	Title:	Water Supply Bylaw – Te Ture-ā-Kaunihera mō Te Manawa Whenua 2019
	Date adopted (review date):	17 December 2019
	Date in force:	19 December 2019
	Next review date:	December 2024

1. Title

- 1.1. This Bylaw is the Thames-Coromandel District Council Water Supply Bylaw – Te Ture-ā-Kaunihera mō Te Manawa Whenua 2019.

2. Purpose and scope

- 2.1. The purpose of this Bylaw is to:

- a) protect public health and the security of the public water supply;
- b) detail the responsibilities of both the council and its customers with respect to the public water supply;
- c) define different types of water supply;
- d) detail mechanisms for the recovery of water supply costs;
- e) prevent wastage of water;
- f) provide a mechanism for demand management;
- g) detail breaches and offences and provide a disputes procedure; and
- h) enable sanitary assessments of water supplies to be conducted.

- 2.2. This Bylaw is made under Section 146 b) ii) of the Local Government Act 2002

- 2.3. The Supply of water by Council is subject to the following statutory acts, codes and regulations:

- a) BSEN 14154-4:2014 Water meters, Test methods and equipment;
- b) BSEN ISO 4064-2 2017 Water meters for cold potable water and hot water. Metrological and technical requirements;
- c) Building Act 2004 and associated regulations
- d) Civil Defence and Emergency Management Act 2002;
- e) Council Code of Practices for Subdivision and Development 2013
- f) Drinking Water Standards for New Zealand 2005 (Revised 2018);
- g) Fire and Emergency New Zealand Act 2017;
- h) Health (Drinking Water) Amendment Act 2007
- i) Health Act 1956;
- j) Local Government (Rating) Act 2002;
- k) Resource Management Act 1991;
- l) SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice;
- m) Water New Zealand - Water Metering of Customers on Reticulated Supplies May 2017; and
- n) Water New Zealand - Boundary Backflow Prevention for Drinking Water Supplies May 2019;

And any subsequent legislation or Codes of Practice which replace or update the legislation or Codes in clause 2.2 and 2.3 above.

- 2.4. This Bylaw shall apply to customer properties within the serviced areas administered by the Thames-Coromandel District Council.

3. Commencement

- 3.1. This Bylaw shall come into force on 19 December 2019.

PART 1

PRELIMINARY PROVISIONS

4. Interpretation

- 4.1. When interpreting this Bylaw use the definitions set out in section 5, unless the context requires otherwise.
- 4.2. For the purpose of this Bylaw, the word 'shall' refers to practices that are mandatory for compliance with this Bylaw, while the word 'should' refers to practices that are advised or recommended.

5. Definitions

- 5.1. Any words, phrases or expressions in this Bylaw which have meanings assigned to them by the Local Government Act 2002 and Health Act 1956 shall have the meanings as are respectively assigned in those Acts and corresponding supplementary legislation, unless inconsistent with the context in which such words occur.

- 5.2. For the purpose of this Bylaw the following definitions apply:

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

Approved means approved in writing by the Council, either by resolution of the Council or by any Authorised Officer of the Council.

Authorised Agent means any agent recognised as such by the Council through contractual obligations.

Authorised Officer means any person appointed by the Chief Executive of the Council for purposes of acting as an Authorised Officer under this Bylaw and includes an enforcement officer appointed under section 177 of the Local Government Act 2002.

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

Bulk Filling Points are installations in urban water supply areas where water tankers can be filled. They have backflow protection, metering, and control measures for payment.

Council means the Thames-Coromandel District Council or any officer authorised to exercise the authority of Council.

Customer is a person who uses, or has obtained the right to use or direct the manner of use of, water supplied by the Council.

Detector check valve means a check (non-return) valve which has a positive closing pressure and a metered bypass to measure flows typically associated with leakage or

unauthorised use on a dedicated fire supply.

Extraordinary Supply is a category of on demand supply including all purposes for which water is supplied other than ordinary supply and which may be subject to specific conditions and limitations.

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

Level of Service is the measurable performance standards on which the Council undertakes to supply water to its customers as stated in the Council's Long-Term Plan or relevant Annual Plan.

Long- Term Plan means the current Thames Coromandel District Council Long Term Plan, adopted in accordance with the Local Government Act 2002.

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

On Demand Supply is a supply which is available on demand directly from the point of supply subject to the agreed level of service.

Ordinary Supply is a category of on demand supply used solely for domestic purposes; and not including the filling of permanent swimming pools.

Person means a natural person, corporation sole or a body of persons whether corporate or otherwise.

Point of Supply means the point on the water pipe leading from the council's water main to the premises, which marks the boundary of responsibility between the customer and the Council, irrespective of property boundaries. Point of supply is the tail piece of the boundary box, meter, or service valve regardless of property boundary.

Potable means a supply of water which complies with the health criteria of the Drinking Water Standards for New Zealand.

Premises include the following:

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

Public notice has the meaning as defined in the Local Government Act 2002 and amendments.

Restricted flow supply means a type of water supply connection where flow to the customer is limited through a flow control device, and storage is provided by the customer to cater for the customer's demand fluctuations.

Restrictor (also referred to as a 'Flow Restrictor') means a flow control device fitted to the service pipe to limit the flow rate of water to a customer's premises.

