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WATER SUPPLY BYLAW 2025

Purpose

- (1) This Bylaw is made under section 146 ~~the authority~~ of the Local Government Act 2002.
- (2) The purpose of this Bylaw is to:
- ~~detail the responsibilities of both Taupō District Council and consumers with respect to the public water supply;~~
 - ~~to detail mechanisms for the recovery of costs of supplying drinking water; to prevent the wastage of water;~~
 - to provide mechanisms for water demand management; to protect public health and the security of the public water supply; ~~and~~
 - (2)• to detail breaches and offences.
- (3) This Bylaw should be read in conjunction with other relevant statutory Acts, ~~the~~ Taupō District Council Information Pack for connecting to a Council water main, Regulations, Codes and Standards relating to the supply and use of water.

Commencement

- (4) The Bylaw will come into force throughout the district on 1 XXXX 2025.

Definitions Interpretation

- (5) ~~When interpreting this Bylaw use the definitions set out in this section section 7 unless the context requires otherwise.~~ Any reference to a repealed enactment should be read as a reference to its replacement.
- (6) ~~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.~~
- (7)(6) ~~For the purposes of this Bylaw the following definitions shall apply~~In this bylaw, unless inconsistent with the context, or where otherwise expressly provided:

<u>Term</u>	<u>Definition</u>
Approved	Approved in writing by the Taupō District Council, either by resolution of the Council or by any officer of the Council.
Backflow	The unplanned reversal of flow of water or mixtures of water and contaminants into the water supply system.
Controller	The person who is the National Controller or a Group Controller in accordance with the Civil Defence Emergency Management Act 2002.
Council	The Taupō District Council or any officer authorised to exercise the authority of the Council.
Customer	A person who uses, or uses or has obtained the right to use or direct the manner of use of, water supplied by the Taupō District Council.
Emergency	As defined in Part 1 section 4 Civil Defence Emergency Management Act 2002 including a situation that is the result of a failure of or disruption to a lifeline utility, such as a water supply.

<u>Explanatory Notes</u>	<u>This bylaw contains explanatory notes, which are not part of the bylaw. The Council may add, amend or delete explanatory notes at any time without amending the bylaw.</u> <u>Explanatory note: Explanatory notes are used for a number of reasons, including to explain the intent of a clause in less formal language, to include additional helpful information, or because the information may be subject to change and need to be updated before the bylaw itself has to be updated.</u>
Extraordinary use fees and charges	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. See councils rating policy and fees and charges schedules for more information
Fire Service	In respect of this Bylaw, means Fire and Emergency New Zealand, including approved volunteer members of Community Fire Teams.
Level of service	The measurable performance standards on which the Council undertakes to supply water to its customers.
On demand supply	A supply which is available on demand directly from the point of supply subject to the agreed level of service.
Ordinary use	See 15 for definition.
Person	A natural person, corporation sole or a body of persons whether corporate or otherwise
Point of supply	The point on the water pipe leading from the water main to the premises, which marks the boundary of responsibility between the customer and the Council, irrespective of property boundaries.
Premises	Premises include the following: - 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 - 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 - Land held in public ownership (e.g. reserve) for a particular purpose
Public notice	As defined in the Local Government Act 2002.
Restricted flow supply	A type of water supply connection where a small flow is supplied through a flow controlling or limiting device, and storage is provided by the customer to cater for the customer's demand fluctuations and firefighting flow requirements.
Restrictor	A flow controlling device fitted to the service pipe to limit the flow rate of water to a customer's premises.
Roading authority	A territorial authority or New Zealand Transport Agency
Service pipe	The section of water pipe between a water main and the point of supply.
Service valve (Toby)	The valve at the customer end of the service pipe.
Storage tank	Any tank having a free water surface.
Supply pipe	The section of pipe between the point of supply and the customer's premises through which water is conveyed to the premises.

Water supply system	All those components of the network between the point of abstraction from the natural environment and the point of supply. -This includes by <u>ut</u> 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, tobies, pipework, restrictors, chamber and electronic instrument devices.
Water unit	The basis of measurement as determined by Council.
Working day	As defined in section 5(1) of the Local Government Act 2002.

Protection of Water Supply

9. No person to connect to, or interfere with a water supply system

~~(1) Except as authorised by the Council, No~~ person ~~shall~~ may, without the Council's approval, make any connection to, damage, tamper or otherwise directly or indirectly interfere with, any part of the water supply system.

