



PALMERSTON NORTH CITY

PALMERSTON NORTH WATER SUPPLY BYLAW

2015

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PALMERSTON NORTH WATER SUPPLY BYLAW 2015

PART ONE – INTRODUCTION

1. TITLE

1.1 The title of this bylaw is the Palmerston North Water Supply Bylaw 2015.

2. PURPOSE

2.1 This Bylaw is made under the authority of the Local Government Act (2002) for the supply of water to premises by the Palmerston North City Council. The purpose of this Bylaw is to:

- a) protect, promote and maintain public health and safety,
- b) to protect public water supply infrastructure,
- c) to protect the public from nuisance by making rules for the supply of water, and
- d) to manage and regulate the Council's water supply.

3. COMMENCEMENT

3.1 This Bylaw comes into force on 1 July 2015.

4. REPEALS

4.1 The Palmerston North City Water Supply Bylaw 2008 is repealed with effect from midnight on 30 June 2015.

5. APPLICATION

5.1 This Bylaw applies to Palmerston North City.¹

6. DEFINITIONS

6.1 For the purpose of this Bylaw and the Administration Manual, unless inconsistent with the context, the following definitions apply:

Administration Manual means the Administration Manual for the Palmerston North Water Supply Bylaw 2015, as approved by the Council when the Palmerston North Water Supply Bylaw 2015 was made and as amended from time to time by delegated authority under this Bylaw.

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.

¹ Palmerston North City includes four separate water supply schemes, namely Palmerston North, Ashhurst, Longburn and Bunnythorpe.

Approved	means approved in writing by the Council or its delegate.
Authorised Officer/Agent	means an officer or an agent appointed by the Council and given powers to perform duties and functions under the Bylaw, and includes an enforcement officer appointed under section 177 of the Local Government Act 2002.
Backflow	means a flow of water or other liquid through any service pipe or supply pipe in a reverse direction to the normal supply flow.
Bylaw	means the Palmerston North Water Supply Bylaw 2015
Check Valve	means a valve designed to prevent flow in the reverse direction to normal flow.
Council	means the Palmerston North City Council.
Customer	means a person who uses or has obtained the right to use or direct the manner of use of water supplied by Council to any premises. The customer shall normally be the owner of the premises.
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.
Engineering Standards for Land Development	means Council's document which details the Engineering Standards required for Land Development which is reviewed from time to time.
Extraordinary supply	means a category of On Demand Supply and includes all purposes for which water is supplied other than Ordinary Supply or Rural Supply and may be subject to specific conditions and limitations. Such purposes shall include: Domestic – spa or swimming pool in excess of 10m ³ capacity; fixed garden irrigation system; commercial and business; industrial; Fire protection systems; Temporary supply; or Any other purpose that is not ordinary supply or rural supply.
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.
Fire Fighter	means an appropriately trained person assessing the water supply systems for fire-fighting capability, and accessing them for the purpose of fighting a fire.
Forester	means that person responsible for the management of a Council controlled catchment area or water reserve.

Level of Service	means the measurable performance requirements on which the Council undertakes to supply water to its customers as outlined in the Long Term Plan.
LGA or LGA 2002	means the Local Government Act 2002
Long Term Plan	Means the current Palmerston North City Council Long Term Plan, adopted in accordance with the Local Government Act 2002.
Meter	means a device for measuring the flow of water through a pipe.
On Demand Supply	means a supply which is available on demand directly from the Point of Supply subject to the agreed Level of Service. It includes Ordinary Supply and Extraordinary Supply.
Ordinary supply	means a category of On Demand Supply and is the supply of water to a customer which is used solely for domestic use. It includes Rural Supply. It includes water used for: <ul style="list-style-type: none"> a) Washing down a car, boat etc.; b) spa or swimming pools up to and including 10m³ capacity; c) Garden watering by hand; d) Garden watering by portable sprinkler;
Permit	means any approval or consent required or given by the Council under this Bylaw and includes any approval whether or not on a prescribed form including by electronic communication.
Person	includes a corporation sole and also a body of persons whether corporate or otherwise.
Point of Supply	means the point on the Service Pipe which marks the boundary of responsibility between the individual customer and the Council, irrespective of property boundaries.
Potable	in relation to drinking water, means water that meets the requirements specified in the drinking-water standards.
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 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.
Publicly notified	means published on at least one occasion in one daily newspaper and one weekly community paper circulating in the

Council water supply area; or under emergency conditions in the most effective way to suit the particular circumstances.

