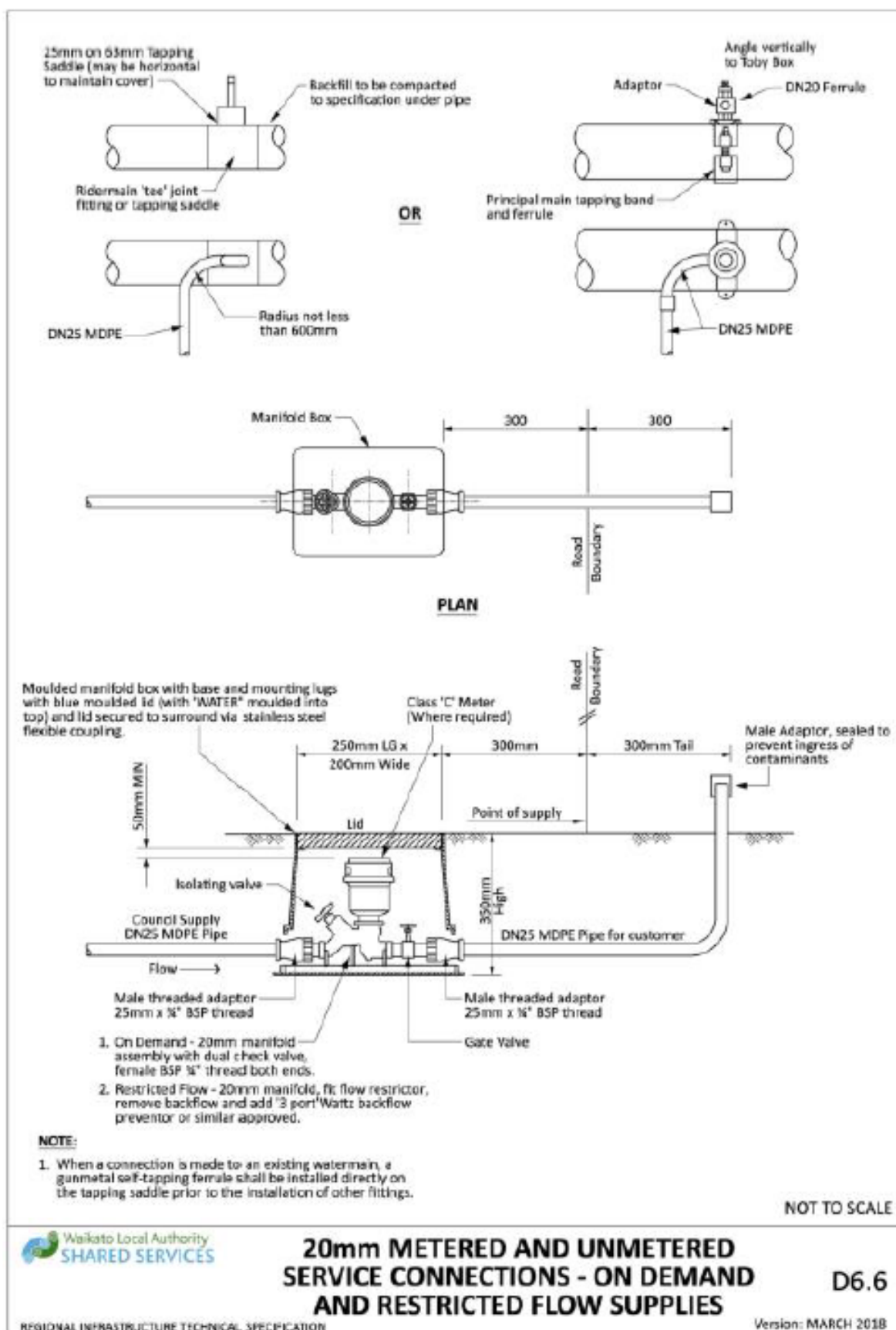


Figure 2 – 20mm Metered and Unmetered Service Connections



5.3.2 Multiple ownership

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

- a) For Company Share/Block Scheme (Body Corporate) - as for single ownership.
- b) For Leasehold/Tenancy in Common Scheme (Cross Lease), Strata Title and Unit Title (Body Corporate) - each owner 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 individual approval.

For a multiple ownership supply which was in existence prior to the coming into effect of these terms and conditions, the point of supply shall be the arrangement existing at that time, or as determined by agreement with the Council for an individual case.

In the event of a failure of the supply pipe (through age and/or condition), the Council may require the multiple property owners to install separate supply pipes to the property boundary with individual toby valves to each separately occupied dwelling/flat.

For a multiple ownership supply where a fire hydrant is attached to the supply, notwithstanding anything in this clause, the Council shall own and maintain the fire hydrant and the main that supplies it. (see Figure 3).