Road Corridor Manager - The Territorial Authority or other organisation that has jurisdiction over the Road (as defined in section 315(1) of the Local Government Act 1974), including State highways and Government Roads.

Roading authority means a territorial authority or New Zealand Transport Agency.

Rural water supply area means an area formally designated by the Council as an area serviced by a reticulated water supply system that is intended to supply water for specified purposes via restricted flow supplies and/or on demand supplies but not necessarily with a fire fighting capability. These supplies are:

- Matatoki;
- Puriri;
- Omahu;
- Wharepoa;
- Hikutaia;
- Austin Drive, Whitianga;
- Rewa Rewa Valley Road, Tairua;

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

Service valve (Toby) is the valve at the customer end of the service pipe. This valve is also known as a Toby.

Storage tank means any tank within the water supply network having a free water surface.

Supply pipe means the section of pipe between the point of supply and the customer's premises through which water is conveyed to the premises.

Urban water supply areas means an area formally designated by the Council as an area serviced by a reticulated water supply system, that is intended to supply water to customers via on demand supplies. In the Thames-Coromandel District, these areas are: Coromandel, Hahei, Matarangi, Onemana, Pauanui, Tairua, Thames, Whangamata and Whitianga.

Water supply system means all those components of the network between the point of abstraction from the natural environment and the point of supply. This includes (but is not limited to): wells, infiltration galleries, intake structures, open raw water storage ponds/lakes, falling mains, treatment plants, treated water reservoirs, trunk mains, service mains, rider mains, pump stations and pumps, valves, hydrants, scour lines, service pipes, boundary assemblies, meters, backflow prevention devices and tobies.

Water unit means the basis of measurement for a restricted flow supply equal to a volume of 365 m³ delivered at the rate of 1 m³ per day.

Water universal metering is defined as water metering at the property boundary of all (or all that is practicable) residential and commercial properties that are supplied by the public water supply system.

6. Protection of Water Supply

6.1. Water Supply System

- 6.1.1. No person, other than the Council and its authorised agents, shall have access to any part of the water supply system, except to connect to the point of supply, subject to clause 8.1, and to operate the service valve.
- 6.1.2. No person shall make a connection to or interfere with a water supply system except as set out in clauses 6.1.
- 6.1.3. Only persons engaged by and under the direction of Fire and Emergency New Zealand shall gain access to and draw water from fire hydrants for the purpose of fighting fires, training, or testing.
- 6.1.4. 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, and assess and recover the value of water drawn without authorisation and any other associated costs.
- 6.1.5. The right to gain access to, and draw water from the water supply for uses other than firefighting (for example, flow testing, pipe flushing, or filling tankers) shall be restricted to:
 - a) The Council or its agents; or
 - b) Others drawing water from designated bulk water filling points, with prior Council approval as specified in 6.1.7 below
- 6.1.6. Where no bulk supply points are available, Council, at its sole discretion may allow water to be drawn from a hydrant via a Council supplied metered standpipe that is fitted with a backflow prevention device.
- 6.1.7. An application to the Council is required before water can be drawn from a bulk water filling point and / or a hydrant.
- 6.1.8. Water drawn from filling points has its own targeted rate set by the Long Term Plan or Annual Plan process under the provisions of the Local Government Act 2002.
- 6.1.9. Water drawn for human consumption from bulk filling points or hydrants shall only be drawn by persons registered as drinking-water carriers on the national drinking-water register. Drinking-water carriers shall comply with The Health (Drinking Water) Amendment Act 2007 or equivalent legislation if repealed.

6.2. Working around buried services

- 6.2.1. Any person proposing to carry out excavation work must view the as-built records to establish whether or not Council services are located in the vicinity of the proposed works
- 6.2.2. The Council will keep permanent records of the location of its buried services for viewing by the public at no charge. Charges may apply where copies of documents are required.
- 6.2.3. No person shall, without the prior written approval of the Council, place or allow to be placed any materials, machinery, equipment or structure over or near any part of the public water supply network, which in the opinion of the Council may compromise the structural or functional integrity of the public water supply network or may interfere with access to the public water supply

network. As part of this approval, the person may be requested to comply with Council's infrastructure build over process. The Council may recover the costs of removing any covering materials, machinery, equipment or structure from any person who commits a breach of this clause.

- 6.2.4. At least five working days and written notice is required for an intention to dig in the vicinity of the Council's services. Dispensation of the above notice requirement may be considered by Council for emergencies, so long as the requesting party can prove beyond reasonable doubt that it is an emergency.
- 6.2.5. Where appropriate the Council shall mark out to within ± 1.0 metre on the ground the location of its services and nominate in writing any conditions or restrictions on the work it considers necessary to protect its services. The Council may charge for this service.
- 6.2.6. Prior to commencing work the location of services is to be verified by "pot holing" by the contractor. Any discrepancy between the as built record and that found by "pot holing" is to be reported to the Council.
- 6.2.7. When excavating and working around buried services due care shall be taken to ensure the services are not damaged, and that bedding and backfill are reinstated in accordance with the appropriate Council specification.
- 6.2.8. Any damage which occurs to Council services shall be reported to the Council immediately. The person causing the damage shall be liable to the Council for all costs associated with repairing the damaged service, and any other costs the Council incurs as a result of the incident.
- 6.2.9. Excavation within road reserve is subject to the contractor obtaining the permission from the Road Corridor Manager.