~~(1)~~

Conditions of Supply

10. Application for Supply

~~(1) To be able to connect to the Council water supply (including any connection for fire protection purposes) an application for a supply of water shall~~ must be made in writing using such form or forms as the Council may from time to time prescribe on the prescribed form and must include all the information requested. -The application ~~shall~~ must be accompanied by the relevant fee ~~the prescribed charges and provide all the details required by the Council~~

(2) Following receipt of any application the Council may:

- (a) Defer consideration of the applicant ~~application~~ pending provision of additional information it requests from the applicant.
- (b) Grant the application subject to such conditions as the Council considers reasonable to protect the integrity of the Water Supply System and ensure compliance with any applicable legislation or standards.
- (c) Decline the application. -If the Council declines any application it will inform the applicant of the reasons for doing so.

11. Prescribed Charges

(1) The Council may from time to time set fees and charges in respect of:

- ~~(a)~~ any connection to the water supply system
- ~~(a)~~ ~~(b)~~ upgrade of a water supply connection
- ~~(b)~~ ~~(c)~~ installation of water supply devices
- ~~(c)~~ ~~(d)~~ toby turn on
- ~~(d)~~ ~~(e)~~ toby location
- ~~(e)~~ ~~(f)~~ testing of water supply devices
- ~~(f)~~ ~~(g)~~ final meter readings
- ~~(g)~~ ~~(h)~~ disconnection of supply
- ~~(h)~~ ~~(i)~~ hydrant permits
- ~~(i)~~ any other services provided in relation to the water supply system.
- ~~(j)~~

Point of Supply

12. Location

- (1) The location of the point of supply ~~shall~~must be in a position approved by Council.

13. Responsibility for Maintenance

- (1) ~~The Taupō District~~ 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.
- (2) In some circumstances it may be necessary to locate ~~Taupō District~~ Council water supply devices on the Customer's side of the point of supply.

Explanatory note: Wherever possible the point of supply will be located outside of the Customer's property boundary.

14. Maintenance of Access

- ~~(1)~~ The Customer ~~shall~~must 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.

~~(1)~~

Types of Use

15. Ordinary Use

- (1) Ordinary use is intended to be solely for domestic purposes in a dwelling/house (which may include use in a fire sprinkler system to NZS 4517).
- (2) ~~The~~ Council may, from time to time, by resolution, set an amount of water consumption that is to be the ordinary use maximum consumption ~~level~~. (Ordinary Use Maximum Consumption Level).

Explanatory note 1 – For use ~~from an~~ fire ~~protection sprinkler~~ system to NZS 4517 to be classified as an ordinary use, the customer ~~should~~must comply with the specified conditions.

Explanatory note 2 - The Ordinary Use Maximum Consumption Level will, generally, be set by reference to the ~~then~~ current sustainable use service level ~~average daily water consumption target set out in any Water Demand Management Plan established pursuant to any relevant resource consents applying to the water supply. The current target is 1.5m³ per day per household unit averaged over 3 months.~~

16. Extraordinary Use

~~1.~~(1) Extraordinary use is water consumption that is or is expected to exceed the Ordinary Use Maximum Consumption Level. Extraordinary use will be metered. ~~—~~The following shall be an extraordinary use:

(a) Any non-residential use including but not limited to industrial, commercial, agricultural, and recreational use.

~~(a)(b)~~ Any property connection where the internal diameter of the service pipe is 25 mm or greater;

~~(b) Commercial and business use;~~

~~(c) Industrial use;~~

~~(d) Agricultural use;~~

~~(e) Horticultural use;~~

~~(f) Viticultural use;~~

~~(g) Lifestyle block use (peri-urban or small rural residential) use;~~

~~(h) Fire protection systems other than sprinkler systems installed to comply with NZS 4517;~~

(c) Out of district supply (supply to, or within another local authority);

~~(j)(d)~~ Lifestyle block use (based on developments with average section sizes of 3,000m² or larger)

~~(j)(e)~~ Temporary supply;

(f) Any property declared to be an extraordinary use pursuant to clause 179.3.3 of this bylaw.

(k) **Explanatory note:** Council will be rolling out metering over the coming years to all connections however these will not be used for billing (subject to contrary council resolution) unless extraordinary use is determined.

17. Testing for Type of Use

- (1) The Council may, at any time, install a meter at the point of supply to determine if the use at any property exceeds the Ordinary Use Maximum Level.
 - (2) If, following ~~three months of testing~~ a reasonable period of testing (three months minimum), the Council is satisfied that the use at that property exceeds the Ordinary Use Maximum Level the Council may, by notice in writing to the owner or occupier of the property, declare the supply to that property to be an extraordinary use.
 - (3) Any owner or occupier of a property that is an extraordinary user may apply to the Council, in writing and on payment of any fee set in accordance with this bylaw, to be tested to determine whether the use at that property exceeds the maximum ordinary use consumption level. No application will be accepted where extraordinary use has been determined within the last 12 months.
 - (4) If, following a reasonable period of testing (three months minimum), the Council is satisfied that the use at that property does not exceed the Ordinary Use Maximum Level the Council may, by notice in writing to the owner or occupier of the property, declare the supply to that property to be ordinary use.
- ~~(5)~~ Any change of type of use in accordance with this clause shall take place on such date as the Council may set out in the notice.