Restricted flow supply	means one where a small continuous flow is supplied by a flow control device, and storage is provided by the customer to cater for the customer's demand fluctuations.
Restrictor	means a control device fitted to the service pipe to regulate the flow of water to a customer's premises.
Road controlling authority	in relation to a road: (a) means the authority, body or person having control of the road; and (b) includes a person acting under and within the terms of a delegation or authorisation given by the controlling authority.
Rural Supply	means a type of Ordinary Supply operating only in the rural and rural residential zones, where there is no guarantee of Levels of Service. Rural supply does not guarantee a fire-fighting capability.
Service pipe	means that section of water pipe between a water main and the point of supply. This section of pipe is owned and maintained by the Council.
Service valve (Toby)	means the valve owned and maintained by the Council at the end of the service pipe.
Storage tank	means any tank having a free water surface.
Supply pipe	means that section of pipe between the point of supply and the customer's premises through which water is conveyed to the premises. This section of pipe is owned and maintained by the customer.
Turitea Controlled Catchment Area	Means an area of land containing approximately two thousand, seven hundred and eleven hectares (2711 ha) more or less, occupying the northern part of the Turitea Reserve as shown schedule 1 of this bylaw, but does not include the area known as Hardings Park, which is designated a scenic reserve. The boundary between the Controlled Catchment Area and Hardings Park is the edge of a 200m buffer area south of the formed track on the north side of Hardings Park.
Unit	is the basis of measurement for a restricted flow supply. One unit equals a volume of 1.0 m ³ per day.
Water Conservation Management Plan	means the document adopted by the Council which set out the initiatives and measures to use water more efficiently and reduce water consumption.

Water supply area	means an area identified by the Council as an area serviced by a reticulated water supply system that is intended to supply water to customers via on demand supplies with a fire fighting capability.
Water supply system	means infrastructure for water supply from the point of abstraction from the natural environment.
Water unit	means a volume of 365 m ³ delivered at the rate of 1 m ³ per day, and is the basis of measurement for a restricted flow supply.
Water Use Level	means the requirements for customers to restrict their water use including sprinkler and hose use for garden watering and household maintenance.

PART TWO – WATER SUPPLY

7. WATER SUPPLY AREAS

- 7.1 The Council may identify water supply areas within which an on demand supply is provided via a reticulated water supply system. The Council's Water Supply Areas will be shown in the Administration Manual.
- 7.2 All premises within a water supply area identified under this Bylaw are entitled to apply for a water supply connection under the Bylaw.
- 7.3 Except as specifically provided for in this Bylaw, no new connections will be permitted to properties lying outside identified water supply areas.
- 7.4 Water supply pipes that convey water from a water source to a water supply area or treatment plant, or from a treatment plant or water supply area to another water supply area are not part of the water supply areas and properties adjacent to these pipes are not permitted to connect to them.
- 7.5 Where a connection has been installed or located outside a water supply area prior to the commencement of this bylaw, the Council at its discretion, may approve the connection as an "Extraordinary Supply".
- 7.6 Where premises are zoned rural and are within a water supply area and/or zoned residential but outside the water supply area, the Council in its discretion may supply water as an "Extraordinary Supply". Any connections without Council authorisation will be disconnected at the property owners cost.

8. WATER SUPPLY SYSTEM

- 8.1 No person may access or interfere with any part of the Council's water supply system, (other than to connect to the point of supply in the manner set out in clause 9), or to operate the service valve, except:
- a) The Council and its authorised agents;
 - b) Fire Fighters gaining access to, and drawing water from, fire hydrants for the purpose of dealing with emergencies, testing and training;
 - c) A person granted a permit.

9. APPLICATION AND SUPPLY

- 9.1 No person may connect to the Palmerston North City Council's water supply system unless approved in writing by the Council.
- 9.2 Every application for a supply of water must be made in writing on the prescribed Council form, and accompanied by the prescribed charges. The applicant must provide all the details required by the Council.