7. Protection of Source Water

7.1. Water Supply Catchments

- 7.1.1. There are no designations of any Council water supply catchments under the Health Act 1956 or Resource Management Act 1991. As such there are no restrictions on activities other than any provisions of the regional or district plan and the National Environmental Standards (under section 43 of The RMA).

7.2. Spillages and adverse events

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

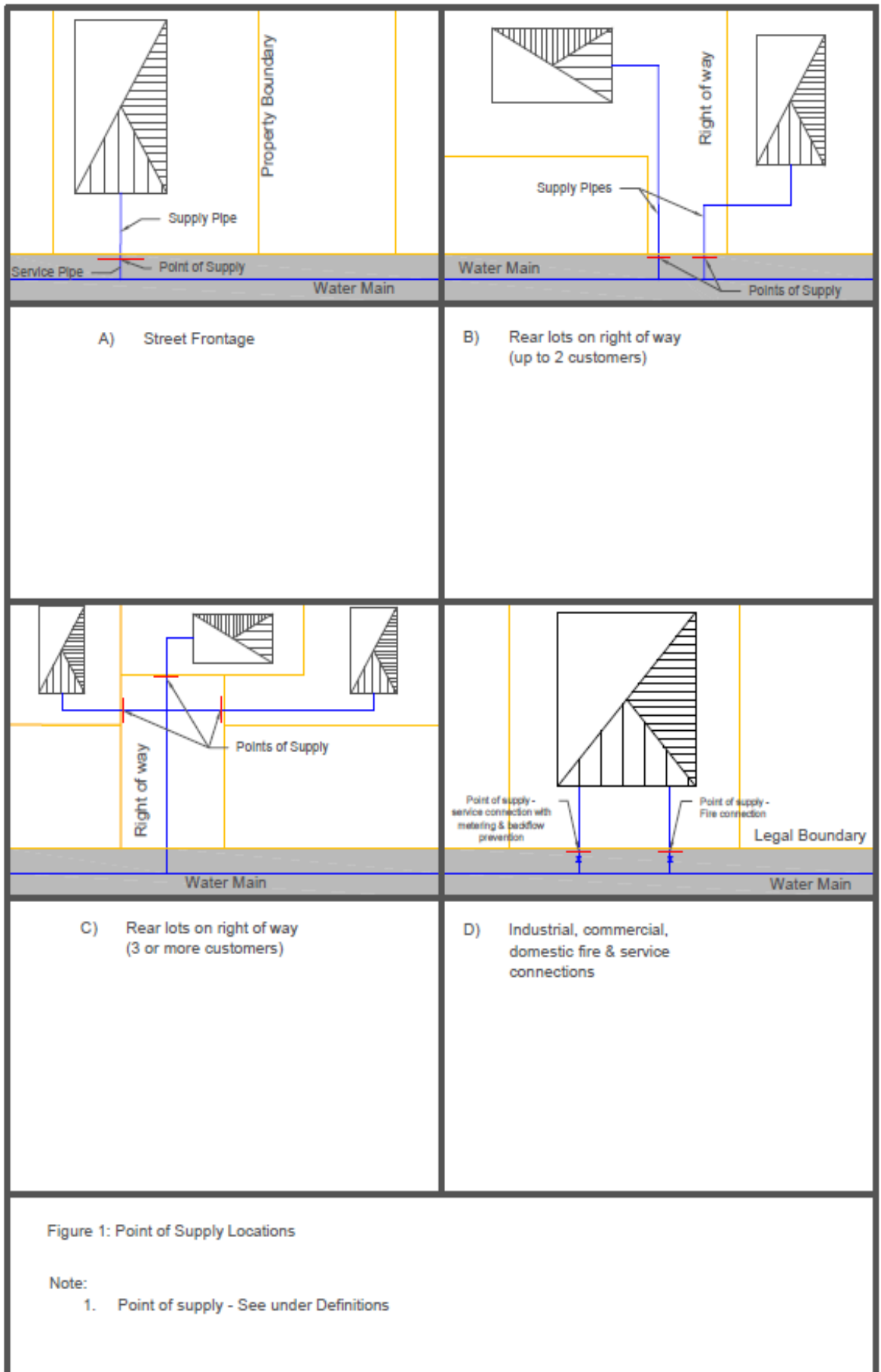
8. Conditions of Supply

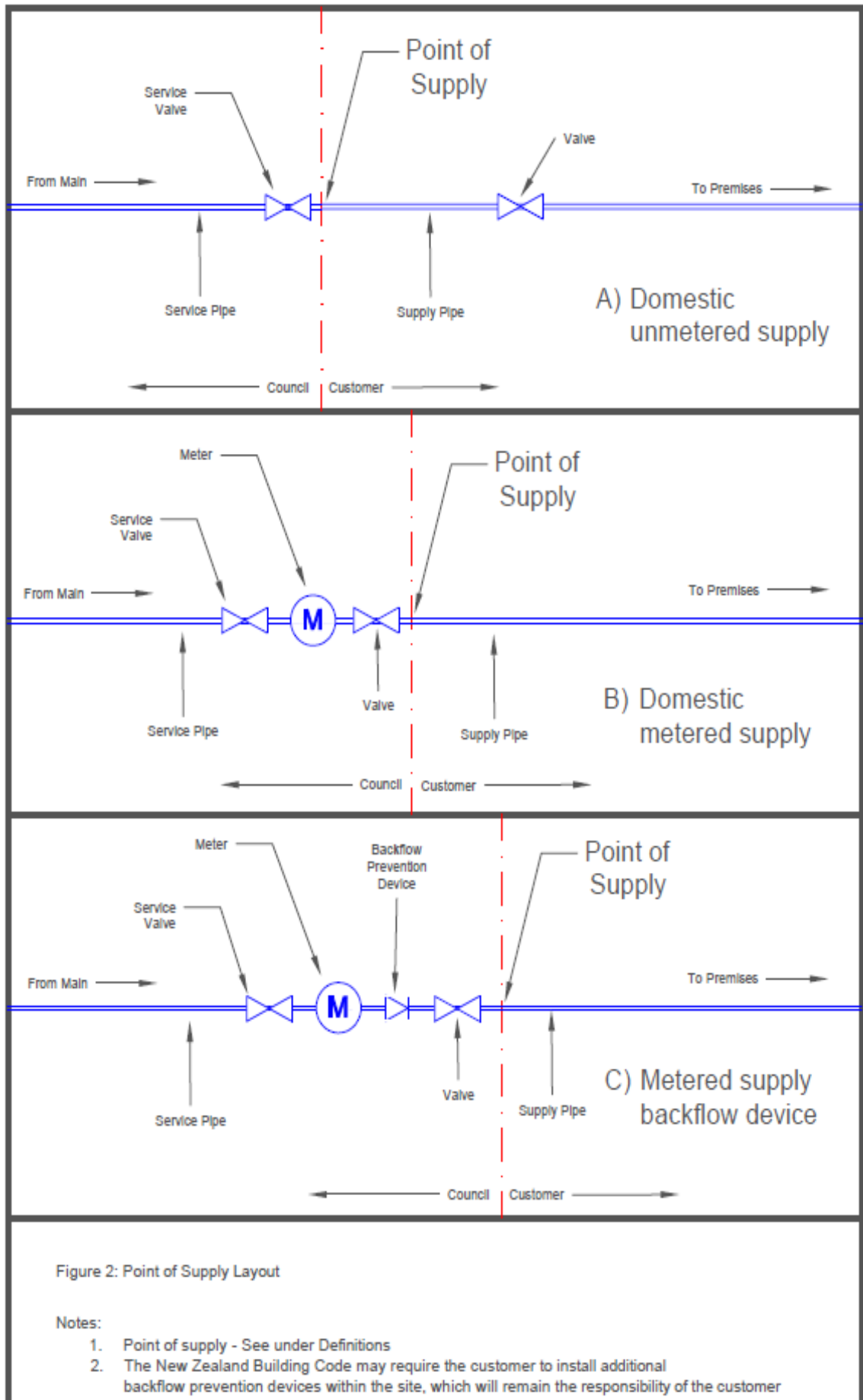
8.1. Application for supply

- 8.1.1. Every application for a supply of water shall be made in writing on the Council approved form, and accompanied by the prescribed charges. The applicant shall provide all the details requested by the Council.
- 8.1.2. On receipt of an application the Council shall, after consideration of the matters in section 10.0 either:
 - a) approve the application and inform the applicant of the type of supply, the level of service, the size of the connection and any specific

- conditions applicable; or
 - b) refuse the application and notify the applicant of the decision giving the reasons for refusal.
- 8.1.3. 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 shall supply and install the service pipe up to the point of supply at the applicant's cost. Installation of supply pipes to any property beyond the point of supply will not be carried out Council. This shall be arranged and paid for by the applicant separately.
- 8.1.4. The applicant shall have the authority to act on behalf of the owner of the premises, where different from ownership for which the supply is sought, upon the production of written evidence.
