

HUTT CITY COUNCIL WATER SUPPLY BYLAW 2022

ADOPTED BY COUNCIL XXXX 2022

EFFECTIVE XXXXX 2022

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1. INTERPRETATION AND DEFINITIONS

“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.

"Backflow" means flow that is contrary to the normal intended direction of flow. It refers to flow from the customer's premises back into a public water supply, or back into an aquifer.

“Backflow Prevention Device” means a device used to prevent backflow, excluding secondary backflow devices between individual apartments or units.

"Customer" is the owner of the premises that is being supplied with water.

"Disconnection" means the physical cutting off of the supply to a premise.

"Extraordinary Supply" is water for non-domestic uses. Extraordinary use includes water supplied for the following:

- a) Domestic spa and swimming pools in excess of 10 cubic metres capacity
- b) Commercial and business uses;
- c) Industrial uses;
- d) Horticultural, agricultural, and viticultural uses;
- e) Fire protection systems, other than sprinkler systems installed to comply with NZS 4517;
- f) Temporary supply; and
- g) Premises exhibiting unusually high-water use, determined at the discretion of the Water Supply Authority

"Level of Service" means the measurable performance standards on which the Water Supply Authority aims to supply water to its customers.

"Ordinary Supply" Ordinary supply is water solely for domestic purposes. This includes the use of a hose for:

- a) Washing down a car, boat, caravan, or vehicle on a non-commercial basis;
- b) Garden watering by hand;
- c) Garden watering by sprinkler or irrigation system; and
- d) Use of a fire sprinkler system installed to comply with NZS 4517 (subject to prior approval of the Water Supply Authority).

"Point of Supply” means the boundary between the water supply network and a private water supply pipe.

"Premises" means:

- 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; or
- b) A building that has been defined as an individual unit by a cross-lease, unit title or company lease and for which a Certificate of Title is available; or
- c) Land held in public ownership, such as a reserve, for a particular purpose.

"Prescribed Fee" means any fees or charges approved by the Water Supply Authority for and items or services associated with the supply of water and includes any fees/charges adopted by the Council in accordance with the Local Government (Rating) Act 2002.

"Publicly Notified" means published on the Hutt City Council website and one occasion in one daily or weekly newspaper circulating in the district, or under emergency conditions, in the most effective way to suit the particular circumstances.

"Restricted Flow Supply" is where a small continuous flow is supplied through a restrictor and across an air gap separation, and storage is provided by the customer to cater for their demand fluctuations.

"Restrictor" means a control device to regulate the flow of water to a customer's premises.

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

"Service Valve (Toby)" is the public valve at the customer end of the service pipe owned and maintained by the Water Supply Authority.

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

"Urban Zone" means all land parcels not zoned rural in the operative Lower Hutt District Plan.

"Water Supply Authority" means Hutt City Council and its authorised agents.

"Water Supply Authority Approved Contractors" are contractors approved by the Water Supply Authority.

"Water Supply System" means all those components of the Water Supply Authority network, up to and including the point of supply. This may include but is not limited to: mains, 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. This does not include water supply system assets owned by Greater Wellington Regional Council.

2. PROTECTION OF WATER SUPPLY

2.1 Access to water supply system and equipment

- a) No person other than the Water Supply Authority shall have access to any part of the Water Supply System without approval, subject to clause 2.2a, except to operate the service valve (toby).
- b) No person shall cause damage or otherwise interfere with the water supply system.
- c) Any person who breaches clause 2.2a must report that damage or interference to the Water Supply Authority immediately. The person causing the damage shall be liable for the cost of the repair.

2.2 Working around buried services

- a) New connections, including all pipes, fittings, and any other equipment, up to the point of supply, shall only be installed by Water Supply Authority contractors.
- b) No person may excavate or build within 3 meters, or carry out pile driving within 5 meters, of the Water Supply System without written approval from the Water Supply Authority where water supply services are located in a road reserve, access must also follow the procedures required to obtain a Corridor Access Request.

2.3 Fire and emergency

- a) Fire and Emergency New Zealand or the Water Supply Authority shall gain access to draw water from fire hydrants for the purpose of firefighting, including testing, training, or emergency incidents.
- b) The right to gain access to, and draw water from the water supply for uses other than firefighting (for example, flow testing or pipe flushing) shall be restricted to:
 - i. The Water Supply Authority; and
 - ii. Permit holders, being those persons who after having applied to the Water Supply Authority are subsequently approved to draw water from fire hydrants or tanker filling points. Such permits shall be valid only so long as the permit holder complies with the conditions endorsed on the permit. Without prejudice to other remedies available, the Water Supply Authority may, pursuant to sections 163 and 164 of the Local Government Act 2002, 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.