- 9.3 Within 10 working days of the receipt of an application complying with these Terms and Conditions the Council will either:
- a) approve the application and inform the applicant of the type of supply, the size of the connection, any particular conditions he/she must meet, and the general Terms and Conditions (including level of service) under which water will be supplied; or
 - b) refuse the application and notify the applicant of the decision giving the reasons for refusal.
- 9.4 The Council may set and amend conditions for water supply for any premises or class of premises. The conditions of water supply will be those standard conditions of water supply recorded in the Administration Manual, unless varied by the Council in which case the requirements of any variation shall prevail where there is any inconsistency with the standard conditions of water supply.
- 9.5 Every person receiving water supply from the Council does so on the basis of the conditions of supply of water that apply under this Bylaw, and must:
- a) Comply with the conditions of water supply recorded in Part 2 of the Administration Manual and any variations;
 - b) Comply with the Council's Engineering Standards for Land Development;

10. DEMAND MANAGEMENT

- 10.1 The Council may set restrictions on water use to manage demand. The levels of restrictions that may be set are contained within the Administration Manual.
- 10.2 In managing water demand the Council will take into account the usage of water compared to the target levels in the Water Conservation Management Plan; the amount of storage in Council reservoirs; and seasonal weather conditions including recent rainfall and the prospects for rain.
- 10.3 The imposition of water use restrictions will be publicly notified.

11. BURIED SERVICES

- 11.1 No person may carry out any excavation work within a road without permission in writing from the road controlling authority.
- 11.2 Any person proposing to carry out any excavation work in Palmerston North must first view the as-built information on Council records concerning the location of Council infrastructure to establish whether or not Council infrastructure is located in the vicinity. At least five days' notice in writing shall be given to the Council of an intention to excavate within 2 metres of the Council's services. Where appropriate, the Council will mark out to within $\pm 0.5\text{m}$ on the ground the location of its services and may nominate in writing any restrictions on the work it considers necessary to protect its services. The Council may charge for this service.

- 11.3 When excavating and working around buried services reasonable care must be taken to ensure the services are not damaged and that bedding and backfill is reinstated in accordance with the Council's Engineering Standards for Land Development.
- 11.4 Any person who damages Council infrastructure must notify the Council immediately. The person responsible for causing the damage must reimburse the Council for all costs associated with repairing the damaged service, and any other costs the Council incurs as a result of the damage.

12. CONTROLLED CATCHMENT AREAS AND ACCESS

- 12.1 No person may enter or remain on the Turitea Controlled Catchment Area without an entry permit issued in accordance with this Bylaw.
- 12.2 Every application for an entry permit must be made on the form contained in the Administration Manual, and must be accompanied by a medical certificate signed by a registered medical practitioner, certifying that the holder is free from any contagious disease that would put the water supply at risk.
- 12.3 Every person must comply with the conditions of the permit.
- 12.4 The conditions of the permit shall be those recorded in the Administration Manual at the time the permit is issued unless expressly varied in which case the variations will prevail to the extent of any inconsistency.
- 12.5 The following activities are prohibited in the Turitea Controlled Catchment Area:
- a) camping;
 - b) taking or allowing to stray any livestock;
 - c) bathing or washing any thing;
 - d) depositing any dirt, rubbish, or foul material of any kind;
 - e) defecating (unless at least 20 m away from any watercourse and buried to a depth of not less than 150 mm).

13. WATER FILLING STATION

- 13.1 No person may draw water from the tanker filling station without a permit issued by the Council under this Bylaw.
- 13.2 Every person must comply with the conditions of the permit.
- 13.3 The conditions of the permit are those recorded in the Administration Manual at the time the permit is issued, unless expressly varied in which case the variations will prevail to the extent of any inconsistency.
- 13.4 Council reserves the right to restrict the flow or even close the facility when water restrictions are in place.

14. FEES AND CHARGES

- 14.1 The Council may set fees and charges in accordance with section 150 of the LGA 2002 for the matters listed in Schedule 2 of this bylaw.
- 14.2 All fees and charges payable under this bylaw shall be recoverable as prescribed in sections 57 to 82 of the Local Government (Rating) Act 2002.

PART THREE – ENFORCEMENT

15. OFFENCES AND PENALTIES

15.1 Every person or permit holder who:

- a) Fails to comply with any provision of this Bylaw, the conditions of water supply that apply to the premises under this Bylaw, or the conditions of any permit; or
- b) Breaches the conditions of any entry permit granted pursuant to this Bylaw; or
- c) Fails to comply with a notice served under this Bylaw

commits an offence under section 239 of the LGA 2002 and is liable to a fine as specified in section 242 of the LGA 2002 or the issue of an infringement notice under section 245 of the LGA 2002.