Figure 3 – Combined Fire & Service Connection

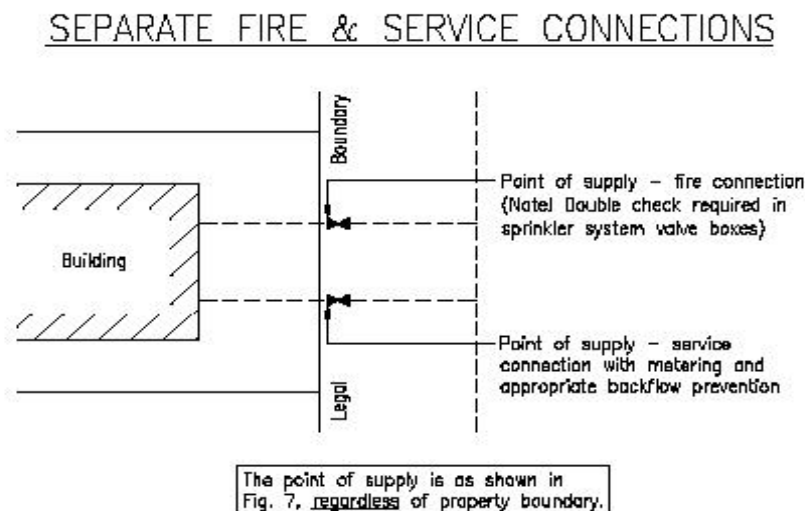
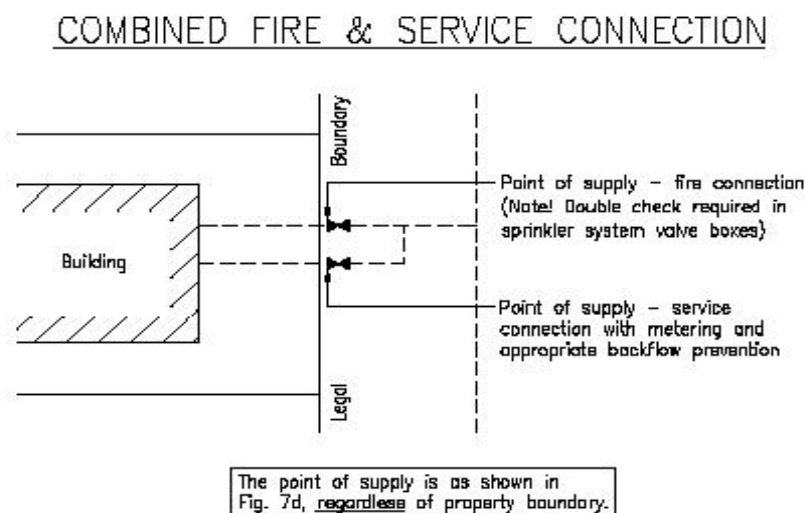
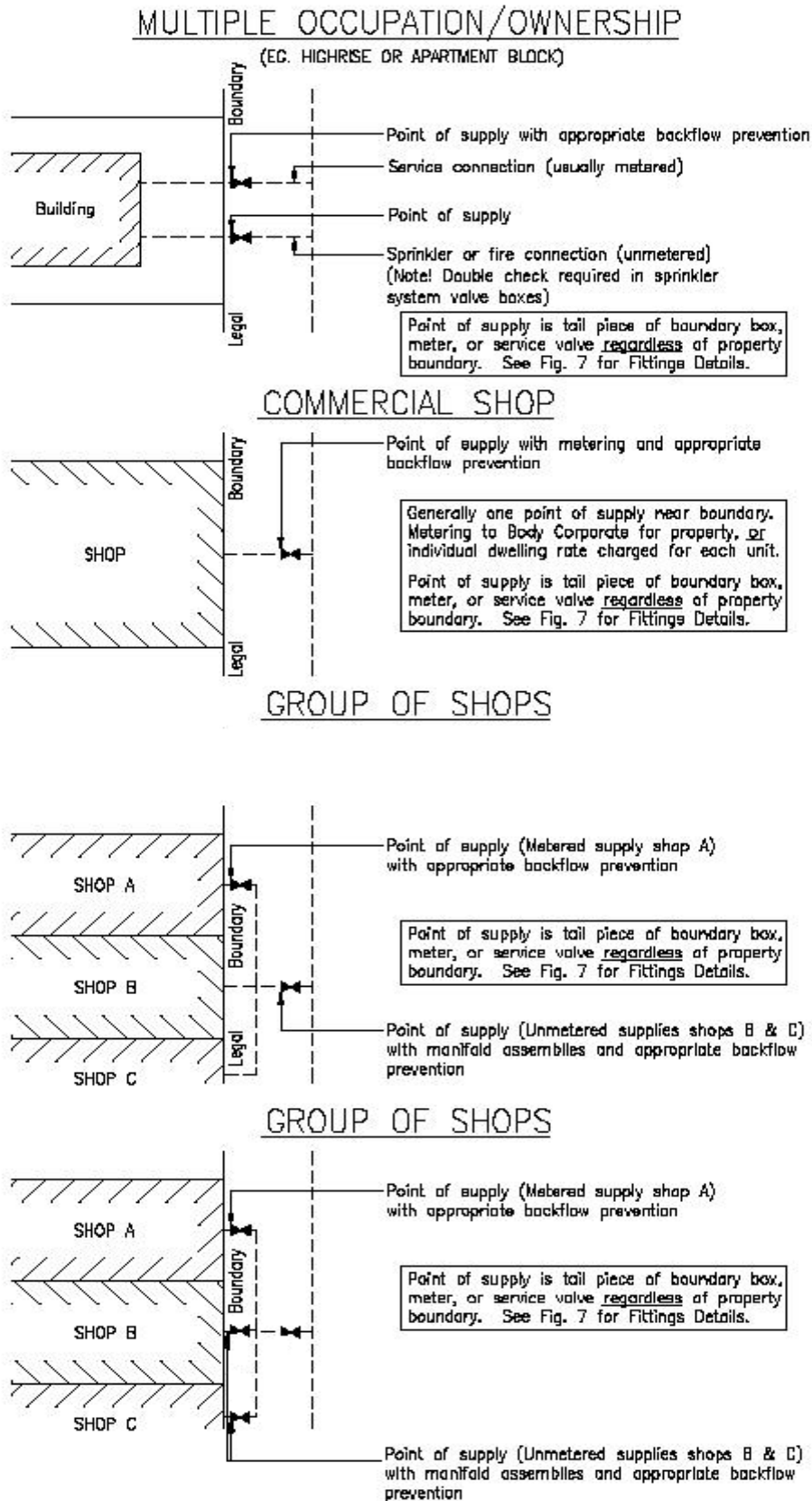


Figure 4 – Multiple Occupation/Ownership



5.4 Types of Supply

5.4.1 On demand supply

An “on demand supply” is an “adequate” supply of drinking water which is available on demand “24/7” directly from the point of supply subject to the agreed Level of Service. There are two categories, which are defined by this Bylaw and may be amended from time to time:

5.4.1.1 Ordinary supply

The supply of water to a customer which is used solely for domestic purposes in the dwelling or unit, shall be deemed to be an ordinary supply. Such purposes shall include the use of a hose for:

- Washing down a car, boat etc
- Spa or swimming pool up to and including 10m3 capacity
- Garden watering by hand
- Garden watering by a portable sprinkler (subject to the provisions of 5.6.2).