3. TYPES OF SUPPLY

3.1 Ordinary supply

- a) All premises are entitled to an ordinary supply of water subject to:
 - i. The premises being within an urban zone.
 - ii. During the official periods of 'daylight saving', garden and lawn watering is permitted only:
 1. by sprinkler, irrigation or watering system, or a single unattended hose, and
 2. during the hours of 6-8 am and 7-9 pm, and
 3. on alternate days – even-numbered houses on even-numbered days and uneven (odd) numbered house on uneven (odd) numbered days.
 - iii. The exclusion of its use under any restrictions imposed by the Water Supply Authority under clause 5.1 (Demand Management) of this bylaw.
 - iv. A payment of any prescribed charges in respect of the premises.
 - v. Compliance with the terms and conditions of this Bylaw.
 - vi. Payment of any other charges or costs associated with subdivision development.
 - vii. The Water Supply Authority reserves the right to:
 1. require the customer to supply, install and maintain an approved water meter and pay any prescribed fees; and
 2. install a meter or flow restrictor and charge accordingly where it considers water use is excessive.

3.2 Extraordinary supply

- a) The Water Supply Authority shall be under no obligation to provide an extraordinary supply.
- b) Extraordinary supply of water, other than where the supply is for fire protection only, shall be metered.
- c) Extraordinary supply of water shall be charged for in accordance with any prescribed fees.

- d) The customer will meet all costs in relation to the installation, maintenance, testing and replacement of the water meter and backflow prevention device.

3.3 Restricted flow supply

- a) The Water Supply Authority shall be under no obligation to provide a supply of restricted flow. Restricted flow may be available to rural premises where the property boundary is within 100 meters of the urban network.
- b) The Water Supply Authority shall charge for the restricted flow supply by on the basis of an agreed number of water units supplied at a uniform flow rate.

3.4 Continuity of supply

- a) The Water Supply Authority does not guarantee an uninterrupted or constant supply of water. Nor does the Water Supply Authority guarantee maintenance of existing maximum or minimum pressure.
- b) If a customer has a particular requirement for an uninterrupted level of service (flow, pressure, or quality), it will be the responsibility of that customer to provide any necessary storage, back up facilities, or equipment.
- c) Wherever practical the Water Supply Authority shall make very reasonable attempt to notify the customer of a scheduled maintenance shutdown of the supply or any works of a permanent or temporary nature that are planned which will affect existing supply before the work commences. Where immediate action is required, and notification is impractical, the Water Supply Authority may shut down the supply without notice.

4. POINT OF SUPPLY

The point of supply marks the boundary of responsibility between the customer and the Water Supply Authority irrespective of the property boundary and is defined as the tail end of the furthest downstream asset owned by the Water Supply Authority (typically the service valve) regardless of whether that asset is inside or outside the property boundary.

4.1 Maintenance and access to point of supply

- a) The Water Supply Authority shall maintain the service pipe and fittings up to the point of supply.
- b) Where the point of supply is on private property, the customer shall allow the Water Supply Authority access to, and about, the point of supply between 07:30 and 18:00 on any day for:
 - i. Meter reading without notice; and
 - ii. Checking, testing, and maintenance work, with notice being given whenever possible.
- c) Outside the hours in clause 4.1b (such as for night-time leak detection) the Water Supply Authority shall give notice to the customer.
- d) Under emergency conditions, the customer shall allow the Water Supply Authority free access to, and about, the point of supply at any hour.
- e) 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. Water Supply Authority may charge for work required to access and maintain access to the point of supply.

4.2 Maintenance of customers' services

- a) The customer shall maintain the supply pipe and fittings on the customer's side of the point of supply.
- b) All maintenance and repair works shall be in accordance with this bylaw, relevant regulations, Council policies, the Regional Standard for Water Services.
- c) Quick-closing valves, pumps, or any other equipment which can cause pressure surges or fluctuations to be transmitted within the water supply system or compromise the ability of the Water Supply Authority to maintain its levels of service shall not be used on any piping beyond the point of supply. The Water Supply Authority reserves the right to approve such equipment in special circumstances.