15.2 The Council may issue infringement notices, in such forms and for such amounts as are authorised in any regulations made under section 259 of the LGA 2002.

15.3 The Council may restrict water supply to premises for breach of this Bylaw pursuant to section 193 of the LGA 2002.

15.4 The Council may remove or alter works or things constructed in breach of this Bylaw pursuant to section 163 of the LGA 2002.

PART FOUR – ADMINISTRATION

16. DELEGATIONS

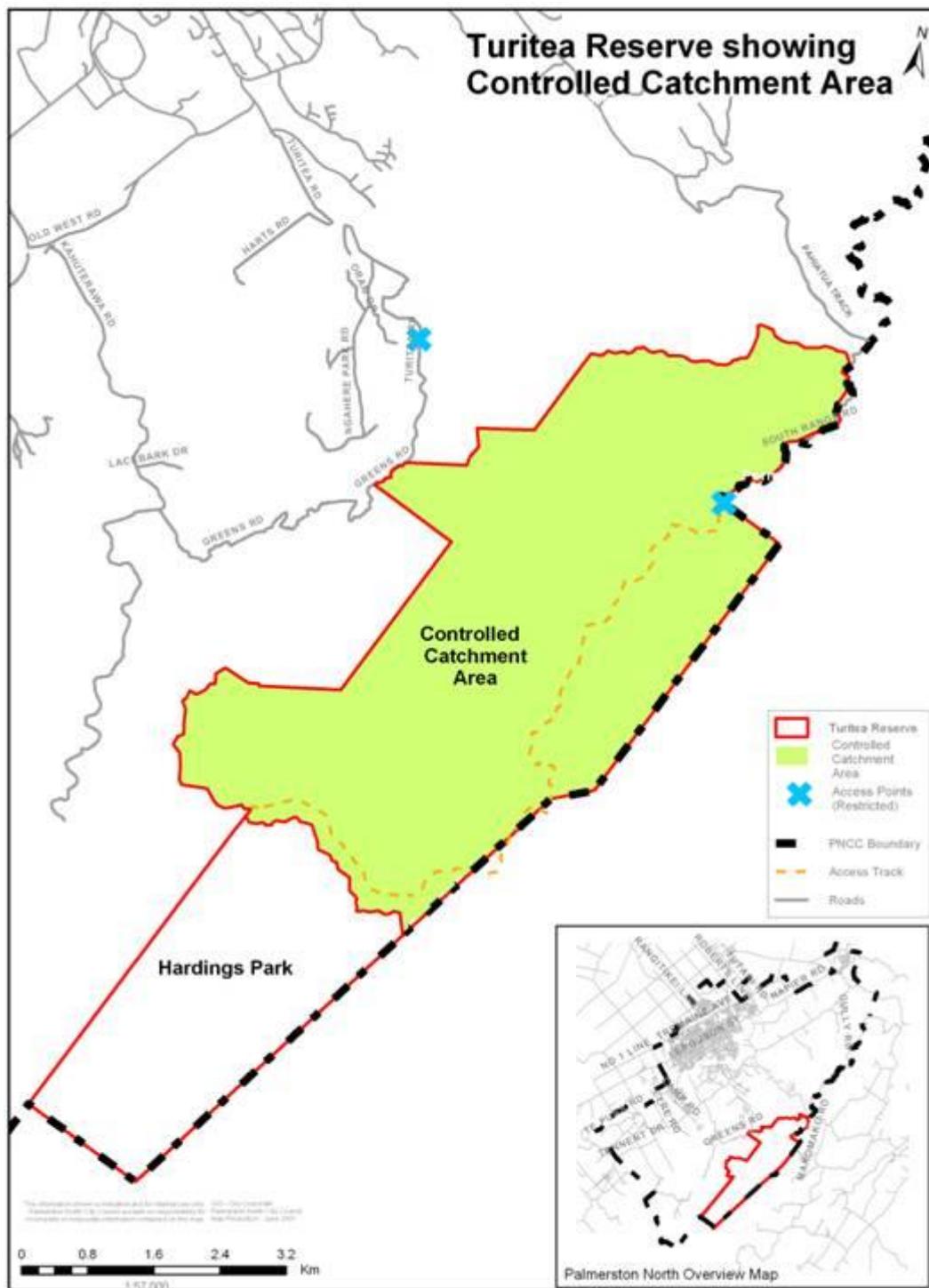
- 16.1 The following people are authorised delegates under this Bylaw:
- a) The Council by resolution
 - b) the Chief Executive of the Council;
 - c) the person holding the office identified in Council's Delegations Manual as responsible for the administration of this bylaw;
 - d) Any other person authorised to exercise a power under this bylaw, pursuant to the Council's Delegations Manual or resolution of the Council.
- 16.2 Authorised delegated persons may exercise any power, function or duty under this bylaw or carry out any act in order to achieve its effective administration on behalf of the Council other than those expressly required to be by Council resolution including, without limitation:
- a) Amend the water supply areas as shown on maps in the Administration Manual.
 - b) Specify the conditions that apply to the supply of water to premises by the Council contained in the Administration Manual;
 - c) Specify forms and procedures for the effective administration of the bylaw;
 - d) Make any decision or determination required in this Bylaw in order to administer it;
 - e) Decisions regarding whether or not a permit should be granted, and the terms and conditions of that permit including standard conditions and variations
 - f) Decisions regarding suspension, withdrawal or removal of a permit.
- 16.3 The Council by resolution may amend the Administration Manual. Before amending the Administration Manual, the Council must consult appropriately with any person that it considers may be affected by the proposed amendments and give those persons a reasonable opportunity to provide feedback on the proposed amendments before they come into effect. The Council must have regard to that feedback before making any final decision on the proposed amendments.
- 16.4 All forms, specifications, conditions or methods for this bylaw must be in writing and kept in the Administration Manual for this bylaw called the Water Supply Bylaw Administration Manual, and shall be available to the public.
- 16.5 Every exercise of a power of delegation under this clause must be reported to Council if not exercised by Council by resolution provided that failure to report does not invalidate the exercise of the delegate's power.

