



**PALMERSTON NORTH CITY**

# **PALMERSTON NORTH WATER SUPPLY BYLAW**

**2024**

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## **PART ONE – INTRODUCTION**

### **1. TITLE**

1.1. The title of this Bylaw is the Palmerston North Water Supply Bylaw 2024.

### **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) ensure efficient and sustainable use of natural resources.
- b) protect, promote and maintain public health and safety in the supply of drinking water in accordance with the Water Services Act 2021, and
- c) protect public water supply infrastructure from misuse, damage, nuisance and interference.

2.2. The Council, in making this bylaw, acknowledges the particular interest in this Bylaw of tangata whenua and those who exercise mana whakahaere and kaitiaki of water, and particularly recognises the role of hapū and iwi and Rangitanē o Manawatū as mana whenua.

### **3. COMMENCEMENT**

3.1. The Palmerston North Water Supply Bylaw 2024 and its Administration Manual comes into effect on 01 February 2024

### **4. REPEALS**

4.1. The Palmerston North Water Supply Bylaw 2015 and its Administration Manual are repealed when the Palmerston North Water Supply Bylaw 2024 and its Administration Manual comes into effect.

### **5. APPLICATION**

5.1. This Bylaw applies to all water supplies that are administered by Palmerston North City Council.

### **6. DEFINITIONS**

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

Administration Manual	means the Administration Manual for the Palmerston North Water Supply Bylaw 2024, as approved by the Council when the Palmerston North Water Supply Bylaw 2024 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.
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 LGA 2002.
Backflow	means a flow of water or other liquid through any service pipe in a reverse direction to the normal supply flow.
Backflow Preventer	means a device installed to prevent backflow (most commonly, such a device where it is installed at the point of supply to prevent backflow from private property entering the water supply network).
Bylaw	means the Palmerston North Water Supply Bylaw 2024.
Check Valve	means a valve designed to prevent flow in the reverse direction to normal flow.
Conditions of supply	means the conditions which are required to be met by any applicant for a water supply connection to Council's water supply network, as outlined in the Administration Manual.

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.
Emergency conditions	means hazards natural or otherwise (such as floods, droughts or earthquakes but not limited to these), accidents, acts of sabotage, terrorism and or war that result in or necessitate disruptions to the supply of water, including pipeline failures or failure of any component of the water supply infrastructure.
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 for extraordinary use and may be subject to specific conditions and limitations.
Extraordinary use	means the use of water for purposes other than ordinary use and includes, but is not limited to: <ul style="list-style-type: none"> <li>a) Commercial and businesses uses</li> <li>b) Industrial uses</li> <li>c) Filling a domestic spa or swimming pool in excess of 10m<sup>3</sup> capacity</li> <li>d) Permanent fixed garden irrigation systems</li> <li>e) Horticultural, agricultural and viticultural uses</li> <li>f) Temporary supply</li> <li>g) Fire protection systems, other than sprinkler systems installed to comply with</li> </ul>

NZS4517, which have prior approval of the Council

- h) Any customer using water outside the water supply area.

Firefighter	means a person authorised to carry out firefighting under the Fire and Emergency New Zealand Act 2017.
Firefighting	means taking any action to control, restrict, suppress or extinguish fire.
Fire protection connection	means a connection designed to supply a sufficient flow of water to extinguish a fire, for example, a sprinkler.
Forester	means that person responsible for the management of a Council controlled catchment area or water reserve.
Level of service	means the measurable performance standards of which the Council aims to supply water to its customers as outlined in the most recent Long Term Plan.
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 LGA 2002.
On-demand supply	means a supply of water which is available whenever desired by the customer directly from the point of supply, subject to the Council's level of service. It includes ordinary supply and extraordinary supply.
Ordinary supply	means a category of on-demand supply used solely for ordinary use.
Ordinary use	means the use of water solely for domestic purposes in a dwelling. This includes, subject to prior Council approval, use in a fire sprinkler

system installed to comply with NZS4517, and the use of a hose for;

- a) Washing down a boat, car, or other domestic vehicle;
- b) Filling a spa or swimming pool up to and including 10m<sup>3</sup>;
- c) Garden watering by hand; and
- d) Garden watering by one portable sprinkler per premises.

Permit	means any approval or consent required or given by the Council under this Bylaw.
Permit holder	means a person who has been granted a permit under this Bylaw.
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 meet the requirements specified by Taumata Arowai.
Premises	means: <ul style="list-style-type: none"> <li>a) A property 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</li> <li>b) Where a building exists, whether or not a building consent has been issued, that is accepted by Council as meeting the building and planning requirements as detailed on the information for that building deposited with Council; or</li> <li>c) A building that has been defined as an individual unit by a cross-lease, unit title</li> </ul>



or company lease, and for which a certificate of title is available; or  
d) Land held in public ownership (e.g. reserve) for a particular purpose.

Public notice	<p>in relation to a notice given by Council, means one that:</p> <p>a) is made publicly available, until any opportunity for review or appeal in relation to the matter notified has lapsed, on Council's website; and</p> <p>b) is published in at least one daily newspaper circulating in Palmerston North.</p>
Restricted flow supply	<p>means a type of water supply connection where a small continuous flow is supplied by a flow control device across an air gap separation, and storage is provided by the customer to cater for the customer's demand fluctuations.</p>
Restrictor	<p>means a control device fitted to the service pipe to regulate the flow of water to a customer's premises.</p>
Road controlling authority	<p>in relation to a road means:</p> <p>(a) the authority, body or person having control of the road; and</p> <p>(b) includes a person acting under and within the terms of a delegation or authorisation given by the controlling authority.</p>
Rural supply	<p>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 firefighting capability.</p>
Service pipe	<p>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.</p>

Service valve	means a valve installed in the pipeline to control and isolate the supply.
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 the 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 in 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	Means the basis of measurement for a restricted flow supply. One unit equals a volume of 1.0m <sup>3</sup> 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 meter	means a device for measuring the flow of water through a pipe.
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 firefighting capability.