- 8.1.5. An approved application for supply which has not been actioned within six months of the date of application will lapse unless a time extension has been approved. Any refund of fees and charges shall be at the discretion of the Council.
- 8.2. Change of use
 - 8.2.1. Where a customer seeks a change in the level of service or to end the use of water supplied to premises, and/or the supply changes from an ordinary to an extraordinary type (see section 10.0) or vice versa, a new application for supply shall be submitted by the customer.
- 8.3. Prescribed charges
 - 8.3.1. 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 charge determined in accordance with the Local Government Act 2002; or
 - c) a financial contribution charge determined in accordance with the Resource Management Act 1991.
- 8.4. Rural water supply areas
 - 8.4.1. The Council's rural water supply schemes are for the purposes of stock watering, dairy shed and domestic farm house use. Farm water usage is limited to a maximum of 0.45 m³ /ha/d (effective from 1 July 2022).
- 9. Point of supply**
- 9.1. Responsibility for maintenance
 - 9.1.1. The Council shall own and maintain the service pipe and fittings up to the point of supply. The customer shall own and maintain the supply pipe beyond the point of supply.
- 9.2. Single ownership
 - 9.2.1. For individual customers the point of supply shall be located as shown in Figure 1 or as close as possible where fences, walls, or other permanent structures make it difficult to locate it at the required position. Other positions shall require specific approval.
 - 9.2.2. For each individual customer there shall be only one point of supply, unless otherwise approved.