5. GENERAL CONDITIONS OF SUPPLY

5.1 Demand Management

- a) The customer shall comply with any restrictions which shall be publicly notified by the Water Supply Authority to manage demand, high seasonal or other demands.
- b) During emergency conditions, the Water Supply Authority may restrict or prohibit the use of water for any specified purpose, for any specified period, and for any or all its customers. Such restrictions shall be publicly notified.

5.2 Liability

- a) The Water Supply Authority shall not be liable for any loss, damage, or inconvenience which the customer (or any person using the supply) may sustain because of deficiencies in, or interruptions to, the water supply.

5.3 Fire protection connection

- a) The Water Supply Authority shall be under no obligation to provide a fire protection supply at any particular flow or pressure.
- b) All fire service connections require a double check detector backflow prevention device.
- c) A connection to supply water to a fire protection system shall be used for no other purpose than firefighting and testing the fire protection system.
- d) It shall be the customer's responsibility to ascertain and monitor whether the fire protection supply available is adequate for the intended purpose.
- e) Water used for the purpose of extinguishing fires will be supplied free of charge.
- f) Whenever water has been used for firefighting purposes, the Water Supply Authority shall, upon notification, assess the quantity of water used, and a sum based on the estimate at the appropriate charge rate shall be credited to the customer's account.

5.4 Backflow prevention

- a) It is the customer's responsibility to take all the necessary measures on the customer's side of the point of supply to prevent water which has been drawn from the Water Supply Authority's water supply from returning to that supply.

- b) Extraordinary use customers must fit a backflow prevention device appropriate to the hazard classification of the premises as specified by the Water Supply Authority.
- c) The customer is required to maintain the backflow prevention device in good working order and undertake annual inspection by an Independent Qualified Person (IQP). The annual inspection certification for each device shall be forwarded to the Water Supply Authority.
- d) The Water Supply Authority may charge a prescribed fee for the annual inspection of backflow prevention devices where the customer has not undertaken the annual inspection.
- e) Where a backflow prevention device is found to be non-compliant, the Water Supply Authority will issue an infringement notice to the customer and reserves the right to install a flow restrictor until the customer demonstrates that the device is compliant.

5.5 Meters

- a) All meters must be installed and maintained by the customer in compliance with the requirements of the Water Supply Authority, including the requirements contained in the Wellington Water Regional Standard for Water Services.
- b) Testing, maintenance, and replacement of meters shall be undertaken by the customer when required by the Water Supply Authority.
- c) The Water Supply Authority retains the right to carry out an independent test on any water meter.
- d) If any meter, after being tested, needs to be repaired or replaced, the customer must complete such repair or replacement within ten working days of the date of the test certificate. If:
 - i. The meter is repaired, the customer must also provide the Water Supply Authority with an independent test certificate indicating the meter is functioning accurately within ten working days; or if
 - ii. The meter is to be replaced, the new meter must be installed in compliance with the requirements of the Water Supply Authority.
- e) If any meter, after being tested, is found to register a greater or lesser consumption than the quantity of water passed through the meter, the Water Supply Authority shall make an adjustment to the customer's account in accordance with the results shown by such tests, backdated for a period at the discretion of the Water Supply Authority but not exceeding 12 months.

5.6 Flow restrictors

- a) All flow restrictors for restricted flow supplies must be installed and maintained by the customer in compliance with the requirements of the Water Supply Authority, including the requirements contained in the Regional Standard for Water Services.
- b) Testing, maintenance and replacement of flow restrictors shall be undertaken by the customer when required by the Water Supply Authority.
- c) The Water Supply Authority retains the right to carry out an independent test on any flow restrictor.
- d) If any flow restrictors, after being tested, needs to be repaired or replaced, the customer must complete such repair or replacement within ten working days of the date of the test certificate. If:
 - i. The flow restrictors are repaired, the customer must also provide the Water Supply Authority with an independent test certificate indicating the flow restrictor is functioning accurately within 10 working days: or if
 - ii. flow restrictors are to be replaced, the new flow restrictors must be installed in compliance with the requirements of the Water Supply Authority.

