

Statement of Proposal

HOROWHENUA DISTRICT COUNCIL
DRAFT WATER SUPPLY BYLAW 2020



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HOROWHENUA DISTRICT COUNCIL WATER SUPPLY BYLAW 2020

The Horowhenua District Council (Council) makes this bylaw pursuant to Section 145 and 146 of the Local Government Act 2002 and Section 64 of the Health Act 1956 and all other Acts or authorities enabling it to make this Bylaw.

1 Short Title, Commencement, Application and Repeal

- 1.1 This Bylaw is to be known as the Horowhenua District Council Water Supply Bylaw 2020.
- 1.2 This bylaw shall come into force following adoption by Council.
- 1.3 This bylaw applies to the Horowhenua District.
- 1.4 As from the day this Bylaw comes into force, any previous water supply bylaw or parts of any previous water supply bylaw and their amendments in force in the Horowhenua District (including the former local authorities that now comprise the Horowhenua District Council) shall be revoked.
- 1.5 Savings:
 - (a) The revocation of any previous water supply bylaws or parts of any previous bylaw and their amendments specified in Clause 1.4 shall not prevent any legal proceedings, criminal or civil, being taken to enforce those bylaws and any such proceedings shall continue to be dealt with and completed as if the bylaw or part bylaw or amendment had not been revoked; and
 - (b) Any resolution, approval, permit or other decisions made under a bylaw referred to in Clause 1.4 remains in force until such resolution, approval, permit or other decision is revoked, has expired or is replaced with an equivalent or replacement resolution, permit or other decision made pursuant to this Bylaw or other applicable bylaw.

2 Purpose, Objectives, and Scope

- 2.1 The purpose of this Bylaw is to protect, promote and maintain public health and safety, to protect public water supply infrastructure, to protect the public from Nuisance by making rules for the supply of water, and to manage and regulate the Council's Water Supply.
- 2.2 The objectives of this Bylaw are to:
 - (a) Provide for public health and safety in the supply of water and to ensure fair and reasonable use of resource;
 - (b) Protect publicly owned water supply infrastructure from incorrect use and damage; and
 - (c) Promote reasonable use of water in the District.
- 2.3 This Bylaw is made under the authority of the Local Government Act 2002 and the Health Act 1956 for the supply of water to its customers by the Horowhenua District Council. The supply and rating for water by Council is subject to:
 - (a) Statutory Acts and Regulations
 - (i) Building Act 2004;

- (ii) Fire Service Act 1975;
- (iii) Health Act 1956;
- (iv) Health (Drinking Water) Amendment Act 2007;
- (v) Local Government Act 2002;
- (vi) Local Government (Rating) Act 2002; and
- (vii) Resource Management Act 1991.

(b) Relevant Codes and Standards

- (i) Drinking Water Standards for New Zealand 2005 (revised 2018);
- (ii) New Zealand Building Code;
- (iii) BS EN 14154-3:2005 Water Meters. Test Methods and Equipment;
- (iv) SNZ PAS 4509:2008 New Zealand Fire Service Fire Fighting Water Supplies Code of Practice; and
- (v) NZWWA Backflow Code of Practice 2006;
- (vi) NZWWA Water Meter Code of Practice 2003;
- (vii) OIML R49 Water meters intended for the metering of cold potable water (International Organisation of Legal Metrology, 2013)
- (viii) NZS4404:2010 Land Development and Subdivision Engineering;
- (ix) National Policy Statement for Fresh Water Management 2014;
- (x) One Plan – Horizons Regional Council;
- (xi) Civil Defence Emergency Management Act 2002;
- (xii) National Environmental Standards under the RMA 1991;
- (xiii) The Horowhenua District Council Plan, 2015.

3 Interpretation

- 3.1 Unless the context requires otherwise, the definitions set out in Clause 4 shall be applied. A reference to a repealed enactment should be read as a reference to its replacement.
- 3.2 For the purposes 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.

4 Definitions

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

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Air Gap Separation	means a physical separation between the free flowing discharge end of a Potable Water supply pipeline, and the highest overflow level of the receiving vessel, used to prevent Backflow.
Approved or Approval	means permitted in writing by the Council, either by resolution of the Council or by any officer of the Council authorised for that purpose.
Authorised Agent	means any Person authorised or appointed in writing by the Council to do anything in respect of the Water Supply System.
Backflow	means the unplanned reversal of flow of water or mixtures of water and contaminants into the water supply network.
Backflow Prevention Device	means a device that prevents Backflow of water or mixtures of water and contaminants back into the water supply network.
Buried Services	means any underground infrastructure owned and maintained by Council, including but not limited to water mains, Service Pipes or Fittings.
Catchment	means the area upstream, including all tributaries of the raw water abstraction point, bounded by the watershed, or the aquifer and recharge zone of a ground water system.
Chambers	means the housing of any Fittings.
Commercial Area	means a Commercial Zone as that term and area is defined in the Horowhenua District Plan.
Connection	means the Service Pipe from the Council's water main to the Point of Supply that is owned and maintained by the Council and includes any pipes, valves, manifolds, water meters, Backflow Prevention Device that is installed on the Council's side of the Point of Supply and the protection structure for any such Backflow Prevention Device, and the water meter box.
Council	means the Horowhenua District Council or any officer authorised to exercise the authority of the Council, and includes any Enforcement Officer appointed by the Council to carry out general or authorised specific duties arising from any of the provisions of this bylaw.
Council Water Supply	means Council's supply of Potable Water to its customers.
Customer	means the Owner or legal occupier of any Property who has obtained the right to use or direct the manner of use of, water supplied by the Council to any Property.
Dedicated Filling Point	Points in the Water Supply System that are provided by the Council for the purpose of allowing commercial operators to obtain bulk water in accordance with a Permit issued 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.

Emergency	an Emergency is a situation that poses an immediate risk to life, health, property, or the environment that requires a immediate response.
Extraordinary Supply	means a category of an On Demand Supply including all purposes for which water is supplied other than ordinary domestic supply and which may be subject to specific conditions and limitations.
Extraordinary User	means a Customer that receives an Extraordinary Supply of water and that specifically includes the following water users: <ul style="list-style-type: none">• Residential properties with swimming pools, spas or collapsible pool• Residential properties with advanced on-site wastewater treatment systems• Commercial or business premises (including home-based commercial activities e.g. dentists, hairdressers, bed and breakfast and other cottage type industries)• Industrial premises• Temporary supplies• Out of District customers (supply to or within another local authority)• Public facilities, golf clubs, parks and reserves• Educational facilities• Health facilities• Retirement villages• Any properties at which horticultural or agricultural land use is occurring• Any other Property found by Council to be using more than 15% of the assessed average daily allocation over a 12-month period.
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.
FENZ Personnel	means any Fire and Emergency New Zealand personnel under the Fire and Emergency New Zealand Act 2017.
Fitting	All accessories, connections and fixtures on pipes, including valves, Restrictors and water meters.
Fire Installation	means a water installation, which conveys water solely for the purpose of firefighting.