5.4.1.2 Extraordinary Supply

All other purposes for which water is supplied other than Ordinary Supply shall be deemed to be an Extraordinary Supply and may be subject to specific conditions and limitations as the Council may impose. Such purposes shall include:

- Domestic – spa or swimming pool in excess of 10m3 capacity, fixed garden irrigation systems, or “home occupation” uses
- Commercial and business
- Industrial
- Farm supply
- Rural/Residential zones
- Fire protection systems
- Temporary supply.

5.4.1.3 Entitlement

Every premise shall be entitled to an ordinary supply of water, subject to:

- a) The premise lying within a water supply area, if such an area has been constituted by the Council under the Local Government Act 1974; and
- b) The exclusion of its use for garden watering under any restrictions made by the Council under 5.6.2 and;
- c) Payment of the appropriate charges in respect of that property and;
- d) These terms and conditions and;
- e) Any other charges or costs associated with subdivisional development.

The Council shall be under no obligation to provide an extraordinary supply of water, (refer also to the provisions of 5.4.3.

5.4.2 Restricted flow supply

A restricted flow supply is defined as one where a small continuous flow is supplied by a flow control device (eg restrictor plug or pressure reducer, and may or may not be across an Air Gap Separation) and storage is provided by the customer to cater for his/her demand fluctuations. Restricted flow shall only be available to premises within a designated area, or under special conditions set by the Council.

The supply shall be measured on the basis of an agreed number of units, supplied at a uniform flow rate.

The Council shall charge for the restricted flow supply by:

- a) as prescribed in Part 1, Sections 9, 15 to 19 and Part 4, Sections 101 to 103 of the Local Government (Rating) Act 2002; or
- b) The volume passing through a meter; or
- c) The agreed number of water units.

5.4.3 Metering

An ordinary supply of water shall not normally be metered (subject to the Council reserving the right to fit a meter, and charge accordingly where it considers water use is excessive) and the cost of such supply shall be as resolved by the Council, in accordance with the Rating Powers Act 1988.

An extraordinary supply may be metered and charged for in accordance with 5.10.

The charges for metered supply are contained in the Council's annual fees and charges Section 46.

5.4.4 Fire Hydrant use

The use of fire hydrants is restricted to Fire and Emergency New Zealand personnel and persons authorised by Council for a defined period and conditions of supply holding a current "Fire Hydrant Permit".

"Water carriers" are defined as "drinking water suppliers" in the Health (Drinking Water) Amendment Act 2008 and are required to have a current registration with the Director General of Health.

5.5 Level of Service

The Council shall provide water in accordance with the level of service contained in the "Water Supply Asset Management" Plan. For those periods where the level of service allows non-compliance with the specified value(s), the Council will make every reasonable attempt to achieve the specified value(s).

If a customer has a particular requirement for an uninterrupted level of service (flow, pressure or quality), it will be the responsibility of that customer to advise the Council of their needs and provide any necessary storage, back up facilities, or equipment.

Where physical works are planned which will substantially affect an existing supply, the Council shall give reasonable notice to all customers known to be affected.

See also Clause 12.1.

5.6 Continuity of Supply

5.6.1 Supply

The Council does not guarantee an uninterrupted or constant supply of water, or maintenance of an existing pressure which is in excess of an agreed level of service; but shall do its best to meet the continuity of supply levels of 5.4.1, subject to the exemptions contained in 5.4.2 and 5.6.

5.6.2 Demand management

The customer shall comply with any garden watering restrictions, or other restrictions, which may be approved by the Council to manage high seasonal or other demands.

In managing water demand, the Council will take into account the usage of water compared to target levels in the Water Conservation Management Plan; the amount of storage in Council reservoirs and seasonal weather conditions.

The imposition of water use restrictions will be publicly notified.

5.6.3 Water Filling Hydrant or Station

No person may draw water from the tanker filling station/hydrant without a permit issued by the Council under this bylaw (See Appendix B).

5.6.3.1 Every person must comply with the conditions of the permit.

5.6.3.2 The conditions of the permit are those recorded in the bylaw at the time the permit is issued, unless expressly varied in which case the variations will prevail to the extent of any inconsistency.

5.6.3.3 Council reserves the right to restrict the flow or even close the facility when water restrictions are in place.

5.6.4 Emergency

Natural hazards (such as floods, droughts or earthquakes), or accidents which result in disruptions to the supply of water, shall be deemed an emergency and shall be exempted from the level of service requirements of 5.5 and 12.1.

During an emergency the Council may restrict or prohibit the use of water for any specified purpose, for any specified period and for any or all of its customers. Such restrictions shall be publicly notified. The Council may enact penalties over and above those contained in these terms and conditions to enforce these restrictions. The decision to make and lift restrictions and to enact additional penalties shall be made by the Council, or where immediate action is required by the Manager of the Council, subject to subsequent Council ratification.

5.6.5 Scheduled maintenance and repair

Wherever practical the Council will make every reasonable attempt to notify the customer of a scheduled maintenance shutdown of the supply, before the work commences. Where immediate action is required and prior notice is not practical, the Council may shut down the supply without notice.

5.7 Liability

5.7.1 The Council shall meet the Level of Service requirements of 5.5, 12.1, but it shall not be liable for any loss, damage or inconvenience which the customer (or any person using the supply) may sustain as a result of deficiencies in, or interruptions to, the water supply.

5.7.2 Any such payment shall be in full and final settlement of any claim the customer may have against the Council.

5.8 Fire Protection Connection

5.8.1 Connection application

Any proposed connection for fire protection shall be the subject of a separate application (on the standard Council form) to the Council for approval. Any such connection shall be subject to the terms and conditions specified by the Council.

5.8.2 Fire Protection Supply

The Council shall be under no obligation to provide a fire protection supply at any particular flow or pressure.

5.8.3 Metering

In any case where supply of water to any premises is metered, the Council may allow supply of water for the purposes of fire fighting to be made in a manner which by-passes the meter, provided however that the drawing of water will only be permitted in the following circumstances:

- a) To systems in which the drawing of water is only possible in connection with the sounding of an automatic fire alarm, or the automatic notification of the Fire and Emergency New Zealand.
- b) Where a Council approved detector check valve has been fitted on the meter bypass.