- 9.2.3. A typical layout at a point of supply is shown in Figure 2.
- 9.2.4. The Council gives no guarantee of the serviceability of the valve located on the service pipe. Where there is no toby valve, 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.





9.3. Multiple ownership

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

- a) for Company share/block scheme (body corporate) - as for single ownership; or
- b) leasehold/tenancy in common Scheme (Cross Lease), strata Title, unit Title (body corporate) and any other form of multiple ownership - each customer shall have an individual supply with the point of supply determined by agreement with the Council. In specific cases other arrangements may be considered by Council and is subject to individual approval.

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

9.4. Access to, and about point of supply

9.4.1. Where the point of supply is on private property the customer shall allow the Council access to, and about the point of supply between 7.30 am and 6.00 pm on any day for:

- a) meter reading without notice; or
- b) checking, testing and maintenance work with notice being given whenever possible.

9.4.2. Outside these hours (e.g. for night time leak detection) the Council shall give notice to the customer.

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

9.5. Maintenance of access

9.5.1. The customer shall maintain the area in and around the point of supply keeping it free of soil, growth, or other matter or obstruction which prevents, or is likely to prevent convenient access.

10. Types of supply

10.1. General

10.1.1. 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'.

10.2. On demand supply

10.2.1. Every premises shall be entitled to an ordinary supply of water subject to the following conditions:

- a) the premises lying within an urban or rural water supply area if such an area has been constituted by the Council;
- b) the exclusion of its use for garden watering and boat washing under any restrictions made by the Council under clause 11.3;
- c) payment of the appropriate charges in respect of that property;
- d) any other charges or costs associated with subdivisional development; and
- e) any other relevant conditions in section 8 of this Bylaw.

10.2.2. The Council is under no obligation to provide an extraordinary supply of water

(see also section 11.0 and clause 13.1.2).

10.3. Restricted flow supply

10.3.1. Restricted flow supply may be available to premises within a designated area only, or under special conditions set by the Council.

10.3.2. The water supply shall be restricted so as to deliver the agreed number of water units at a steady flow rate.

10.3.3. The Council shall charge for the restricted flow supply by either:

- a) the volume passing through a meter; or
- b) the agreed number of water units.

10.4. Ordinary use

10.4.1. Ordinary use is for domestic purposes and shall include:

- a) Washing down a car, flushing boat engine, or similar;
- b) Garden watering by hand and boat washing (subject to the provision of clause 10.2.1(b));
- c) Garden watering by a portable sprinkler (subject to the provisions of clause 11.3);

10.4.2. For use from a fire protection system to NZS 4517 to be classified as an ordinary use, the customer should comply with the conditions set under clause 13.1.1 and 13.1.2.

10.5. Extraordinary use

10.5.1. Properties that consume more than a typical household are referred to as extraordinary supplies. The following types of land uses constitute an extraordinary supply:

- a) domestic spa or swimming pool in excess of 10 metres³ capacity, fixed garden irrigation systems;
- b) commercial and business;
- c) industrial;
- d) agricultural;
- e) horticultural;
- f) viticulture;
- g) lifestyle blocks or sections where stock may be kept;
- h) fire protection systems other than sprinkler systems installed to comply with **NZS 4517**. (*A supply for fire protection is not to be used for any other purpose*);
- i) out of district (supply to, or within another local authority, or another water scheme);
- j) temporary supply;
- k) Council properties; or
- l) Council rural water supply areas
- m) Any other uses as determined by Council

10.5.2. Where an extraordinary water supply is provided to non-rateable land then at the discretion of the Council, cost recovery may be made through the

targeted water rate.

10.6. Metering

- 10.6.1. An extraordinary use supply shall normally be metered and charged for in accordance with Clause 19.
- 10.6.2. Where the extraordinary use is for fire protection only, this supply may not be metered at the discretion of the Council.
- 10.6.3. An ordinary use supply will normally not be metered. However, the Council reserves the right to fit a meter where it considers water use is excessive.
- 10.6.4. The Council reserves the right to introduce water universal metering if deemed necessary
- 10.6.5. Metering of 'ordinary use' customers (as defined in paragraph 10.4 of this Bylaw) may be undertaken periodically to check for leakage on the customer's property.

10.7. Large Customers

- 10.7.1. A Water Supply Agreement procedure will be implemented with the purpose of (but not limited to):
 - a) Regulating large water customers.
 - b) Ensuring an equitable allocation of water.
 - c) Ensuring Council water supplies can be sustained.
 - d) Improving water resource planning.
 - e) Managing adverse effects on the reticulation network.
 - f) Encouraging water conservation.
 - g) For emergency event planning.
- 10.7.2. Large customers, defined as those with an average water consumption greater than 50m³/day, will be subject to and bound by the terms of an individual Water Supply Agreement.

10.8. Level of Service

- 10.8.1. The Council shall provide water in accordance with the level of service contained in the Long-Term 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 provide the specified value(s) to its customers.

11. Continuity of supply

11.1. Supply

- 11.1.1. 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 pressure, but will endeavour to meet the continuity of supply levels of clause 10.8, subject to the exemptions contained in clauses 11.3 and 11.4.
- 11.1.2. Where works of a permanent or temporary nature are planned which will affect an existing supply, the Council will give notice, to all known customers likely to be affected.