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Green-Belt Residential Area	means a Green-Belt Residential Zone as that term and area is defined in the Horowhenua District Plan.
Horowhenua District or District	means the area or constituency constituted from time to time pursuant to the Local Government Act 2002.
Horowhenua District Council	means the Horowhenua District Council as named in Part 2 of Schedule 2 to the Local Government Act 2002.
Horowhenua District Plan	means the current operative district plan of the Horowhenua District Council as published from time to time on its website.
Industrial Area	means an Industrial Zone as that term and area is defined in the Horowhenua District Plan.
Level of Service	The measurable performance standards on which the Council undertakes to supply water to its customers.
Meter	A Council owned device used to measure the volume of water supplied to a Customer.
Notice	means a notice issued by the Council pursuant to this Bylaw.
Nuisance	means anything that disturbs the reasonable use of water supply or endangers life and health or is offensive.
On Demand Supply	means a supply, which is available directly to the Customer without restriction of flow from the Point of Supply subject to the agreed levels of service.
Open Catchment	means a Catchment that does not have major points of access fenced, and is not controlled to human or animal access.
Ordinary Supply	means a category of On Demand Supply used solely for domestic purposes, excluding any identified extraordinary water use.
Owner	means the Person who is for the time being entitled to the rack rent of the land or building or who would be so entitled if the land or Property were let to a tenant at a rack rent.
Permit	means any written permission or consent required by this Bylaw or any other relevant legislation.
Person	means a natural person, corporation sole, a body corporate or an unincorporated body.
Point of Supply	means the point where the Connection meets the Supply Pipe; this marks the boundary of responsibility between the Customer and the Council, irrespective of Property boundaries.
Potable Water	means water that is held out by the Council to be suitable (either as supplied or subject to additional treatment recommended by the Council) for drinking and other forms of domestic and food preparation use.
Property	means:

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- (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 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 record of title is available; or
- (c) A separately used or inhabited part of a rating unit as defined in the Council's Funding Impact Statement; or
- (d) Land held in public ownership (e.g. reserve) for a particular purpose.

Public Notice means a Notice published in—

- (a) One or more daily newspapers circulating in the Horowhenua district; and
- (b) Is publicly available, until any opportunity for review or appeal in relation to the matter notified has lapsed, on the Council's website.

Restricted Supply means a type of water supply where a limited flow is supplied by a flow control device, and storage is provided on-site by the Customer to cater for demand fluctuations.

Restrictor means a flow control device fitted to the Service Pipe to limit the flow rate of water to a customer's premises.

Residential Area means a Residential Area as defined by the Horowhenua District Plan.

Roading Authority means Horowhenua District Council or Waka Kotahi New Zealand Transport Agency.

Rural Area means a Rural Zone as that term and area is defined in the Horowhenua District Plan.

Rural Supply means water supplied to currently serviced Rural Areas.

Service Pipe means that section of water pipe between a water main and the Point of Supply that is owned and maintained by the Council.

Service Valve or Toby means the valve at the Customer end of the Service Pipe.

Storage Tank means a secure vessel for holding Potable Water.

Supply Pipe means the section of pipe between the Point of Supply and the customer's Property through which water is conveyed to the premises.

Urban Water Supply Area means an area formally serviced by the Council as an area serviced by a reticulated Water Supply System with a firefighting capability that is intended to supply water to customers via on demand supplies.

Water Supply Area means an area formally serviced by the Council as an area serviced by a reticulated water supply.

Water Supply Authority (WSA) means Horowhenua District Council.

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.

Unit of Water means the flow of water that is equivalent to 1,000 litres a day for any restricted water Connection.

5 Supply of Water

- 5.1 No water shall be taken from a Council Water Supply without prior Approval.
- 5.2 No Person may abstract water from the Council's Dedicated Filling Points without a Permit from the Council authorising such abstraction. The Council at its sole discretion may grant a Permit to abstract water from the Council's Dedicated Filling Points on any terms or conditions it considers appropriate.
- 5.3 The supply of water shall be subject to payment of any applicable water rates, Fees and Charges and any applicable development or financial contributions.
- 5.4 A Property shall only have one Connection, unless otherwise Approved.
- 5.5 A Supply Pipe shall serve only one Property, and shall not extend by hose or any other pipe beyond the boundaries of that Property. In particular, any water, which the Customer draws from the Council Water Supply, shall not be provided to any other Person without prior Approval.
- 5.6 With reference to Clause 5.4 and 5.5, if a single Connection services more than one Property (as in the case of cross-lease properties), Council may recover costs arising from metered water consumption from any or all of the Property Owners, which are serviced by that Connection.
- 5.7 No Connection shall be made to a Council Water Supply in a Rural Area.
- 5.8 Only properties in the Residential Area, Green-Belt Residential Area, Commercial Area, or Industrial Area, or in a Rural Area already serviced by the Council, shall be generally entitled to Potable Water supplied by the Council.
- 5.9 Any Person wishing to connect a Property to a reticulated Council Water Supply must either:
- (a) Complete and submit the Council's "Application for Connection/Disconnection" form (available on Council's website and from any of Council's Service Centres); or
 - (b) Hold an Approved subdivision consent for that Property with a condition requiring connection to a Council Water Supply and comply with all relevant consent conditions including the submission of the Council's "Application to Connect" form.
- 5.10 The following provisions apply to applications made under Clause 5.9:

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- (a) The applicant must be the Owner or have the legal authority to act on behalf of the Owner of the Property for which supply is sought, and shall produce written evidence of this if required;
- (b) There must be adequate capacity within the supply system to allow the additional Connection or Connections;
- (c) Any new Connections and/or upgrading of an existing water Connection must be applied for and installed at the cost of the applicant and/or consent holder. The water Connection is to be provided at the Point of Supply. Refer to schedule 1- Point of Supply and Typical Layouts;
- (d) An application fee shall be payable;
- (f) In deciding whether to approve the application Council shall consider and may specify all or any the following:
 - (i) The type of water supply to be provided (restricted or on-demand);
 - (ii) The size of the Connection to be provided;
 - (iii) The design of the Connection to be provided;
 - (iv) Any additional elements of the Connection or supply including water meters, pipes, valves, Backflow prevention devices and any other equipment deemed necessary by the Council; or
 - (v) Subdivision consent conditions;
- (g) The Council may approve or refuse the application and shall notify the applicant of the decision and give reasons for any refusal;
- (h) The Council's written approval to connect to a water supply shall expire after 12 months unless given effect to, or an extension of time is Approved;
- (i) New Connections shall only be installed by an Authorised Agent and will be at the applicant's expense; and
- (j) Upon installation of the new Connections, the applicant shall provide the Council with an installation certification from the Authorised Agent.

5.11 A Customer with a requirement for an uninterrupted Level of Service (flow, pressure, or quality) shall give notice to the Council of the requirement and shall provide the necessary storage, backup facilities, or equipment to provide for that requirement and the following will apply:

- (a) The Council will take all practicable steps to notify affected Persons of planned water shutdowns.
- (b) In the event where shutdowns last for more than eight hours, Council will notify the Drinking Water Assessors Unit at MidCentral District Health Board, of the reasons for the interruption as soon as practicable and in any event not later than 24 hours after the commencement of the interruption in accordance with the provisions of the Health Act 1956.
- (c) The Council does not guarantee (even where notice is given under Clause 5.11(b) an uninterrupted supply of water level of service to any Property. The Council may also

shut down the supply of water to any part of the District as and when required in order to maintain, repair, alter, or extend its water supply network. This may occur without notice where immediate action is required. The Council will not be liable for any loss, damage, or inconvenience that the Customer (or any Person using the supply) may sustain as a result of deficiencies in or interruptions to the Level of Service or supply of water.