5.8.4 For a fire connection installed prior to the coming into effect of these terms and conditions, which is so constructed or so located, that it is likely or possible that water will be drawn from it or from any part of it by any person for purposes other than fire fighting, the Council may install a water meter suitable for the purpose on such a connection.

5.8.5 Sprinkler systems

Any fire sprinkler system shall be constructed, installed and maintained in good order and shall be so designed and fixed that water cannot be drawn for any other purpose.

5.8.6 Fire hose reels

In any case where supply of water to any premises is metered, fire hose reels shall be connected only to the metered supply, not to a fire protection connection.

5.8.7 Charges

Water used for the purpose of extinguishing fires will be supplied free of charge. Whenever metered water has been used for fire fighting purposes, Fire and Emergency New Zealand may estimate the quantity of water so used; and subject to approval, a sum based on such estimate at the appropriate charge rate shall be credited to the customer's account.

5.9 Backflow Prevention

The primary responsibility of drinking water suppliers is to take "all practicable steps" to ensure that the drinking water supplied is "wholesome" and complies with the drinking water standards.

5.9.1 If the Council considers there is a need to protect the "networked system" from risks of pollution caused by water or other substances on properties connected to the networked system it may install a back-flow prevention system on the Council (service pipe) side of the point of supply and charge the owner of the property (or the person who is required to pay for drinking water supplied to the property) for the cost of the system including the cost of installation of a backflow device and any required protection such as cages, testing and on-going maintenance.

The standard fees for installation, and administration are contained in the Council's "Fees and Charges".

5.9.2 The Council will allow the owner of property to which water is supplied to install a back-flow prevention system that incorporates a verifiable monitoring system on the customers (supply) side of the point of supply. Where the installation of the "containment device" is a private installation, the customer is required to obtain a building consent under the Building Act 2004. The Council reserves the right to install a device as provided in Clause 5.9.1 above if the property owner does not proceed with the installation within a 30 day period after promising they would.

(Refer Sec 69V, 69W and 69ZZZ of Health (Drinking Water) Amendment Act).

5.10 Meters and Flow Restrictors

5.10.1 Installation

Meters for on demand metered supplies and restrictors for restricted flow supplies, shall be supplied and installed to the requirements of the Council and maintained by the Council. The initial cost of the device shall be met by the customer. Replacement and maintenance costs shall be met by the Council.

For on demand supplies which are not metered, the Council reserves the right to fit a meter and charge accordingly where it considers water use is significantly higher than a typical residential household use.

5.10.2 Location

Meters and restrictors will be located in a position which is readily accessible for reading and maintenance and if practicable immediately on the Council side of the point of supply, (see figure 1).

5.10.3 Accuracy

The accuracy of meters and restrictors shall be tested as and when required by the Council to ensure performance within 4% of its reading (meters), or within 10% of its rated capacity (restrictors).

A customer who disputes the accuracy of a meter or restrictor may apply to the Council for it to be tested, provided that it is not within three months of the last test.

Meters shall be tested by running a measured quantity of not less than 400 litres through the meter in accordance with BS 5728: Part 3. Restrictors shall be tested by measuring the quantity that flows through the restrictor in a period not less than one hour at its normal operating pressure.

The customer shall be liable for the value of water used in testing if the meter or device proves to be compliant.

5.10.4 Adjustment

Should any meter, after being tested, be found to register a greater or lesser consumption than the quantity of water actually passed through such a meter, the Council shall make an adjustment in accordance with the results shown by such tests backdated for a period not exceeding 12 months at the discretion of the Council, but the customer shall pay a greater or lesser amount according to such an adjustment.

5.10.5 Estimating consumption

Should any meter be out of repair or cease to register, or be removed, 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 pay according to such an estimate. Provided that when by reason of a large variation of consumption due to seasonal or other causes, the average of the previous four billing periods would be an unreasonable estimate of the consumption, the Council may take into consideration other evidence for the purpose of arriving at a reasonable estimate and the customer shall pay according to such an estimate.

If metering indicates a significant increase in consumption to a premises, which is established as being caused by a previously unknown leak, the Council may estimate consumption as provided above, providing that the customer repairs the leak within a 30 day period after written advice of the high consumption. The value of wasted water in these circumstances may be reduced to the actual energy costs of pumping (currently 15% of the water value) once only.

Where the seal or dial of a meter is broken, the Council may declare the reading void and estimate consumption as provided above.

5.10.6 Incorrect accounts

Where a situation occurs, other than as provided for in 5.10.3, where the recorded consumption does not accurately represent the actual consumption on a property, then the account shall be adjusted using the best information available to the Council. Such errors include, but are not limited to, misreading of the meter, errors in data processing, meters assigned to the wrong account and unauthorised supplies.

Provided that where an adjustment is required, in favour of the Council or the customer, this shall not be backdated more than 12 months from the date the error was detected.

5.11 Disconnection

5.11.1 The supply of water to any customer may be disconnected (or have the flow restricted in some way) by the Council in the event of:

- a) Failure to pay the current Council water charges by the due date;
- b) Failure to repair a leak, or in any way wilfully allow water to run to waste or be misused;
- c) Unauthorised changes to the Council supply system;
- d) The fitting of quick-closing valves;
- e) Failure to comply with backflow prevention requirements;
- f) Non-compliance with, or breach of, any other requirements of these terms and conditions.

6. Customer Responsibilities

6.1 Plumbing System

6.1.1 The customer's plumbing system shall be designed, installed and maintained, both in its component parts and its entirety, to ensure that it complies with the Building Act 2004 and the New Zealand Building Code, the Plumbers, Gasfitters and Drainlayers Act 1976 and any other relevant statutory requirements in place at the time.

6.1.2 Quick-closing valves of any kind, or any other equipment which may cause pressure surges to be transmitted, shall not be used on any piping directly connected to the service pipe, that is, in any position where they are required to close against mains pressure. In some specially approved circumstances they may be used, provided a suitable air chamber is fitted in the supply pipe as may be required in the particular case. In special circumstances non-concussive types of valve may be used as approved by the Council.

6.1.3 In accordance with the New Zealand Building Code, the plumbing system shall be compatible with the water supply. Specific features of the Council supply which need to be taken into account are contained in Table 1.