5.7 Water waste and prohibited use

- a) The customer shall not allow water to run to waste, or leak from any pipe, tap, or other fitting on the customer's side of the point of supply, nor allow the condition of the plumbing within the premises to deteriorate to the point where leakage or wastage occurs.
- b) Where a leak is detected or suspected from the customer's side of the point of supply, the Water Supply Authority shall notify the customer of the leak.
- c) Any customer who receives such notice shall carry out the works necessary to repair the leak and do this within the timeframe set out in the Water Supply Authority notice.
- d) Where a customer fails to fully carry out the necessary repair work within the set timeframe, the Water Supply Authority reserves the right to install a flow restrictor until the issue is resolved and notified to the Water Supply Authority.
- e) No person shall without written approval of the Water Supply Authority:
 - i. Use water or water pressure directly from the supply for driving lifts, machinery, elevators, generators, or any similar device, unless specifically approved; and
 - ii. Use water for a single pass cooling system or to dilute trade waste prior to disposal, unless specifically approved.

6. APPLICATIONS FOR SUPPLY

6.1 Application for connection or alteration of connection

- a) For every connection to the water supply, disconnection, replacement, alteration of existing connections or change of use, including application for installation or disconnection of water meters, fire service, restrictors, or backflow prevention devices, an application must be made to the Water Supply Authority on the prescribed form and any prescribed fee paid.
- b) The applicant must be the owner of the premises or have the written authority to act on behalf of the owner of the premises for which the supply is sought.
- c) On receipt of a complete application and prescribed fee, the Water Supply Authority will:
 - i. Approve the application, subject to any conditions the Water Supply Authority considers appropriate, including conditions to comply with this bylaw, relevant regulations, Council policies and the Regional Standard for Water Services;
 - ii. Refuse the application; or
 - iii. Request further information is supplied by the applicant.
- d) The Water Supply Authority will notify the applicant of its decision in writing.
- e) All work on the public network shall be by contractors approved by the Water Supply Authority and paid for by the applicant.
- f) An approved application under clause 6.1 has not been implemented within six months of the date of the application will lapse unless the Water Supply Authority approves an extension before the 6 months expires.

7. ADMINISTRATION

7.1 Payment

- a) The customer shall be liable to pay for the supply of water and related services in accordance with the Water Supply Authority's prescribed fees and charges.
- b) The Water Supply Authority may recover all unpaid water charges as a debt.

7.2 Transfer of rights and responsibilities

- a) The customer's rights and responsibilities provided for under this Bylaw are not transferable.
- b) A connection to the water supply shall serve only one Customer and shall not extend by hose or any other pipe beyond that Customer's property.
- c) In particular, and not in limitation of the above, any water which the Customer draws from Water Supply Authority supply shall not be provided to any other party without approval of Water Supply Authority.

7.3 Change of ownership

- a) In the event of a premises changing ownership or tenant the Water Supply Authority requires the outgoing owner/tenant to advise details of the new owner or tenant as being the customer at that premises.
- b) Where a premise is metered the outgoing customer shall give the Water Supply Authority five working days' notice to arrange a final reading.

7.4 Offences

- a) Every person commits an offence against this bylaw who:
 - i. Does or permits anything contrary to this Bylaw.
 - 1. Not adhering to any restrictions under clause 5.6.
 - 2. Not complying with the requirements of clause 5.7, in the first instance non-compliance has occurred, a second or greater non-compliance will be prosecuted in accordance with clause 7.5 below, or
 - 3. Any breach of this Bylaw not covered by clauses 5.4 (a) and 5.4 (b) above.
 - 4. Omits or neglects to do anything which ought to be done at the time and in the manner provided in this Bylaw.
 - 5. Fails to comply with any duty, obligation, or condition imposed by this Bylaw.
 - 6. Fails to comply with any resolution made under this Bylaw.
 - 7. Fails to comply with any approval granted under the Bylaw, including any condition of an approval granted under this Bylaw.
 - 8. Provides an incorrect application for supply which fundamentally affects the provisions of this Bylaw.
 - 9. Gains access to and draws water from a fire hydrant without prior approval from the Water Supply Authority.
 - 10. Makes any connection to the water supply system without prior written approval from the Water Supply Authority.

7.5 Penalties

- a) Any person who commits a breach of any part of this bylaw or an offence will be liable to the penalties for breach of bylaw prescribed by the Local Government Act 2002.
- b) Without prejudice to any of the foregoing, the Water Supply Authority may pursue any other legal steps it is authorised to take.

7.6 Resolution power

- a) The Water Supply Authority may, by resolution, impose such prohibitions, restrictions, controls, or directions regarding the use of water and impose any requirements it sees fit in relation to the installation and maintenance of infrastructure necessary for water supply.