- 5.12 The Level of Service, which the Council undertakes to supply water to its Customers, is:
- (a) Network supply pressure at the Property boundary of not less than 250kPa for On Demand Supply connections in urban areas, or 150kPa for restricted or Rural Supply connections;
 - (b) Firefighting flows as defined in NZ Fire Service Fire Fighting Water Supplies Code of Practice SNZ 4509:2008: (i) Urban Water Supply Areas – FW2, (ii) For all other areas, as may be Approved under Clause 14.1.
 - (c) The Council does not guarantee an uninterrupted supply of water or the provision of a fire protection supply at any particular flow or pressure to any Property.
- 5.13 Where a Customer has, or seeks to, alter the ground levels in the vicinity of the Connection, the Council shall first be advised and the existing Service Pipe and cover shall be altered to ensure the Connection complies with the Council's engineering requirements. Such work shall be carried out by an Authorised Agent at the Customer's expense.
- 5.14 Where a Customer supplies and installs a new or altered Supply Pipe up to the Point of Supply, the Customer shall contact the Council to arrange an inspection and obtain written approval of the completed works prior to covering the Supply Pipe.

6 Private Water Supplies

- 6.1 The Council may accept responsibility for ownership, management, operation and maintenance of privately owned water supply schemes on behalf of users, after completion of a development, provided that:
- (a) The scheme can be operated and maintained in a cost effective manner;
 - (b) The scheme is designed and constructed to a standard acceptable to the Council;
 - (c) The scheme can be demonstrated to be compliant with the conditions of any resource consent authorising the development; and
 - (d) Any easements are provided, on terms satisfactory to the Council, that the Council considers necessary for the supply of water to the development and for reticulation of water within the development.
- 6.2 A water supply scheme shall only vest in the Council on terms and conditions agreed to in writing by the Council, which may include all or any of the following:
- (a) The standard of design and construction;
 - (b) The standard of maintenance required prior to transfer of ownership;
 - (c) The performance requirements that the scheme must meet; and
 - (d) The timing of the transfer of ownership, which will be dependent on all conditions imposed on any resource consent relating to the community water supply scheme having been complied with to the reasonable satisfaction of the Council.

- 6.3 The costs of the scheme management will be recovered from the Customer by way of a rating charge on each Property serviced.
- 6.4 The Council will advise developers and Owners of the likely annual operating costs of the water scheme per lot proposed to be serviced in the development, and may require an arrangement with the developer or the Owner to ensure that the prospective purchasers of lots in the development are made aware of the potential annual commitment for operational costs.

7 Point of Supply

Responsibility for Maintenance

- 7.1 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 between the Point of Supply and the Customer's Property.
- 7.2 Except with prior Approval or as otherwise provided in Clause 7.3, no Person shall make any Connection to, damage, alter or otherwise directly or indirectly interfere with, any part of the Water Supply System.
- 7.3 The Customer may use the Service Valve to isolate the supply to the Customer's Property. The Council does not guarantee that any Council Service Valve will be operational at all times and in accordance with Section 175 of the Local Government Act 2002, any Customer who wilfully or negligently damages or interferes with the Service Valve shall be liable for any costs arising.

Location

- 7.4 For individual Customers the Point of Supply shall be located as shown in Figures 1 to 3 of Schedule 1 or as close as possible to where fences, walls, or other permanent structures make it difficult to locate it at the required position. Other positions shall require specific approval.
- 7.5 The typical layout at a Point of Supply is shown in Figures 4a to 4e of Schedule 1.

8 Access to Point of Supply

- 8.1 Where the Point of Supply is on private Property the Customer shall allow the Council access to the Point of Supply between 7.30am and 6.00pm, 7 days a week, including all statutory and public holidays for:
- (a) Meter reading without notice; or
 - (b) Checking, testing and maintenance work, with reasonable notice being given to the Owner and occupier (if any).
- 8.2 Outside these hours (such as for night time leak detection) the Council shall give reasonable notice to the Customer.
- 8.3 If, after giving reasonable notice, an Authorised Agent is prevented from accessing the Point of Supply at any of the above times and a return visit is required, a fee may be charged to the Customer in accordance with the Fees and Charges.
- 8.4 In accordance with section 173 of the Local Government Act 2002, where there is a sudden Emergency the Council may enter the Property without notice and the Customer shall allow the Council free access to, and about, the Point of Supply at any hour.

- 8.5 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.
- 8.6 No Person other than the Council and its Authorised Agent shall access any part of the Water Supply System up to the Point of Supply, except to operate the Service Valve other than the Service Valve on the Property boundary.

9 Protection of Water Supply

- 9.1 No Person other than the Council and its Authorised Agent shall have access to any part of the Water Supply System unless with prior Approval.
- 9.2 Except as set out in Clause 11 (Fire Hydrants), no Person shall make any Connection or interfere with any part of the Water Supply System, unless with prior Approval.
- 9.3 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, and shall advise the Council immediately should any such damage occur.
- 9.4 The Customer shall maintain any pipe, tap, appliance, or Fitting used in relation to any water supply at any Property so that they do not cause water to be wasted. Where the Council is of the opinion that a pipe, tap, appliance, or Fitting is causing water to be wasted or is insufficient for the proper supply of water, the Council may serve on the Customer a Notice requiring the defect (as specified in the Notice) to be rectified within the time specified. The Customer shall comply with the Notice at the customer's expense.

10 Protection of Source Water

Open Catchments

- 10.1 In Open Catchment areas there shall generally be no restriction on activities other than those set out in the Regional or the District Plan and the National Environmental Standards.
- 10.2 Any Person planning to undertake any activity in the catchment area of a Council Water Supply likely to have an adverse effect on water quality shall notify the Council in writing at least four weeks prior to the activity being undertaken.

Spillages and adverse events

- 10.3 In the event of a spillage, or any event, which may contaminate or otherwise affect the water quality of the water supply, any Person who causes, contributes to, or is otherwise responsible for the spillage or event (including a principal who is responsible for the acts of its employees and agents) shall advise the Council immediately.
- 10.4 Advising the Council as required by Clause 10.3 does not void any notification requirements to any other authorities.

11 Fire Hydrants

- 11.1 No Person shall gain access to, and draw water from any fire hydrants for the purposes of firefighting except for the attending FENZ Personnel.
- 11.2 No Person shall access or draw water from fire hydrants other than FENZ Personnel except for:
- (a) The Council and its Authorised Agent;

- (b) Permit holders Approved to draw water from fire hydrants.
- 11.3 Without prejudice to other remedies available and pursuant to Section 164 of the Local Government Act 2002, the Council may seize and impound any Property or assets of any Person that is directly or indirectly involved in the breach of this Bylaw. The Council may also assess and recover the value of water drawn without approval and any other associated costs.
- 11.4 Privately owned fire hydrants shall be maintained by the Customer at their own expense.
- 11.5 In the event that any privately owned fire hydrant needs to be repaired or upgraded, any costs of doing any such repair or upgrade will be met by the Customer.