Table 1 - Compatibility Features

Feature	Value
<i>Water pressure:</i> <i>Static water pressures in elevated areas of Tokoroa, Putaruru and Tirau, are below 250kpa.</i> <i>Alkalinity:</i> <i>The Tokoroa water supply is pH corrected.</i> <i>The raw water supplies at Putāruru, Tirau and Arapuni have naturally low pH so modern copper piping (and lead fittings) should be avoided.</i> <i>Disinfection:</i> <i>The supplies at Tokoroa, Putāruru (Glenshea and Te Waihou), Tirau, Arapuni and Lichfield are chlorinated.</i> <i>The supplies at Tokoroa, Putāruru (Glenshea and Te Waihou), Tirau, Arapuni and Lichfield are UV disinfected.</i> <i>The supplies at Putāruru (Glenshea and Te Waihou), Tirau, Arapuni and Lichfield are screened with cartridge filters.</i> <i>The water supply at Athol and Wawa Road is sourced from CHH Kinleith and has elevated levels of chlorine disinfection.</i>	<i>200 to 700 kPa (30 to 100psi)</i> <i>pH 8.0 to 8.5 typically</i> <i>pH 5.8 to 6.3 typically</i> <i>0.30ppm to 0.35 ppm typically</i> <i>0.35ppm to 0.45ppm typically</i>

6.2 Change of use

Where a change in the end use of water supplied to a premise occurs and/or the supply changes from an ordinary to an extraordinary type (refer to 5.4.1.2) or vice versa, a new application for supply shall be required.

The customer must take all steps to prevent:

- a) Water to run leaking or unchecked from any pipe, tap or other fitting;
- b) The condition of the plumbing within the property deteriorating to the point where leakage and/or wastage is uncontrolled; or
- c) The unattended operation of hoses.

Where a customer ignores advice from the Council to repair an on-going leak, the Council may repair the leak and charge the customer to recover all associated costs as provided in the Local Government Act 2002.

The customer must not use water or water pressure directly from the supply for generating energy, driving lifts, machinery, educators, generators or any other similar device, unless specifically approved.

The customer must not use water from the supply:

- a) For a single pass cooling system;
- b) For air conditioning;
- c) To dilute trade waste prior to disposal; or
- d) For cooling purposes in an individual plant, unless specifically approved by the Council.

A customer may request Council to collect a water sample from water supplied by the Council to their property and test the water sample for E coli. If the test result meets the drinking-water standard requirements, the customer may be charged for the costs associated with the testing.

6.3 Access

6.3.1 The customer shall allow the Council access to and about, the point of supply between 7.30am and 6.00pm on any day for:

- a) Meter reading without prior notice; and
- b) Checking, testing and maintenance work with notice being given whenever possible

Outside these hours (eg for leak detection), the Council will give notice to the customer.

Under emergency conditions the customer shall allow the Council free access to and about, the point of supply at any hour.

6.3.2 The customer shall allow the Council with or without equipment, access to any area of the premises, for the purposes of determining compliance with these terms and conditions.

6.4 Council Equipment

6.4.1 The customer shall take due care to protect from damage the Council equipment up to the point of supply, including pipework, valving, meters and restrictors.

6.4.2 The customer shall maintain the area in and around, the point of supply free of rank growth, or other manner of obstruction which prevents, or is likely to prevent convenient access.

6.5 Prevention of Waste

6.5.1 The customer shall prevent and not intentionally allow water to run to waste from any pipe, tap or other fitting.

6.5.2 The customer shall not use water or water pressure directly from the supply for driving lifts, machinery, educators, generators, condensers or any other similar device; unless specifically approved.

6.6 Backflow Prevention

6.6.1 It is the customer's responsibility (under the Building Act 2004), 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.

6.6.2 For premises covered by the Building Act 2004 this includes:

- a) Backflow prevention either by providing an adequate air gap, or by the use of a backflow prevention device which complies with the New Zealand Building Code;
- b) The prohibition of any direct cross connection between the Council networked system; and
 - Any other water supply (potable or non-potable);
 - Any other water source;
 - Any storage tank;
 - Any other pipe, fixture or equipment containing chemicals, liquids, gases, or other non-potable substances.

6.6.3 Customers with premises or activities (eg farming) not covered by the Building Act 2004 and the New Zealand Building Code, shall be deemed a "medium risk" and shall be protected by an approved backflow prevention device to the Council requirements. This shall include customers retrofitting approved backflow prevention devices to minimise any backflow to the Council's water supply, and at their cost after receiving a notice from the Council to do so. If no action is taken after the required notice, Council shall be entitled to take action, eliminate any backflows and to recover costs from the customer.

6.6.4 The Council will conduct annual compliance testing and administration of the back-flow prevention devices and require the "occupier of the property" to pay the "annual testing of backflow device" fee in the annual Council fees and charges (Sec 46)

6.6.5 Refer section 5.9 for Council requirements as the drinking water supplier.

6.7 Fire Protection Supply

6.7.1 Where an unmetered connection has been provided to supply water to a fire protection system (including hydrants) this shall be used for no other purpose than fire fighting and testing the fire protection system.

6.7.2 It shall be the customer's responsibility to ascertain and monitor whether the fire protection supply available is adequate for the intended purpose. Please refer to New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.

6.8 Payment

6.8.1 The customer shall be liable to pay for the supply of water and related services in accordance with the current South Waikato District Council "urban water supply rate" and schedule of "Fees and Charges".

6.8.2 The cost of providing new connections, meters, or devices vary widely so a quotation will be supplied by the Council prior to installation, and formal application. Standard fees are available for backflow prevention devices in Council annual fees and charges. Payment of the application "administration fee" is required before physical installation commences.

6.9 Transfer of Rights and Responsibilities

6.9.1 The customer shall not transfer to any other party the rights and responsibilities provided for under these Terms and Conditions.

6.9.2 A Supply Pipe shall serve only one customer and shall not extend by hose or any other pipe beyond that customer's property.

6.9.3 In particular and not in limitation of the above, any water which the customer draws from the Council supply shall not be provided to any other party without prior approval from the Council.