11.2. Uninterrupted service

- 11.2.1. If a customer has a particular requirement for an uninterrupted level of service (flow, pressure, or quality), it is the responsibility of that customer to provide any storage, back-up facilities, or equipment necessary to provide

that level of service.

11.3. Demand Management

- 11.3.1. For the effective operation of a water supply 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.
- 11.3.2. When such restrictions apply, the Council shall take all practicable steps to ensure that an adequate supply for domestic purposes is provided to each point of supply.
- 11.3.3. The decision to make and lift restrictions shall be made by the Council.
- 11.3.4. The introduction and removal of restrictions will be advised by public notice in newspapers, radio broadcasts, via Council's website and other social media.
- 11.3.5. The Council reserves the right to set differential charges for water as a demand management tool.

11.4. Maintenance and repair

- 11.4.1. Wherever practical the Council shall make every reasonable attempt to notify the customers of a scheduled maintenance shutdown of the supply 48 hours before the work commences.
- 11.4.2. Where immediate action is required and notification is not practical, the Council may shut down the supply without notice.

12. Liability

- 12.1.1. The Council shall endeavour to meet the level of service requirements of clause 10.8, but 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.

13. Fire protection connection

- 13.1.1. Any proposed connection for fire protection shall be the subject of a specific application made to the Council for approval. Any such connection shall be subject to the conditions specified by the Council.
- 13.1.2. It shall be the customer's responsibility to ascertain, in discussion with the Council, whether the supply available is adequate for the intended purpose.
- 13.1.3. Fire protection connection metering
- 13.1.4. Where the supply of water to any premises is metered the Council may allow the supply of water for the sole purpose of firefighting to be made in a manner which bypasses the meter provided that:
 - a) the drawing of water is possible only in connection with the sounding of an automatic fire alarm or the automatic notification of the fire brigade; or
 - b) a Council approved detector check valve has been fitted on the meter bypass.
- 13.1.5. Any unmetered connection provided to supply water to a fire protection system shall not be used for any purpose other than firefighting and testing the fire protection system, unless the fire protection system is installed in accordance with NZS 4517 or subsequent standard.
- 13.1.6. 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 require the supply to be metered.

13.2. Fire hose reels

13.2.1. 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'* and any subsequent standard.

13.3. Charges

13.3.1. Water used for the purpose of extinguishing fires shall be supplied free of charge.

13.3.2. Where the fire protection connection is metered and water has been used for firefighting purposes, the Council shall estimate the quantity of water so used, and credit to the customer's account an amount based on such an estimate.

13.4. Ongoing testing and monitoring

13.4.1. Customers intending to test fire protection systems in a manner that requires a draw-off of water shall obtain the prior approval of the Council.

13.4.2. 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.

14. Backflow prevention

14.1. Customers responsibility

14.1.1. It is the customer's responsibility (under the Health Act 1956, and the Building Act 2004 and subsequent amendments or legislation) 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. These include:

- a) backflow prevention either by providing an adequate air gap, or by the use of an appropriate backflow prevention device;
- b) the prohibition 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 or trough; or
 - iv. Any other pipe, fixture or equipment containing chemicals, liquids, gases, or other non-potable substances.

14.2. Unmanaged risk

14.2.1. Notwithstanding clause 14.1 the Council may fit a backflow prevention device on the Council side of the point of supply where the customer cannot demonstrate that the risk of backflow is adequately managed. The cost of such installations shall be recoverable from the customer.

14.3. Council backflow prevention devices

14.3.1. Notwithstanding clause 14.1 the Council will fit backflow prevention devices on the Council side of the point of supply in the following circumstances:

- a) Rural water supply schemes; and
- b) Urban areas where stock is kept or could be potentially kept.

14.3.2. The cost of such installations shall be recoverable from the customer.

15. Council equipment and inspection

15.1. Care of water supply system

15.1.1. The customer shall take due care not to damage any part of the water supply system, including but not limited to pipework, valves, meters, restrictors, chambers, and backflow prevention devices.

15.2. Inspection

15.2.1. Subject to the provisions of the Local Government Act 2002, 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 conditions.

16. Meters and flow restrictors

16.1. Installation

16.1.1. 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.

16.1.2. Where on demand supplies are not universally metered, the Council where it considers water use to be unusually high, reserves the right to fit a meter at the customer's cost, and charge accordingly.

16.2. Location

16.2.1. 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 (see Figure 2).

16.3. Accuracy

16.3.1. Meters shall be tested as and when required by the Council or as prescribed in OIML R49. The maximum permissible error for the upper flow rate zone ($Q_2 < Q < Q_4$) is $\pm 2\%$, for temperatures from 0.3°C to 30°C and the maximum permissible error for the lower flow rate zone ($Q_1 < Q < Q_2$) is $\pm 5\%$. This accuracy shall be applied to all water meters with $Q_3 < 100 \text{ m}^3/\text{h}$ and may be applied to water meters with values of $Q_3 > 100 \text{ m}^3/\text{h}$. The flow restrictors shall be accurate to within $\pm 10\%$ of their rated capacity.

NOTE - Where Q is the flow rate:

- Q1 is the minimum flow rate
- Q2 is the transitional flow rate
- Q3 is the permanent flow rate; and
- Q4 is the overload flow rate as defined in O/ML R49-1.