12 Working Around Buried Services

- 12.1 No Person shall excavate without first reviewing the Council's records ('as-builts') of the location of its Buried Services (up to the Point of Supply). The Council may charge a fee for the provision of this information. The Council does not guarantee accuracy or completeness of any such information. The Persons proposing to carry out the excavation work shall conduct all necessary site checks to ensure Buried Services are not damaged or affected.
- 12.2 Any excavation within the road reserve is subject to the Permit process of the appropriate Roothing Authority and, for the avoidance of doubt, to obtaining any other applicable regulatory approvals.
- 12.3 Any Person proposing to excavate in the vicinity of the Council's Buried Services shall give the Council notice of such excavations at least 5 days prior to commencing.
- 12.4 Where appropriate the Council may mark out to within ± 0.5 m on the ground the location of its Buried Services and nominate in writing any restrictions on the work it considers necessary to protect its Buried Services. The Council may charge a fee for this service.
- 12.5 When excavating and working around Buried Services due care shall be taken by the Person carrying out the excavation to ensure the services are not damaged, and that bedding and backfill are reinstated in accordance with any specification given by the Council.
- 12.6 Any damage, which occurs to any component of the Council's water supply network, shall be reported to the Council immediately.
- 12.7 Pursuant to Section 175 of the Local Government Act 2002, any Person who wilfully or negligently destroys, damages, stops, obstructs or otherwise interferes with the water supply network shall be liable for costs arising.

13 Backflow Prevention

- 13.1 The Customer shall take all necessary measures to prevent water, which has been drawn from the Council's Water Supply on the Customer's side of the Point of Supply from returning to that supply. "All necessary measures" shall mean:
 - (a) Backflow prevention either by providing an adequate air gap, or by the use of an appropriate Backflow Prevention Device; and
 - (b) Provision for the exclusion of any direct cross-connection between the Council's Potable Water supply and
 - (i) Any other water supply (potable or non-potable);
 - (ii) Any other water source;

- (iii) Any Storage Tank;
- (iv) Any other pipe, fixture or equipment containing chemicals, liquids, gases, or other non-potable substances;
- (v) The installation of Backflow Prevention Devices where required; and
- (vi) The installation of fire protection systems that include appropriate Backflow prevention measures where required, for example in cases where the system is supplied by a non-potable source or a Storage Tank or fire pump that operates at a pressure in excess of the Council's normal minimum operating pressure.

- 13.2 Where a Customer fails to take all necessary measures as required by 13.1 and fails to comply with a Notice requiring him/her to do so, the Council may undertake the required works and fit a Backflow Prevention Device on the Council's side of the Point of Supply where a Customer cannot demonstrate that the risk of Backflow is adequately managed. In accordance with Section 186 of the Local Government Act 2002, the Council may recover its costs as a debt from the Customer.
- 13.3 Any Backflow Prevention Device installed beyond the boundary of the Property will be owned and maintained by the Council.
- 13.4 Separation distances between the Water Supply Network and other services including buried wastewater pipelines shall comply with the standards as set in relevant codes and standards listed in Clause 2.3(b). This is to reduce the possibility of contamination being drawn into the Water Supply System, particularly when the Water Supply System is subjected to low pressures or vacuums.

14 Fire Protection Connections

- 14.1 No Person shall install a new Connection for fire protection unless Approved to do so. Any such Connection shall be installed by Council's Authorised Agent at the applicant's expense and shall be subject to any terms and conditions specified by the Council. All fire connections shall have a Council Approved Detector Check Valve fitted at the Owner's expense.
- 14.2 The Council does not guarantee provision of a fire protection water supply at any particular flow or pressure.
- 14.3 It shall be the Customer's responsibility to ascertain in discussion with the Council whether the water supply available is adequate for the Customer's intended purpose.
- 14.4 The Customer shall monitor whether the water supply available remains adequate for the Customer's intended purpose.
- 14.5 Any Person designing fire protection shall consider Council's Levels of Service.
- 14.6 A Customer with a fire sprinkler system on their properties shall prevent water being drawn from the system for any purpose other than fire control and shall construct, install and maintain the system in good order, and for its intended purpose.
- 14.7 Where the supply of water to any Property is metered the Council may, upon receipt of a written request from a Customer, approve the supply of water for fire control purposes 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 local FENZ Personnel; or

- (b) A Council Approved Detector Check Valve has been fitted on the Meter bypass;
 - (c) Such a Connection shall not be used for any purpose other than for fire control or for testing the fire protection system.
- 14.8 Where a Connection has been installed or located for fire protection but it is likely or possible that water may be drawn from it for purposes other than fire control, the Council may require the supply to be metered.
- 14.9 No Person shall test fire protection systems in a manner that requires a draw off water without prior Approval.
- 14.10 Where the supply of water to any Property is metered, fire hose reels shall be connected only to the metered supply and not to the fire protection system. The water supply to fire hose reels shall comply with the requirements of NZS 4503:2005 (Hand operating firefighting equipment).
- 14.11 The Council will not charge for water used for the purpose of fire control. Where the fire protection Connection is metered and water has been used for fire control purposes, the Council may estimate the quantity of water so used and credit to the customer's account an amount based on that estimate.
- 14.12 No Person shall connect the fire hose reels on any Property to the fire protection system.

15 Water Metering

- 15.1 All water connections to Extraordinary Users shall be metered and the Council will charge for water usage on a volumetric basis.
- 15.2 In communities where universal metering has been installed (only Foxton Beach at the time of commencement of this Bylaw), both ordinary and extraordinary use of water shall normally be metered and levied as targeted rates, as prescribed in Sections 9 and 15 to 19 of the Local Government (Rating) Act 2002.
- 15.3 In communities where universal metering has not been installed, an ordinary use of water shall not normally be metered (subject to the Council reserving the right to fit a Meter and charge where it considers water use is excessive, or for a Meter to be fitted at the customer's request) and the cost of such use shall be as prescribed in Sections 9 and 15 to 19 of the Local Government (Rating) Act 2002.
- 15.4 The Council may fit a Meter to any Connection on any Property at any time for the purposes of determining water consumption.
- 15.5 Meters and Restrictors shall be located in a position where they are readily accessible for reading and maintenance and, if practicable, immediately on the Customer side of the Point of Supply.
- 15.6 Replacement Meters for on demand supplies, and replacement Restrictors for restricted flow supplies, shall be supplied, installed and maintained by the Council and shall remain the Property of the Council.
- 15.7 All lots formed as a result of a subdivision that lie within an Urban Water Supply Area shall have a Meter fitted to the Service Pipe. This may require the upgrading of any existing Connection or Connections.
- 15.8 The Council may recover all unpaid water charges from any premises as prescribed in Sections 57 to 90 of the Local Government (Rating) Act 2002.