6.10 Change of Ownership

In the event of a premises changing ownership, the Council will automatically record the new owner as being the customer at that premises. Where a premise is metered, the outgoing customer shall give the Council two working days' notice to arrange a final reading. There is currently no charge for a "final reading".

6.11 Termination

The customer shall give two working days' notice in writing to the Council of his/her requirement for termination of the supply.

7. Breaches, Offences and Disputes

7.1 Breach of terms and conditions

7.1.1 The following may be taken by the Council as a breach of these Terms and Conditions to supply and receive water:

- a) An incorrect application for supply which fundamentally affects the Terms and Conditions;
 - b) Failure by the customer to meet and comply with these Terms and Conditions;
 - c) Failure to meet any obligation placed on the customer under all current Acts and Regulations specified in 11.3;
 - d) Frustration of the Council's ability to adequately and effectively carry out its obligations;
 - e) An act or omission as provided in 5.7.
- 7.1.2** In the event of a breach, the Council will serve notice on the customer advising the nature of the breach and the steps to be taken to remedy it. If, after one week, the customer persists in the breach, the Council reserves the right to disconnect the supply without further notice. In such an event the supply will be reconnected only after payment of the appropriate reconnection fee and remedy of the breach to the satisfaction of the Council.
- 7.1.3** In addition, if the breach is such that the Council is required to disconnect the supply for health or safety considerations, such disconnection will be carried out forthwith.

7.2 Interference with equipment

- 7.2.1** Any tampering or interfering with Council equipment, either directly or indirectly, shall constitute an offence. Without prejudice to its other rights and remedies, the Council shall be entitled to estimate (in accordance with 5.10.5) and charge for the additional water consumption not recorded or allowed to pass, where a meter or restrictor has been tampered with and recover any costs incurred.

7.3 Penalties

- 7.3.1** Without prejudice to the above the Council may pursue any legal steps it is authorised to take.

7.4 Administration

- 7.4.1** The execution of serving orders/ notices, powers of entry, issue and revocation of licences/permits, removal of works, offences and breaches, penalties for breach of bylaws, dispensations and rights of appeal shall be conducted according to the provisions of the "South Waikato District Council Bylaws Administration Bylaw 2017"

8. Enforcement

8.1 Offences and Penalties

- 8.1.1** Every person or permit holder who:
- a) Fails to comply with any provision of this Bylaw, the conditions of water supply that apply to the premises under this Bylaw, or the conditions of any permit; or
 - b) Breaches the conditions of any entry permit granted pursuant to this bylaw; or
 - c) Fails to comply with a notice served under this Bylaw commits an offence under Section 239 of the LGA 2002 and is liable to a fine as specified in Section 242 of the LGA 2002 or the issue of an infringement notice under Section 245 of the LGA 2002.
- 8.1.2** The Council may issue infringement notices, in such forms and for such amounts as are authorised in any regulations made under Section 259 of the LGA 2002.
- 8.1.3** The Council may restrict water supply to premises for breach of this Bylaw pursuant to Section 193 of the LGA 2002.
- 8.1.4** The Council may remove or alter works or things constructed in breach of this Bylaw pursuant to Section 163 of the LGA 2002.

9. Right to Vary

These Terms and Conditions may be varied from time to time, by a special order process by the Council.

10. Part 1 – Terms & Conditions – Supply of Water

10.1 Introduction

10.1.1 The following terms and conditions are made under the authority of the Local Government Act 2002 for the supply of water to its customer by the Water Supply Authority (Council).

10.1.2 The supply and charges of water by the Council is subject to:

Statutory Acts and Regulations

- The Health Act 1956
- Food Act 1981
- The Local Government Act 1974 and 2002
- The Rating Powers Act 1988
- The Building Act 2004
- The Resource Management Act 1991
- Health (Drinking Water) Amendment Act

10.1.3 All key terms used in these terms and conditions are defined in Section 4.

10.2 Acceptance and Duration

Any person being supplied or who has made application to be supplied with water by the Council is deemed to accept these terms and conditions and any subsequent amendments.

These terms and conditions shall come into effect on (day/date) for customers receiving a supply at that date and from the date of receipt of supply for customers connected thereafter. They shall remain in force, together with any amendments made under section 9, until further notice.

Part 2 – Water Supply

11. Supply System

11.1 Supply

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

11.2 Fire hydrants

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

- The Council or its agents
- Fire and Emergency New Zealand Personnel
- Fire hydrant permit holder's during the period for which the permit has been issued

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

Refer also to Clause 5.4.4.

11.3 Working around buried services

The Council shall keep accurate permanent records of the location of its buried services. This information shall be available for inspection (with copies available if required), at no cost to users. Charges may be levied to cover the costs of making copies available.

Any person proposing to carry out excavation work shall view the as-built information to establish whether or not Council services are located in the vicinity. At least 2 days' notice in writing shall be given to the Council of an intention to excavate in the vicinity of its services. Where appropriate the Council will mark out to within ± 0.5 m on the ground the location of its services and may nominate in writing any restrictions on the work it considers necessary to protect its services. The Council may charge for this service.

When excavating and working around buried services due care shall be taken to ensure the services are not damaged and that bedding and backfill is reinstated in accordance with the appropriate Council specification. Excavation within roadways is also subject to the "road opening" permit process of the appropriate roading authority.

Any damage which occurs to a Council service shall be reported to the Council immediately. Repair costs may be charged for.

11.4 Protection of supply

11.4.1 Catchment classes

Catchment areas from which untreated water is drawn for the purposes of water supply are divided into the following classes:

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

These may apply to both surface water and/or groundwater catchments.

11.4.2 Restricted catchments

Catchment areas designated by Council as "restricted" to reduce the risks of contamination of surface waters and stream side springs. These areas will be fenced, made stock-proof and allow entry by authorised persons only.

11.4.3 Open catchments

Catchment areas which are designated as open will not restrict or control activities which may occur. However, in the event of a spillage, or other event which has released or is likely to release hazardous substances into the waters of the catchment, the Council shall be advised of the details with due urgency. This requirement shall be in addition to those other notification procedures to other authorities which are required.

Part 3 – Schedule of Performance Standards

12 Standards

Part 3 contains a schedule of water supply performance standards for inclusion in the Asset Management Plan. This sets out the Level of Service under which the Council undertakes to supply water to its customers.