16.3.2. Any 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 six months of the last test. If the test shows non-compliance with the accuracy above, the customer shall not be charged for the test. If the test shows compliance, the customer shall pay a fee in accordance with the Council's current fees and charges.

16.3.3. Meters shall be tested as prescribed in OIML R 49-2 and the test report shall

be made available as prescribed in OIMLR 49-3.

- 16.3.4. The variation in the error curve shall not exceed 3% for flow rates in the lower zone and 1.5% for flow rates in the upper zone. For the purpose of determining these requirements the mean values of the errors (of indication) at each flow rate, shall apply.
 - 16.3.5. The curves shall not exceed a maximum error of $\pm 6\%$ for flow rates in the lower zones and $\pm 2.5\%$ for flow rates in the upper zones.
 - 16.3.6. Restrictors shall be tested by measuring the quantity that flows through the restrictor in a period of not less than 1 hour at the expected minimum operating pressure. A copy of independent certification of the test result shall be made available to the customer on request.
- 16.4. Adjustment
- 16.4.1. If any meter, after being tested, is found to register a greater or lesser consumption than the quantity of water actually passed through such a meter, the Council shall make an adjustment in accordance with the results shown by such tests, backdated for a period at the discretion of the Council but not exceeding 24 months, and the customer shall pay a greater or lesser amount according to the adjustment.
 - 16.4.2. 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(s), taking into account any seasonal variations in demand.
 - 16.4.3. Where a meter is over-reading, the Council shall make appropriate adjustments to the customer's invoice(s), based on a period of similar use and backdated to when it is agreed the over-reading is likely to have occurred.
- 16.5. Estimating consumption
- 16.5.1. 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 for that billing periodically according to such an estimate.
 - 16.5.2. 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.
 - 16.5.3. The customer shall be liable for the cost of water which passes through the meter regardless of whether this is used or is the result of leakage. However, a remission may be granted under the Rates Remission Policy.
- 16.6. Incorrect accounts
- 16.6.1. Where a situation occurs, other than as provided for in clause 16.5, where the recorded consumption does not accurately represent the actual consumption on a property, the account shall be adjusted using the best information available to the Council. Such situations may include, but are not limited to, misreading of the meter, errors in data processing, meters assigned to the wrong account, and unauthorised supplies.
 - 16.6.2. Where an adjustment is required, in favour of the Council or the customer,

this shall not be backdated more than 24 months from the date the error was detected.

17. Plumbing Systems

- 17.1.1. 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 shall not be used on any piping beyond the point of supply. In special circumstances such equipment may be approved by the Council.
- 17.1.2. In accordance with the Building Amendment Regulations 2001 the plumbing system shall be compatible with the water supply. Design parameters for plumbing systems should be verified with the Council.

18. Prevention of waste

- 18.1.1. 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 property to deteriorate to the point where leakage or wastage occurs.
- 18.1.2. The Council provides water for consumptive use; not as an energy source. The customer shall not use water or water pressure directly from the supply for driving lifts, machinery, gates, educators, generators, or any other similar device, unless specifically approved.
- 18.1.3. The customer shall not use water to dilute trade waste prior to disposal, unless specifically approved.
- 18.1.4. On a dairy farm during the milking season water used for farm wash down is only to be sourced from water stored on the farm which has already been used for another legitimate activity (e.g. cooler water).
- 18.1.5. All water fittings installed in an exposed position shall be protected against damage by an approved guard, and if in the opinion of the Council, considered necessary, be fitted with an approved guard or fitted in a separate compartment protected by a securely fixed cover
- 18.1.6. All pipes supplying water to a trough shall be fitted with a ball valve or some other effective means of controlling the inflow of water designed to prevent overflow and having a minimum 50 millimetre air gap.
- 18.1.7. Water troughs are to be operated to ensure that when the ball valve is closed there is sufficient freeboard to prevent over topping. If overtopping results from wind action, and the Council considers it necessary, ball valves are to be fitted with an approved guard or fitted in a separate compartment protected by a securely fixed cover.
- 18.1.8. All automatically flushing systems shall be fitted with an inflow control system, appropriate for the use, and approved by the Council.
- 18.1.9. The Council periodically monitors night flows onto farms which provides a good indication of potential leaks and hence financial loss that may be occurring on a farm. The Council will assist a farm with high night flows to locate potential leaks when possible by placing flow logging equipment on the connection. The farm can then shut down areas of its water reticulation noting the times. Comparing the times of the shut down on the farm with flow data from the logger can help pinpoint where the leak may be located.

19. Fees and charges

- 19.1.1. For fees and charges required under any section in this bylaw, the applicant must pay to the Council a fee that Council may by resolution from time to time prescribe in its current fees and charges schedule.
- 19.1.2. Charges may be made for but not limited to:
- a) Charge based on the rate for the volume of water consumed (note: this varies between water supplies);
 - b) Charge based on the volume of water drawn from a bulk filling point and / or fire hydrant;
 - c) Compliance monitoring fee;
 - d) Connection to a water supply;
 - e) Disconnection from a water supply;
 - f) Fixed charge for the installation of a backflow preventer;
 - g) Fixed charge for the installation of a water meter;
 - h) Locating and marking out services;
 - i) Meter reading at a customer's request;
 - j) Targeted urban water rate;
 - k) Water meter testing where the meter proves to be accurate.
- 19.1.3. The Council may recover all unpaid water charges as prescribed in the Local Government (Rating) Act 2002, sections 57 to 82.
- 19.1.4. Remissions from water charges associated with leaks on private property will only be considered in accordance with the Rates Remission Policy.