Meter Accuracy

- 15.9 All Meters installed shall be accurate to OIML R49-1 for the purposes of volumetric charging.
- 15.10 The Council may test meters as and when required or as prescribed in OIML R49-1 (Refer referenced documents). The maximum permissible error for the upper flow rate zone ($Q_2 < Q < Q_4$) is $\pm 2\%$, for temperatures from 0.1°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 Meters with $Q_3 < 100\text{m}^3/\text{h}$ and may be applied to 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.
- 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 OIML R49-1.
- 15.11 Any Customer who disputes the accuracy of a Meter would first be encouraged to carry out a self-assessment, the details of which can be requested from Council. The Customer may then apply to the Council for the Meter to be tested provided that the testing is not requested within three months of the last test. If the test shows the Meter is non-compliant with the accuracy range described in Clause 15.10, the Customer shall not be charged for the test. If the test shows the Meter is in compliance with the accuracy range described in Clause 15.10, the Customer shall pay a fee in accordance with the Council's current Fees and Charges.
- 15.12 Meters shall be tested as prescribed in OIML R49-2 and the test report shall be made available as prescribed in OIML R49-3.
- 15.13 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 12 months, and the Customer shall pay a greater or lesser amount according to the adjustment.
- 15.14 Where a Meter is under-reading by more than 20% or has stopped, the Council reserves the right to charge for the amount of water assessed as having been used over the past billing period, taking into account any seasonal variations in demand.
- 15.15 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.

Estimating consumption

- 15.16 Where a Meter is damaged, ceases to register, has been removed, or where the seal or dial of the Meter is broken, or the Meter has otherwise been interfered with, the Council may estimate the consumption for the period since the previous reading of the water meter (based on the average of the previous four meter readings in respect of the Property) and the Customer may be required to pay according to such as estimate
- 15.17 Where by reason of a large variation of consumption due to seasonal or other causes, the average of the previous four Meter readings would be an unreasonable estimate of the consumption, or where there have not been four previous Meter readings in respect of that Property, the Council may take into consideration other evidence for the purpose of arriving

at a reasonable estimate, and the Customer may be required to pay according to such an estimate.

- 15.18 If a Meter indicates a significant increase in consumption to a Property, which is established as being caused by a previously unknown leak, the Council may either estimate consumption as provided in Clauses 15.16 and 15.17, provided that the Customer repairs the leak as soon as practicable and with due diligence, otherwise the Customer shall be liable for the cost of water which passes through the water meter regardless of whether this is used or is the result of leakage.

Incorrect accounts

- 15.19 Where a situation occurs, other than as provided for in Clauses 15.9 to 15.19, 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.
- 15.20 Where an adjustment is required under Clause 15.19, whether in favour of the Council or the Customer, such adjustment shall not be backdated more than 12 months from the date the error occurred.

16 Restricted Connections

- 16.1 Green-Belt Residential Areas shall receive only a Restricted Supply, where a reticulated supply exists.
- 16.2 Rural Areas that are connected to a Council Water Supply at the commencement of this Bylaw shall receive only a Restricted Supply, where a reticulated supply exists.
- 16.3 All properties with a Restricted Supply shall receive a maximum of one Unit of Water/day.
- 16.4 At any time, the Council may install (on a temporary or permanent basis) a Restrictor on any on-demand Connection within the Restricted Supply area.
- 16.5 Where the Council requires the permanent installation of a Restrictor on a previously on-demand Connection, the Owner or Customer shall meet all reasonable costs of providing for the restricted Connection including provision of an on-site Storage Tank, to be owned and maintained by the Customer.

17 Procedure for Testing a Restrictor

- 17.1 Restrictors should be accurate to within $\pm 10\%$ of their rated capacity. Any Customer who disputes the accuracy of a Restrictor may request that the Council test it, provided that no such request can be made within three months of the last test.
- 17.2 An initial test shall be carried out by the Council or its Authorised Agent at the Point of Supply to determine the accuracy of the Restrictor. Results will be provided to the Customer on request.

18 Demand Management

- 18.1 The Council may issue water restrictions at any time and for any specified purpose on use of Potable Water from any Council Water Supply if the Council considers that the supply capacity is limited.

- 18.2 During an Emergency, the Council may restrict or prohibit the use of Council Water Supply for any specified purpose, for any specified period and for any or all of its Customers.
- 18.3 No Person shall contravene any restrictions issued by the Council under 18.1 and/or 18.2.
- 18.4 The Council will give Notice of any restrictions issued under 18.1 and 18.2 and, despite the restrictions, will take all practicable steps to ensure that an adequate supply for domestic purposes is provided to each Point of Supply.
- 18.5 Council Water Supply shall not be used as an energy source. No Customer shall use Council Supply Water or water pressure directly from the Council Water Supply for driving lifts, machinery, generators, condensers or any other similar device, unless specifically Approved.
- 18.6 No Customer shall use Council Supply Water for a single pass cooling system or to dilute trade waste prior to disposal, unless specifically Approved.
- 18.7 An industrial plant shall not use water from the Council Water Supply for cooling purposes, unless specifically Approved.
- 18.8 No Customer shall allow Council Supply Water to run to waste from any pipe, tap, hose, sprinkler, or other device or Fitting, nor allow the condition of the plumbing within the Property to deteriorate to the point where leakage or waste occurs.
- 18.9 Under Section 192 of the Local Government Act 2002 no Person may waste water supplied by the Council or allow it to be wasted, and under Section 224 it is an offence to contravene Section 192 and to continue to do so after receiving a written warning from the Council. A Person convicted of this offence is liable to a fine not exceeding \$5,000 (Section 242 of the Local Government Act 2002 refers).

19 Plumbing System

- 19.1 No Person shall use quick closing valves, pumps or any other equipment that may cause pressure surges or fluctuations to be transmitted within the Water Supply System, or compromise the ability of the Council to maintain its Level of Service, without prior Approval.
- 19.2 In accordance with the Building Regulations 1992 any plumbing system shall be compatible with the Council Water Supply.

20 Transfer of Rights and Responsibilities

- 20.1 No Customer shall transfer to any other party the Customer's rights and responsibilities set out in this Bylaw.

21 Change of Ownership

- 21.1 In the event of a Property changing ownership, the Council shall record the new Owner as being the Customer at that Property. Where a Property is metered the outgoing Customer shall give the Council at least five working days' notice to arrange a final Meter reading.
- 21.2 Where the Property is not metered, a water meter will be installed at the cost of new Customer.

22 Offences and Breaches

- 22.1 Every Person breaches this Bylaw and commits an offence who:
- (a) Does anything, or Permits anything to be done that is contrary to this Bylaw; or

- (b) Fails to do or perform any act, or thing, that is required by this Bylaw, within the time and in the manner required, or
- (c) Commits any other breaches of the terms and conditions of this Bylaw; or
- (d) Fails to comply with any condition of any authorisation granted by the Council under this Bylaw;
- (e) Fails to comply with any Notice issued under this Bylaw; or
- (f) Obstructs or hinders any Council Officer or other Council appointed Person in performing any duty or in exercising any power under this Bylaw; or
- (g) Alters a Connection or any Restrictor, or drawing from a Connection or Restrictor that has been tampered with; or
- (h) Provides incorrect information in an application for supply that affects the Council's assessment of that application or the conditions imposed.

22.2 In addition to the above offences, every person commits an offence under the Local Government Act 2002 who:

- (a) Under Sections 192 and 224 wastes water or allows it to be wasted after receiving a written warning from the Council;
- (b) Under Section 227(a) alters the index of, or in any other manner tamper with, a Meter;
- (c) Under Section 227(b) alters the position of a Meters; and
- (d) Under Section 229 prevents a Council enforcement officer from carrying out their functions or duties or to obstruct or impede a Person from exercising or attempting to exercise a power of entry conferred by that Act or refuses to give information to an enforcement officer of the Council or knowingly misstates information.