17. PERMITS

- 17.1 Where an activity under this Bylaw requires a permit from the Council, the person seeking a permit must:
- a) Complete the required application form;
 - b) Pay the applicable fee;
 - c) Comply with any requirements set as conditions of that permit.

- 17.2 A permit may include, in addition to conditions incorporated by this Bylaw, conditions that the Council considers are necessary to manage the effects of the activity, achieve the objectives of this Bylaw and minimise the risk of nuisance.
- 17.3 The Council may grant a permit for an activity that would otherwise contravene this Bylaw.
- 17.4 A permit is personal to the applicant and is not transferable.
- 17.5 An authorised officer may revoke or suspend any permit issued under this Bylaw at any time, or suspend for such periods of time, on such terms and conditions as the authorised office may consider appropriate in the circumstances to protect public health and safety or to minimise nuisance.

SCHEDULE 1 – TURITEA RESERVE CONTROLLED CATCHMENT AREA



SCHEDULE 2 – FEES AND CHARGES

The following table show what categories of charges the Council can levy under this bylaw.

Table 1 – Administrative Charges	
Category	Description
Connection fee	Payable on application for connection to the water supply. Actual installation cost payable to approved contractor direct through private arrangement.
Compliance monitoring fee	The costs incurred by the Council for inspections and monitoring of water supply requirements.
Water Supply deposit	A deposit for credit of the customer, payable on application for connection.
Water Supply standard charge	Payable as part of rates for standard domestic water supply.
Water by meter fee	Payable on invoice for metered water usage.
Meter reading by appointment fee	Payable following a customer request for a meter reading in accordance with section 5.2 of the Administration Manual.
Meter accuracy testing fee	Payable following a customer request to test a meter for accuracy in accordance with section 14.2 of the Administration Manual, where the meter accuracy is found to be compliant.
Water quality testing fee	Payable following a customer request to test the quality of water supplied by the Council in accordance with section 18.5 of the Administration Manual, where the water is found to meet drinking-water standards.
Consent Processing fee	Payable when the costs of processing the consent exceed the Water Supply application fee.
Disconnection fee	Payable following a request for disconnection from the water supply system.
Tanker Filling Station Access fee	Payable to cover reasonable costs associated with capital costs and administration of the Tanker Filling Station.
Tanker Filling Station Supply fees	Market water charges payable for the Tanker Filling Station.
New meter fee	Actual cost of supply and installation plus 10% administration fee

New backflow prevention device fee	Actual cost of supply and installation plus 10% administration fee.
Upgraded backflow prevention device fee	Actual cost of supply and installation plus 10% administration fee.
Processing and issuing permits fee	Payable with the application for permit
Monitoring permits fee	Payable by the permit holder on an invoice basis.