20. Transfer of rights and responsibilities

- 20.1.1. The customer shall not transfer to any other party the rights and responsibilities set out in this Bylaw.
- 20.1.2. A supply pipe shall serve only one customer, and shall not extend by hose or any other pipe beyond that customer's property.
- 20.1.3. 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 approval of the Council.

21. Change of ownership

- 21.1.1. In the event of a premises changing ownership the Council shall record the new owner as being the customer at that premises. Where a premises is metered the outgoing customer shall give the Council five working days notice to arrange a final meter reading.

22. Disconnection at the customer's request

- 22.1.1. The customer shall give 20 working days notice in writing to the Council of the requirement for disconnection of the supply. Disconnection shall be at the customer's cost.

23. On selling or bulk delivery of water

- 23.1.1. Where bulk water is supplied for on sale, for example to replenish roof water tanks, the water will be drawn only from a bulk filling point. Water drawn for on selling will be subject to the Bulk Water Supply charge set out in the Long Term Plan or Annual Plan.

24. Breaches and Offences

24.1. Breaches of conditions of supply

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

- a) An incorrect application for supply which fundamentally affects the conditions of supply (section 8.0);
- b) Failure by the customer to meet and comply with the conditions of supply;
- c) Failure to meet any obligation placed on the customer under all current Acts and Regulations specified in section 2.2 and 2.3 of this Bylaw;
- d) Frustration of the Council's ability to adequately and effectively carry out its obligations; and
- e) An act or omission including but not limited to any of the following:
 - i. Failure to pay the appropriate charges by the due date;
 - ii. Failure to repair a leak, or in any way allowing water to run to waste, or to be misused;
 - iii. The fitting of quick-closing valves, pumps, or any other equipment which may cause pressure surges or fluctuations to be transmitted within the water supply system, or compromise the ability of the Council to maintain its stated levels of service (subject to section 17.0);
 - iv. Failure to prevent backflow (see section 14.0);
 - v. Failure to comply with water use restrictions or prohibitions introduced by the Council for any specified purpose;
 - vi. Using water or water pressure directly from the supply for driving lifts, machinery, gates, eductors, generators, or any other similar device, unless specifically approved by the Council, or using water for a single pass cooling or heating system, or to dilute trade waste prior to disposal, unless specifically approved;
 - vii. Extending by hose or any other pipe a private water supply beyond that customer's property;
 - viii. Providing water drawn from the Council supply to any other party without approval of the Council;
 - ix. Operating automatically flushing systems without a Council approved inflow control system;
 - x. Washing down a dairy shed and yard wash with water not recycled from another legitimate use;
 - xi. Allowing water to be wasted (section 18.0); and
 - xii. Unauthorised tampering with or removal of a toby valve, water meter or backflow restrictor at the point of supply.

24.1.2. In the event of a breach, the Council shall serve notice on the customer advising the nature of the breach and the steps to be taken to remedy it. If, after one week, the customer persists in the breach, the Council reserves the right to remedy the breach or reduce the flow rate of water to the customer without notice. In such an event the full service of the supply shall be re-established only after payment of the appropriate fee and remedy of the breach to the satisfaction of the Council.

24.1.3. In addition, if the breach is such that the Council is required to disconnect the supply for health or safety considerations, such disconnection should be carried out forthwith.

24.2. Criminal Charges

24.2.1. In addition to breaching this Bylaw unauthorised taking of water may be

referred to the police and may result in criminal charges being laid for theft under the Crimes Act 1961.

24.3. Interference with equipment

24.3.1. Any tampering or interfering with Council equipment, either directly or indirectly, shall constitute a breach. Without prejudice to its other rights and remedies, the Council shall be entitled to estimate (in accordance with clause 16.5) 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.

24.4. Penalties and Offences

24.4.1. Offences in respect of breaches of Bylaws are covered by Section 239 of the Local Government Act 2002

24.4.2. Every person commits a breach of this Bylaw who:

- a) Does, or causes anything that is contrary to this Bylaw;
- b) Omits or neglects to do anything which ought to be done by them at the time and in the manner provided in this Bylaw;
- c) Does not refrain from doing anything which under this Bylaw they are required to abstain from doing;
- d) Knowingly permits any condition or thing to exist contrary to any provision contained in this Bylaw;
- e) Refuses or neglects to comply with any notice or direction given to them under this Bylaw;
- f) Obstructs or hinders any Authorised Officer in the exercise of any power conferred upon them by this Bylaw; and
- g) Fails to divulge their full name, address and date of birth or other relevant information when requested to do so by an Authorised Officer.

24.4.3. Every person who is convicted of an offence against this Bylaw is liable on summary conviction to a fine not exceeding \$20,000.

Signed on Behalf of Thames-Coromandel District Council by;

District Mayor

Date

Chief Executive

Date

BYLAW HISTORY

Action	Description	Date of Council Resolution	Effective Date
<i>Bylaw adopted</i>	<i>Adopted new Water Supply Bylaw 2019.</i>	<i>17 December 2019</i>	<i>19 December 2019</i>