23 Notices

23.1 The Council may serve on any Person in breach of this Bylaw a Notice requiring compliance with this Bylaw within a stated period. Any Person served with such a Notice shall comply with the requirements of the Notice within the stated time, unless granted an extension of time by the Council.

23.2 In accordance with Section 194 of the Local Government Act 2002 and if after the time specified in the notice in Clause 23.1 the Customer has not complied with the Notice's requirements, the Council may, in addition to any other powers and remedies, execute the required works and/or restrict the flow rate of water to the Customer without notice.

23.3 The Council shall take reasonable steps to ensure any restricted flow will of Council Water Supply under Clause 23.2 will not cause undue hardship before restricting flows and shall not create unsanitary conditions in, or associated with, any Property.

23.4 The Council shall ensure that, notwithstanding any restricted flow of Council Water Supply under Clause 23.2, an adequate supply of Potable Water is supplied to the Customer's Point of Supply, being a minimum of 50 litres per Person per day where showers are available or 90 litres per Person per day where bath only is available.

23.5 If the Council restricts the flow rate, the full Level of Service shall be re-established only after payment of the applicable fee and compliance with the Notice by the Customer to the satisfaction of the Council.

- 23.6 Subject to Sections 69S and 69T of the Health Act 1956, if the breach by the Customer is such that the Council is required to disconnect the supply for health and safety considerations, such disconnection will be carried out without notice.

24 Service of Notices and Documents

- 24.1 Except as otherwise expressly provided for in any Act, where any notice, order or other document is required to be served on any Person or Property for the purposes of this Bylaw, the Council may serve notice by:
- (a) By delivering it personally to the Person; or
 - (b) By delivering it at the usual or last known place of residence or business of the Person; or
 - (c) By sending it by pre-paid post addressed to the Person at the usual or last known place of residence or business of the Person; or
 - (d) By posting it to the Post Office box address that the Person has specified as an address for service; or
 - (e) By leaving it at a document exchange for direction to the document exchange box number that the Person has specified as an address for service; or
 - (f) By sending it to the fax number that the Person has specified as an address for service; or
 - (g) By sending it by email to the email address, which has been specified by the Person on an address for service.
- 24.2 Where a notice or other document is to be served on a body (whether incorporated or not) for the purposes of this Bylaw, service on an officer of the body, or on the registered office of the body, in accordance with 24.1 shall be deemed to be service on the body.
- 24.3 Where a notice or other document is to be served on a partnership for the purposes of this Bylaw, service on any one of the partners in accordance with Clause 24.1 shall be deemed to be serviced on the partnership.
- 24.4 Where a notice or other document is sent by post to a Person it shall be deemed, in the absence of proof to the contrary, to be received by the Person at the time at which the letter would have been delivered in the ordinary course of the post.

25 Enforcement & Penalties

- 25.1 Under the Local Government Act 2002, the Council has powers to enter Property in certain circumstances. These powers include, but are not limited to:
- (a) The general power to enter Property under Section 171;
 - (b) The power under Section 172(1) to enter land for the purpose of detecting a breach of a bylaw, having given, if practicable, reasonable notice;
 - (c) The power under Section 172(3) to enter a dwelling house for the purpose of detecting a breach of a bylaw, subject to a warrant being granted under the Search and Surveillance Act 2012;
 - (d) The power under Section 173 to enter Property without giving prior notice in cases of sudden Emergency or there is danger to any works or adjoining property;

- (e) The power under Section 181 to enter land, having given reasonable notice, to inspect alter, renew, repair, or clean any work constructed under that section of the Act or under the corresponding provision of a former Act;
- (f) The power under Section 182 to enter any land or building (but not a dwelling house) for the purpose of ascertaining whether the Council Water Supply is being wasted or misused, or any drainage works are being misused, or any appliance of equipment associated with a Council utility service is in a condition that makes it dangerous to life or property, having given reasonable notice;

25.2 In the event of a breach of this Bylaw, the Council may issue a Notice under Clause 23 and has all the powers available to it under the Local Government Act 2002 and any other applicable statute or regulation. Those powers include, but are not limited to:

- (a) The power under Section 162 to apply for an injunction restraining a Person from committing a breach of this Bylaw or an offence;
- (b) The power under Section 163 to remove or alter works in breach of this Bylaw and recover the costs of removal or alteration from the person who committed the breach;
- (c) The powers under Sections 164, 165, and 168 to seize and impound property and to then dispose of that property;
- (d) The power under Section 176 to recover the costs of remedying damage arising from a breach of this Bylaw;
- (e) The power under Section 186 to execute works if the Owner or occupier fails to do so; and
- (f) The powers under Section 239 and 242 to prosecute for the offence of breaching this Bylaw.

25.3 Under Section 193 of the Local Government Act 2002 the Council may also restrict the water supply to a Property or building in a manner it thinks fit, including where a Person fails to comply with this Bylaw or obstructs a Council Enforcement Officer from entering a Property or building to check whether water is being wasted or misused.

25.4 Any Person who commits a breach of this Bylaw or fails to comply with the requirements of this Bylaw, or a Notice issued under this Bylaw, commits an offence and shall be liable on summary conviction to the penalty set out in Section 242(4) of the Local Government Act 2002, being a fine not exceeding \$20,000.

26 Fees

26.1 The Council may in accordance with Section 150 of the Local Government Act 2002 prescribe fees or charges in respect of any matter provided for under this Bylaw, including for any certificate, Approval, Permit or consent form or inspection made by the Council under this Bylaw.

26.2 The Customer shall be liable to pay for the water and related services as provided in accordance with this the Bylaw, any applicable Acts or Regulations and in accordance with Council's Fees and Charges prevailing at the time.

26.3 A development contribution levied under the Local Government Act 2002 may also be payable for new connections as specified in the Council's "Development Contributions Policy". A financial contribution may be payable as determined in accordance with the Resource Management Act 1991.

27 Payment

- 27.1 The Customer shall be liable to pay for the supply of water and related services in accordance with the Council's Fees and Charges prevailing at the time and the Local Government Act 2002 and the Local Government (Rating) Act 2002.
- 27.2 The Council may recover all unpaid water charges as prescribed in Sections 57 to 83 of the Local Government (Rating) Act 2002.

28 Dispensing of Powers

- 28.1 The Council may waive full compliance with any provision of this Bylaw where the Council is of the opinion that full compliance would needlessly cause significant harm, loss or inconvenience to any Person or business without any corresponding benefit to the community. The Council may in its absolute discretion impose any terms and conditions of any such waiver.

29 Review of Bylaw

- 29.1 This Bylaw shall be reviewed within 5 years from date of adoption of this Bylaw by Council.
- 29.2 This Bylaw can be reviewed at any other time before the date at the discretion of the Council.

30 Commencement Date

- 30.1 This Bylaw comes into force on the day at which the Horowhenua District Council in its meeting confirmed the making of this Bylaw by public resolution.

Attestation

SCHEDULE 1: Points of Supply and Typical Layouts

Figure 1: With street frontage

(Note – Point of Supply is tail piece of boundary box, Meter, or Service Valve regardless of Property boundary).