These performance standards tie the Council terms and conditions for the supply of water to measurable criteria on Levels of Service.

12.1 Level of service

Table 2 contains a schedule of level of service criteria together with indicative guideline values.

Table 2 - Schedule of Level of Service Criteria and Guideline Values

Criterion	Guideline values	
	On supply demand	Restricted flow supply
Minimum available flow at point of supply	Ordinary supply 15–40 l/min Extraordinary supply by agreement	1.0 m3 per day
Pressure at point of supply (static)	15–20 m (150–200 kPa)	5–10 m (50–100 kPa)
- Minimum	20–30 m (200–300 kPa)	10–20 m
- Normal minimum (95 %-99 % of time)	90–120 m	(100–200 kPa)
- Maximum	(900–1200 kPa)	NA
Potable water supplies quality	DWS for NZ**	DWS for NZ**
Fire fighting from fire hydrants*	Varies	NA
Continuity of supply:		
- Percentage of time available	99.0 %-99.9 %	95 %-99 %
- Maximum duration of one disruption	8 hrs ***	8 hrs ***
New customer connections (to existing reticulation)	Within 10–20 working days of application and fee payment	Within 10–20 working days of application and fee payment
- 20 mm	Within 20–30 working days of application and fee payment	Within 20–30 working days of application and fee payment
- Greater than 20 mm		

* Refer Code of Practice for Fire Fighting Water Supplies NZS PAS 4509:2008 1992 (Fire and Emergency New Zealand)

** Drinking water Standards for New Zealand 2008 (Board of Health)

*** Health (Drinking Water) Amendment Act 2007 Section 69S

12.2 Domestic water leak – response and action

In the event of receiving notification of a potential domestic leak, the following action will be taken:

12.2.1 The Water Services Team will undertake an investigation within the timeframe set in the service request system and as defined by Council's current LoS and KPI's.

12.2.2 Upon confirmation from the Water Services Team that it is a private or domestic leak, a letter will be sent to the property owner asking them to repair the leak within 10 working days. Repairs to private or domestic services are to be completed at the property owners expense.

Following 10 working days, an inspection will be carried out by the Council to verify that the repair has been undertaken. If the leak has not been repaired, a further letter will be prepared and sent to the property owner advising them to repair the leak within five working days or a restrictor may be installed. (Refer to 5.10 Meters and Flow Restrictors). If after five days from the date of the letter to the property owner, the leak(s) have not been repaired, notification will be sent of Council's intention to install a restrictor.

If a restrictor is installed onto the water connection, this will remain until the repair is carried out. Fees for installation and removal of the restrictor may be passed onto the property owner.

12.3 Relevant Delegations

12.3.1 Metered Water Supply

Determine which properties are to have an extraordinary water supply by meter Sub-Delegation to:

- Group Manager Assets
- Infrastructure and Maintenance Operations Manager.

12.3.2 Bylaws - General

To exercise Council's powers and carry out all its duties in respect of all Council's bylaws. Sub-Delegation is to the Executive Team members in respect of any bylaw applicable to the functions and activities for which they have responsibility.

12.3.3 Fees and Charges - Waiver

To waive or reduce fees or charges, as per Council policy, in the following situations:

- 1) Where any activity or event is of community benefit, the payment of fees and charges which would otherwise be payable to Council.
- 2) Where Council has required work to be undertaken on private property, to waive or reduce any associated fees or charges where payment would impose severe financial hardship on the property owner.
- 3) Where any person has proposed to undertake work that will result in significant benefit to the Community, to waive or reduce any associated Council fees or charges.

Sub-Delegation:

Executive Team members for the functions they have responsibility for.

12.3.4 Codes and Standards

- Drinking Water Standards for New Zealand 2005 – revised 2018, (Board of Health)
- BS 5728 Measurement of flow of cold potable water in closed conduits Part 3:1984 Methods for determining principal characteristics of meters
- SNZ PAS 4509:2008" NZ Fire Service Fire Fighting Water Supplies Code of Practice"
- "Backflow prevention for drinking water suppliers code of practice" NZWWA September 2003
- WSP "Public Health Risk Management Plan Guide" Distribution System Backflow Prevention" Ministry of Health Ref 2.4 June 2001
- "Water meter code of practice" NZWWA September 2003
- South Waikato District Council "Backflow Prevention Management Plan" July 2010

13.0 Adoption of Bylaw

The foregoing bylaw was duly made by the South Waikato District Council following its adoption under the Special Consultative Procedure prescribed by Section 83 & 86 of the Local Government Act 2002.

I, Ben Smit, Chief Executive of South Waikato District Council, CERTIFY that this bylaw was made by Resolution No 20/245 on the 22nd day of October 2020, to come into effect on the 16th day of December 2020.

Dated this 16th day of December 2020

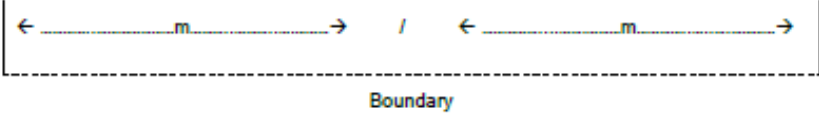
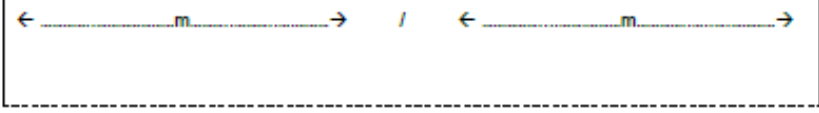
The **COMMON SEAL of THE**
SOUTH WAIKATO DISTRICT COUNCIL

was hereto affixed in the presence of:

JR Shattock – Mayor

B Smit – Chief Executive

Appendix A – Application for Water or Sewerage Connection

Application for Water or Sewerage Connection					 South Waikato District Council	
South Waikato District Council Private Bag 7 TOKOROA 3444		Telephone (07) 885 0340 Fax (07) 885 0718 Email: info@southwaikato.govt.nz		Fees: Refer current Fees and Charges Manual or visit Council's website		
Building Consent No:		Resource Consent No:		Development Contribution Fees	\$	
Property Details						
Address of Property:						
Legally Described as:	Lot No:		DP(S):			
	Valuation No:					
Owner/Account Details						
Owner:						
Name and Address to which Accounts are to be sent (if applicable):					Contact Number:	
Water Connection Details						
Size of Connections Required:		mm		mm		
Sketch of Preferred Connection Site (if no connection currently exists):	 Boundary					
Sewer Connection Details						
Size of Connections Required:		mm		mm		
Sketch of Preferred Connection Site (if no connection currently exists):	 Boundary					
Installer Details						
Name of Connection Installer: (Registered Drain layer):						
Registration No of Installer:						
Signed:				Date:		
For Office Use						
Fee Payable:	\$	Receipt No.:		Date:		

Appendix B – Permit to Take Water from a Fire Hydrant Application Form

Permit to Take Water from a Fire Hydrant Application Form					 South Waikato District Council	
South Waikato District Council Private Bag 7 TOKOROA 3444 info@southwaikato.govt.nz			Telephone (07) 885 0340 Fax (07) 885 0718 Email:		Fees : Fees and Charges visit Council's website	
Applicant Details						
Applicant/Company Name						
Contact Person						
Address						
Contact Details		Telephone Work:				
		Mobile:		Date of Application		
Hydrant Details						
Hydrant Location in Arapuni (If yes Application Declined)			YES ☐		NO ☐	
Fire Hydrant Location/ Address						
Intended Use of Water						
To Fill a Water Tank	☐	Construction Works (If SWDC contract quote Contract No.)		Other (Please Specify)	☐	
		☐	Contract No			
Water Take Details						
Period of Application	Casual (up to one month)	☐	Extended Use (greater than one month, less than one year)		☐	
Estimated Volume of water you expect to use _____ m ³			Standpipe Meter Reading _____ m ³			
Note: Reading must be supplied on expiry of permit by permit holder						
Protection of Water Supply						
Standpipe Supplied by Water Services (South Waikato District Council) or own	Water Services	If own Standpipe does it have a double check valve certified by IQP		Yes ☐	No ☐	
	Own Standpipe			If Yes, Provide IQP Certification or Test Report	If No, Use Water Services Standpipe or approval declined	

Cost			
Use of Hydrant fee (Casual/Extended)		Standard Fees and Charges can be found on South Waikato District Council's website: www.southwaikato.govt.nz	
Hire of Standpipe		Total Due \$	(Incl GST)
Bond for Hire of Standpipe			
Sign			
I declare that the above details are correct and have read and agreed to the conditions overleaf			
Signature		Date	
Office Use Only			
Receipt Number		Entered into Register?	☐
Amount Paid \$		(Incl GST)	
Signature		Date	
Engineer's Approval			
Approved	☐	Declined	☐
Date Permit Commences		Date Permit Expires	
Signed:		Date:	

Conditions relating to the use of a Fire Hydrant



EQUIPMENT

The applicant is responsible for providing (or arranging with Water Services (07) 886 7260 all the equipment necessary to connect to the fire hydrant.

No fire hydrant will be connected to the South Waikato District Council water mains unless an approved Standpipe assembly is used, including backflow equipment (Double Check Valve). The Standpipe assembly shall be tested annually and held on the South Waikato District Council Backflow register to meet these requirements.

All hoses and fittings used must be in good condition. Any water wastage reported from excessively leaking hoses and / or fittings may result in the cancellation of this permit.

RESPONSIBILITY

Arapuni

It is prohibited to take water from Arapuni, anyone caught taking water from Arapuni will be prosecuted.

Caution – Damage to Watermains

Fire hydrants must be turned on and off VERY SLOWLY to prevent pressure surges developing in the pipes (water hammer) which could cause the pipes to burst. A closing or opening time of one minute (minimum) is desirable.

The applicant shall be held responsible for the cost of any repairs or damage caused by the incorrect operation of a fire hydrant valve.

In the event that the fire hydrant fails to operate correctly or will not shut off fully, please contact South Waikato District Council immediately on (07) 885 0340 for repair at no cost to you.

Caution – Other Damage

The applicant shall be held responsible for any third party damage that occurs whilst the fire hydrant is in use. No separate valve shall be operated within the water reticulation, under this application.

Caution – Contamination

The applicant must ensure that no contamination of the water main occurs while the hydrant is being used. Work shall be carried out in such a manner to minimise any risk from contaminating the water supply. In the event of backflow equipment failure or if failure is known to have occurred to the backflow device, the use of the hydrant standpipe assembly shall cease immediately.

Caution – Declaration

A false declaration, grossly inaccurate water estimates, or other actions which risk the safety and integrity of the water supply system shall result in immediate cancellation of this permit and compromise approval of future permits.

Upon approval of this permit to take water from a fire hydrant, the applicant is NOT permitted to transport the water out of the district under any circumstances. Transportation of water out of South Waikato District is a prohibited activity and transgressors will be prosecuted.

Observations

Any observed change in the water flows from the hydrant during operation of the fire hydrant shall be reported to South Waikato District Council Water Unit immediately on (07) 885 0764

Notify South Waikato District Council Water Unit immediately when observing other contractors or members of the public taking water from a fire hydrant.

Staff

All staff/applicants operating the hydrant shall be trained and aware of the risks to the water supply assets. Approved Contractors and the fire service can only operate the Fire Hydrants and valves.

LEGISLATION

Use of Fire Hydrants are covered by the following legislation and your attention is drawn to these requirements.

Health (Drinking Water) Amendment Act 2007 - Clause 69ZZR

- "4) every person commits an offence who, without reasonable excuse, takes any water from a fire hydrant, unless –
- (a) That person is a firefighter (as defined in section 2 of the Fire Service Act 1975); or
 - (b) That person is a member of a volunteer fire brigade (as defined in section 2 of the Fire Service Act 1975); or
 - (c) That person takes the water for the purposes of firefighting; or
 - (d) That person –
 - i. has the written approval of the drinking - water supplier who supplies water to the hydrant; and
 - ii. has been assessed by that drinking – water supplier as being competent to take water from that hydrant in a way that does not endanger the networked system of which the hydrant forms a part or the water in that system."