~~(5)~~

Explanatory note: The cost of both ordinary and extraordinary use of water will be normally levied as rates. The water rates levied may vary for use below and above the Ordinary Use Maximum Level. The water rates are set through the Taupō District Council Rating Policy.

Water Restrictions

18. Demand Management

- (1) The customer shall comply with any restrictions which may be advised by the Council to manage high seasonal or other demands. Such restrictions shall generally be advised by way of public notice.
- (2) The customer shall comply with any further restrictions which may be approved by the Council for the purposes of drought management. Such restrictions shall be advised by public notice following a declaration by the Regional Council of a drought affecting the Taupō District.
- (3) Even 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.

19. Emergency Restrictions

- (1) During an emergency the Council may restrict or prohibit the use of water for any specified purpose, for any specified period, and for any or all of its customers. Such restrictions shall be advised by public notice. Under conditions of a declared emergency under the Civil Defence Emergency Management Act 2002, all or part of this Bylaw may be overridden by order of the Controller.

20. Maintenance and Repair

- ~~(4)~~ Wherever practical the Council shall make every reasonable attempt to notify the customer of a scheduled maintenance shutdown of the supply before the work commences. Where immediate

maintenance or repair (from any cause) is required and notification is not practical, the Council may shut down the supply without notice.

(1)

Backflow Prevention

21. All Points of Supply must at all times have a Backflow Prevention Device

- (1) Backflow prevention devices are installed at the Council side of the Point of Supply where possible as approved by Council.
- (2) The type of Backflow Prevention Device required will be determined by Council classifying the backflow risk of the applicable Water Supply System connection. This will be determined by Council during consideration of any application in accordance with the Boundary Backflow Prevention for Drinking Water Supplies Code of Practice 2019 (or any subsequent replacement standard).
- (3) The costs to supply and install a new backflow device, or to upgrade an existing device will be charged to the customer.
- (4) All Backflow Prevention Devices must be supplied, installed and maintained by Council at the Customer's cost, unless otherwise agreed by Council. Backflow devices once installed and thereafter will become remain the responsibility of Council who will maintain, test and renew the devices through water rates.
- (5) The Customer may also test the backflow device where they require to for building warrant of fitness purposes. Council may test a Backflow Prevention Device at the Customer's cost.
- (6) The Customer must notify the Council as soon as possible on becoming aware that a Backflow Prevention Device may require repair or maintenance.

— Fire protection systems that include appropriate backflow prevention measures are generally not required to have additional backflow prevention, except in cases where the system is supplied by a non-potable source or a Storage Tank or fire pump that operates at a pressure in excess of Council's normal operating pressure.

Explanatory note: The costs for backflow prevention in most cases will be covered by water rates. However, additional costs may be charged to users requiring testable backflow prevention devices for their specific water use.

21. Customer Responsibility

- ~~(0) if the Council requires the use of a backflow prevention device as part of any conditions imposed pursuant to clause 9.1 of this Bylaw any such device shall be installed in the supply pipe and the customer shall keep the device in good working order at all times.~~
- ~~(0) If the backflow prevention device is of a testable type the customer shall arrange for such testing of the device as the Council may from time to time require. The results of any tests shall be provided to the Council in such manner as the Council may require.~~

~~— **Explanatory note:** This section needs to be read in conjunction with the Building Act 2004 and Health Act 1956~~

Taupō District Council Water Supply Equipment and Inspection

22. Care of Water Supply System

- ~~(0) The customer shall take due care not to interfere with, tamper with, or damage any part of the water supply system.~~

24.23. Inspection

- (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 clauses s 21 and 259.7.

25.24. Faulty or Inaccurate Meters

- (1) If a meter is thought to be inaccurate or faulty the customer can apply to the Council to have the meter tested. - If, after testing at a certified testing facility, the meter is shown to be accurate the customer shall be charged for the test in accordance with the Council's fees and charges. The customer shall not be charged if the meter is inaccurate.
- (2) If a meter, for any reason, has not recorded the correct amount of water used then the Council may estimate the consumption (based on previous usage or other evidence) and the Council records will be adjusted accordingly. Any additional charge or refund will be accounted for in the next water rates account following the adjustment. Charges or refunds will not be backdated for more two years.
- (3) Where due to an administrative error (including but not limited to misreading of the meter, errors in data processing, meters assigned to the wrong account, and unauthorised supplies) a customer has been incorrectly charged then the Council may estimate the consumption (based on previous usage or other evidence) and the Council records will be adjusted accordingly. Any additional charge or refund will be accounted for in the next water rates account following the adjustment. -Charges or refunds will not be backdated for more than one year.