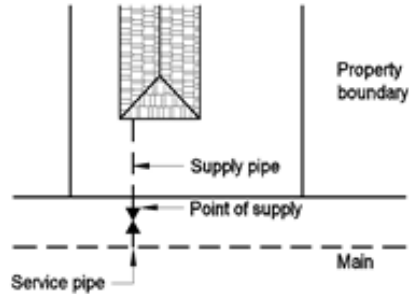


Figure 1a: Service for single Property

Figure 2: Rear lots on right-of-way

(Note – Point of Supply is tail piece of boundary box, Meter, or Service Valve regardless of Property boundary).

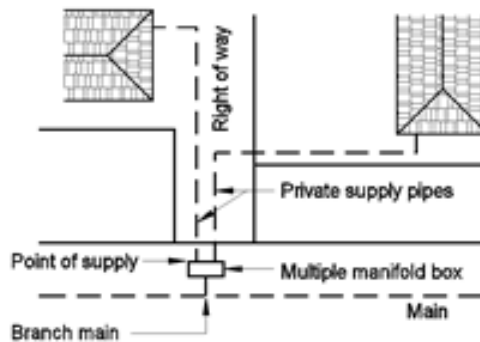


Figure 2a: Referred solution for lots on right-of-way

Infill Development

Cross Boundary Water Connections

The water connection of a property shall not be provided through another property. Any exception to this prohibition is solely at the Council's discretion.

Where an exception is granted by the Council, easements must be registered over the water connections in favour of the property it serves.

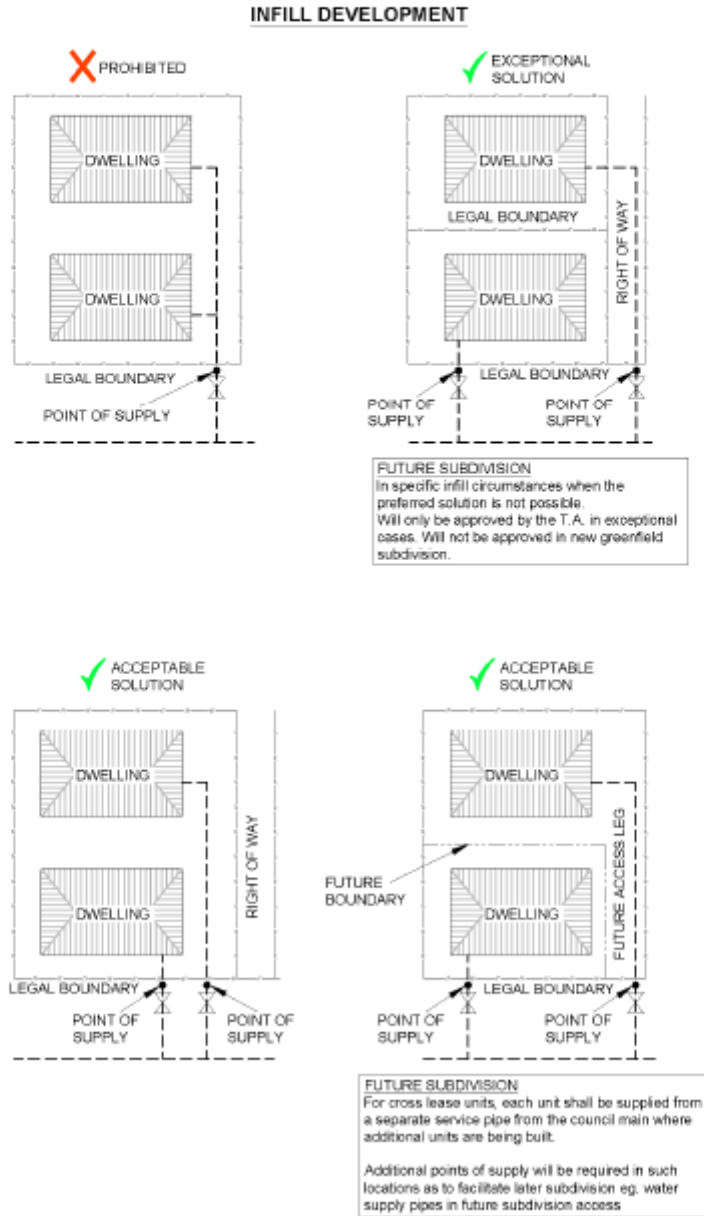


Figure 2b: Infill Development

Figure 3: Industrial, commercial, domestic fire and service connections (including schools)

(Note – Point of Supply is tail piece of boundary box, Meter, or Service Valve regardless of Property boundary).

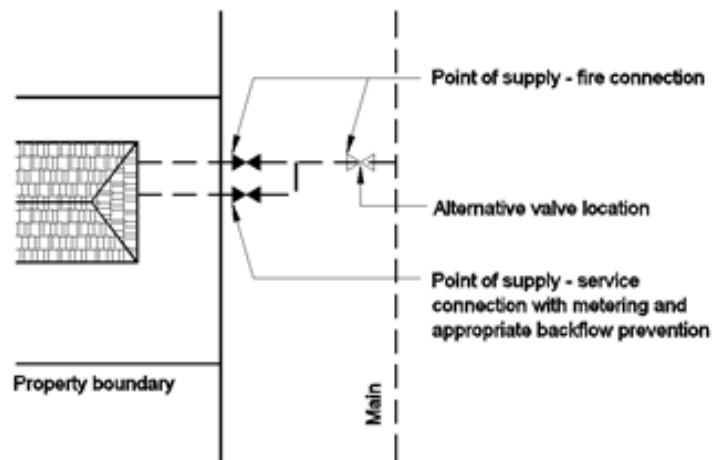


Figure 3a: Combined fire and service Connection

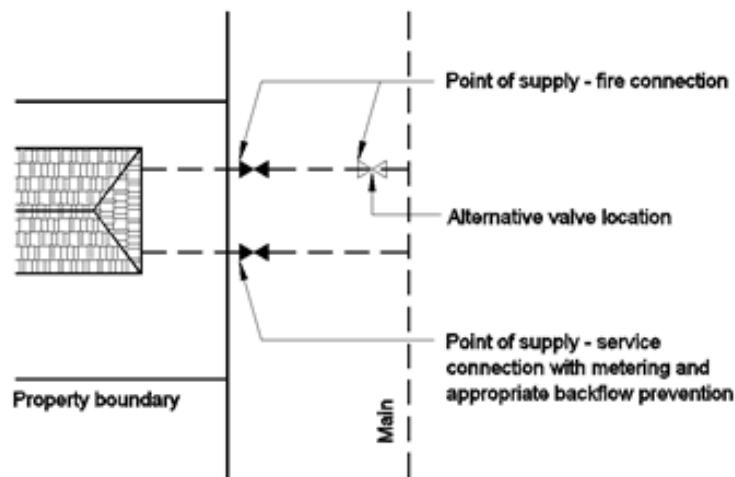


Figure 3b: Separate fire and service Connection

Figure 4: Typical layouts at point of supply

- (Notes: 1. Point of Supply is tail piece of boundary box, Meter, or Service Valve regardless of Property boundary.
2. The New Zealand Building Code may require the Customer to install additional Backflow Prevention Devices within the site, which will remain the responsibility of the Customer.

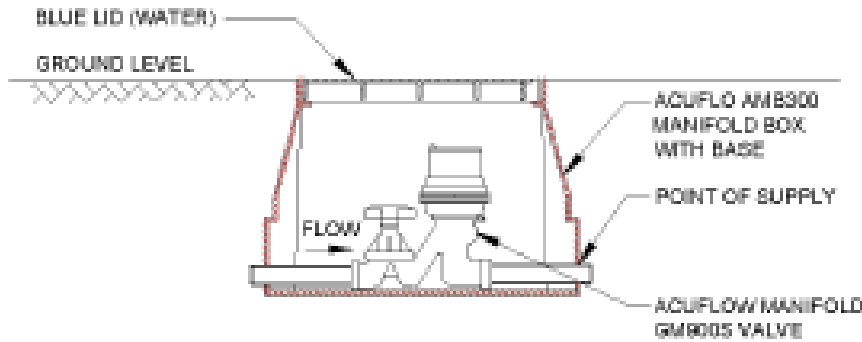


Figure 4a: Typical boundary box detail

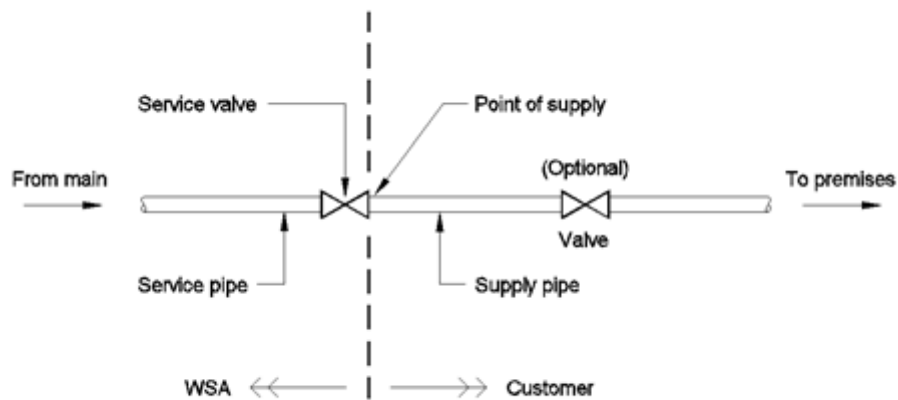


Figure 4b: Domestic unmetered supply

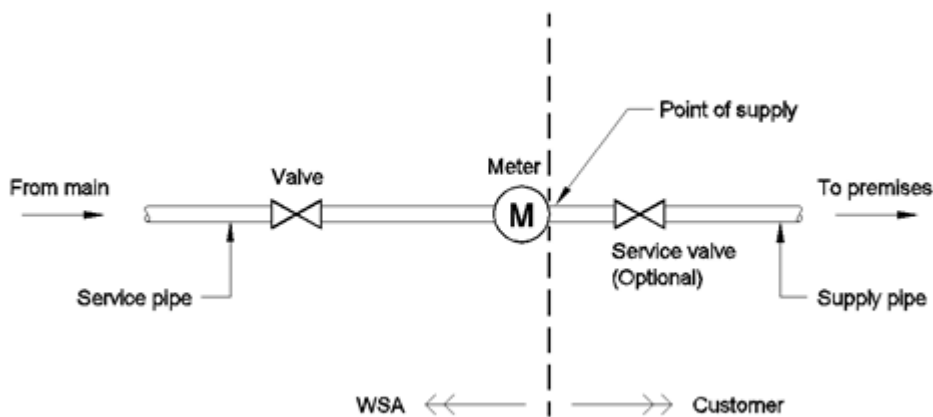


Figure 4c: Domestic metered supply

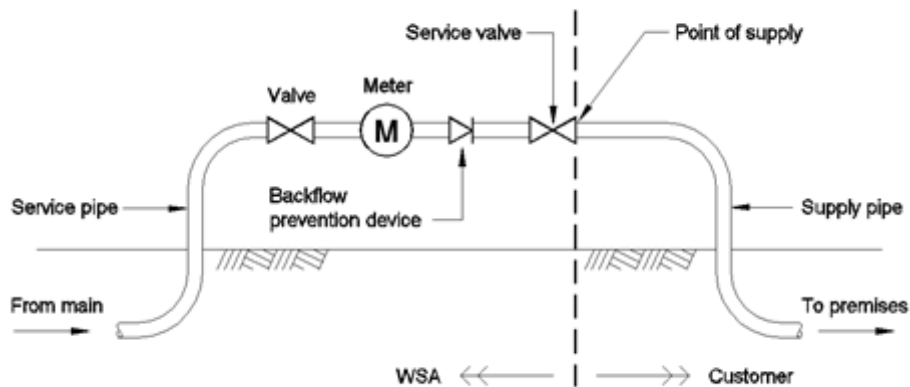


Figure 4d: Metered supply with Backflow Prevention Device owned by WSA

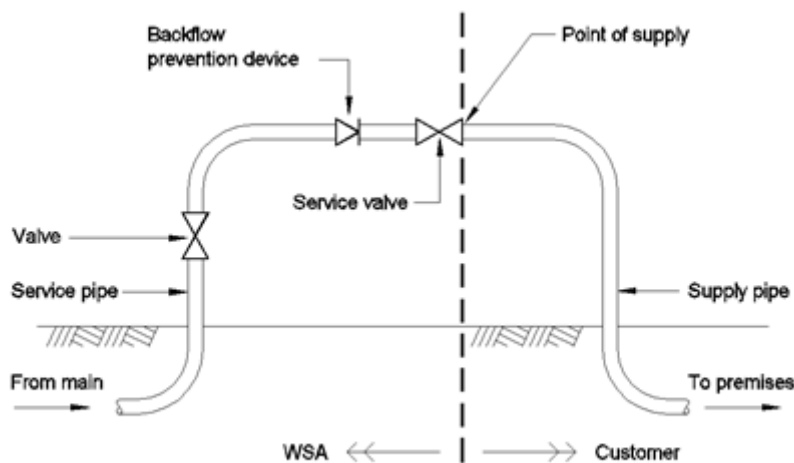


Figure 4e: Unmetered supply with Backflow Prevention Device owned by WSA

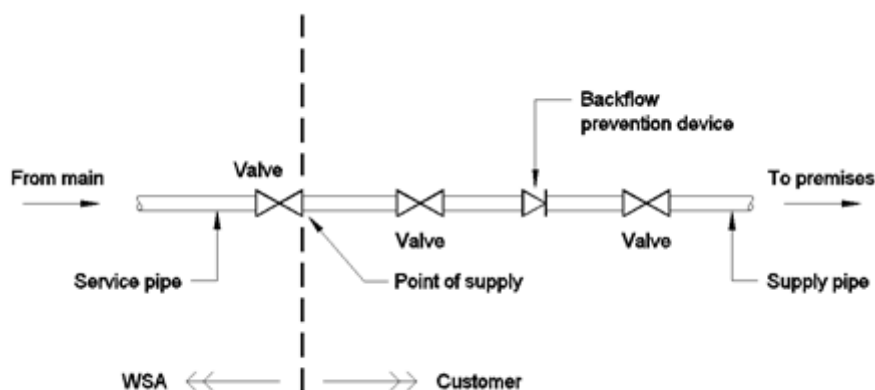


Figure 4f: Unmetered supply with Backflow Prevention Device owned by Customer