26.25. Prevention of Waste

- (1) A person who is supplied with reticulated water by ~~Taupō District~~the Council must not waste the water or allow it to be wasted.
- (2) Without limiting clause 25(1)a, the customer shall not use water or water pressure directly from the supply for pumping, driving lifts, machinery, eductors, generators, single pass cooling systems, trade waste dilution prior to disposal or any other similar device, unless specifically approved by the Council.
- (2) **Explanatory Note:** Approval under Clause 25(2) will be subject to conditions to protect the water network. Such conditions may include the use of systems such as break tanks before water can be used for the purposes outlined in 25(2).

27.26. Transfer of Rights and Responsibilities

- (1) A supply pipe shall serve only one customer and shall not extend by hose or any other pipe beyond that customer's property.

- (2) 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 person without approval of the Council.

28.27. Change of Ownership Where Metered

- (1) Where a premises is metered, the outgoing customer ~~shall~~must give the Council five working days notice to arrange a final meter reading.

29.28. Disconnection at the Customer's Request

- ~~(1)~~ The customer ~~shall~~must give 20 working days notice in writing to the Council of the requirement for disconnection of the supply.

(1)

Breaches and Offences

30.29. Water Supply Breaches

(1) A breach of the Bylaw is an act or omission including but not limited to the following:

- (a) Failure to pay the appropriate charges by the due date.
- (b) Failure to repair a leak, or in any way wilfully allowing water to run to waste, or to be misused.
- (c) 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.

(d) Tampering with the water supply system (see 9).

(e) Failure to ~~notify council of~~prevent backflow ~~risk~~ (see 21(5)9.5).

~~(d)–~~

~~(e)~~(f) Failure to comply with water use restrictions or prohibitions introduced by the Council for any specified purpose.

~~(f)~~(g) Using water or water pressure directly from the supply for driving lifts, machinery, eductors, generators, or any other similar device, unless specifically approved by the Council.

~~(g)~~(h) Using water for a single pass cooling or heating system, or diluting trade waste prior to disposal, unless specifically approved.

~~(h)~~(i) Extending by hose or any other pipe a private water supply beyond that customer's property.

~~(i)~~(j) Providing water drawn from the Council supply to any other person without approval of the Council.

~~(j)~~ Failure by the customer to meet and comply with any part of this Bylaw.

- (2) In the event of a breach of the Bylaw, the Taupō District Council may:
- (a) Serve notice on the customer advising the nature of the breach, the steps to be taken to remedy it and the time period in which to remedy it.
 - (b) If the customer persists in the breach, the Council reserves the right to remedy the breach and in addition to reduce the flow rate of water to the customer without notice. This reduced flow rate shall be maintained until payment of the appropriate fee is received and the breach is remedied to the satisfaction of the Council.
 - (c) 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.
 - (d) Without prejudice to its other rights and remedies, the Council shall be entitled to recover all or any costs incurred in remedying any breach of the Bylaw or from any damage to the water supply system and to charge for the estimated additional water consumption not recorded or allowed to pass where a meter or restrictor has been tampered or interfered with.

31.30. Other Powers

- (1) Every person who fails to comply with this Bylaw commits an offence and is liable on summary conviction to a fine as set out in section 242 of the Local Government Act 2002.
- (2) Under section 163 of the Local Government Act 2002 the Council or an approved agent appointed by it, may remove or alter any work or thing that is or has been constructed in breach of this Bylaw.
- (3) Under section 162 of the Local Government Act 2002 the Council may apply to the District Court for the grant of an injunction restraining a person from committing a breach of this Bylaw.
- (4) The Council may seize and impound property materially involved in the commission of an offence, under and in accordance with sections 164 and 165 of the Local Government Act 2002.
- (5) The Council will return and may dispose of property seized and impounded in accordance with sections 167 and 168 of the Local Government Act 2002.
- (6) The Council may restrict the water supply to a persons building or land as per section 193 of the Local Government Act.

32.31. Notices

- ~~(4)~~ Without limiting clauses 29 and 30 The Taupō District Council may give notice to any person in breach of this Bylaw to carry out any remedial action in order to comply with the Bylaw and every such notice shall state the time within which the remedial action is to be carried out and may be extended from time to time.

(1)

-Public Availability

- (1) This Bylaw, and any supporting documentation, is available for public inspection.

THIS BYLAW WAS MADE BY RESOLUTION **TDCXXXXXX** OF COUNCIL AT AN ORDINARY MEETING OF THE TAUPŌ DISTRICT COUNCIL HELD ON **XX/XX/XXXX**

The Common Seal of Taupō District Council
was hereto affixed in the presence of:

Mayor

Chief Executive