Water supply network	means infrastructure for water supply from the point of extraction from the natural environment.
Water supply works	means connection, alteration or disconnection works on the water supply network, including the supply and installation of Council water supply assets.
Water unit	means a volume of 365 m <sup>3</sup> delivered at the rate of 1 m <sup>3</sup> per day and is the basis of measurement for the restricted flow supply.
Working day	means a day of the week excluding: a) Saturday, Sunday, New Year's Day, the Day after New Year's Day, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's Birthday, Matariki, Labour Day, Christmas Day and Boxing day; and b) if Waitangi Day or Anzac Day fall on a Saturday or Sunday the following Monday; and c) the day observed as Wellington Anniversary Day.

## **PART TWO – PROTECTION OF WATER SUPPLY**

### **7. PROTECTION OF SOURCE WATER**

- 7.1. No person shall enter any land or any building owned or occupied by the Council which is used for the protection of source water or for a public water supply facility unless specifically permitted by the Council.
- 7.2. Council may issue entry permits for the Turitea controlled catchment area for the purpose of hunting to control deer and other introduced animals only. Standard permit conditions are outlined in section 5 of the administration manual.
- 7.3. 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 anything in any water body within the area;
  - d) depositing any dirt, rubbish, or foul material of any kind;
  - e) defecating (unless 20 metres or more from any watercourse and buried to a depth of 15 centimetres or more).
- 7.4. All people carrying out water supply works must follow the Council safety procedures issued by Council.

### **8. ACCESS TO THE WATER SUPPLY NETWORK**

- 8.1. No person may access or interfere with any part of the Council's water supply network, except:
- a) The Council and its authorised agents;
  - b) Where section 44 (a) or section 48 of the Fire and Emergency New Zealand Act 2017 apply.
  - c) A person granted a permit under this Bylaw which allows them to access the water supply network if they are in compliance with the conditions of the permit;
  - d) To operate the service valve.
- 8.2. Where the point of supply is on private property the customer shall allow the Council unrestricted access to and about these areas for:
- a) Water meter reading, without notice between 7:30am and 6pm on any working day; or
  - b) Checking, testing and maintenance work, or installation or replacement of water meters and backflow prevention devices with notice being given where reasonable to do so, between 7:30am and 6pm on any working day; or
  - c) Leak detection or other urgent work at any time of day, with 24 hours' notice; or
  - d) Responding to emergency conditions at any time of day, with notice being given where reasonable to do so.

- 8.3. Where access is not made available for any of the above and a return visit is required by the Council, a rate in accordance with the “Water meter reading by appointment” item may be charged.
- 8.4. The customer must maintain the area in and around the point of supply free of soil, growth, or other matter or obstruction which prevents, or is likely to prevent, convenient access.

## **9. WATER FILLING STATIONS**

- 9.1. No person may draw water from a water filling station without being granted a permit by the Council under this Bylaw.
- 9.2. Council reserves the right to restrict flow or close the water filling station when restrictions are in place.

## **10. PERMITS**

- 10.1. 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; and
  - c) Comply with any requirements set as conditions of that permit.
- 10.2. Every application for an entry permit to the Turitea Controlled Catchment Area must also be accompanied by:
- a) two passport photos;
  - b) a photocopy of the applicant’s firearms licence; and
  - c) 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.
- 10.3. The standard conditions of the permit shall be those recorded in Part Two of 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. A permit may include, in addition to the standard conditions, any conditions that the Council considers are necessary to manage the effects of the activity to achieve the objectives of this Bylaw and minimise the risk of nuisance.
- 10.4. The Council may grant a permit for an activity that would otherwise contravene this Bylaw.
- 10.5. A permit is personal to the applicant and is not transferrable.

- 10.6. The Council 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 Council may consider are necessary to manage the effects of the activity, achieve the objectives of the Bylaw and minimise the risk of nuisance.

## **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 to establish whether or not Council's buried services are located in the vicinity.
- 11.3. At least five working days' notice in writing shall be given to Council of an intention to excavate within two metres of the water supply network.
- 11.4. Where appropriate, the Council will mark out to within +0.5m on the ground the location of buried services and may nominate in writing any restrictions on the work it considers necessary to protect the network. The Council may charge for this service.
- 11.5. Any person excavating and working around Council's buried services must take reasonable care to ensure buried services are not damaged and that bedding and backfill is reinstated in accordance with the Council's Engineering Standards for Land Development.
- 11.6. Any person who damages Council's buried services 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 incident.

## **12. BACKFLOW PREVENTION**

- 12.1. All persons accessing the water supply network for any purpose must take measures set out in section 14 of the Administration Manual to prevent water which has been drawn from the Council's water supply from returning to that supply.
- 12.2. All fire protection connections will have an approved backflow prevention device installed.
- 12.3. Existing extraordinary supply connections without adequate backflow prevention are to be upgraded at the customer's cost. Those upgrades will be prioritised according to potential risk.

- 12.4. Existing ordinary supply connections without backflow prevention will be upgraded when the service valves or water meters are replaced by Council at no additional cost to the customer.
- 12.5. The Council may undertake annual testing on all backflow prevention devices within the water supply network. The owner of the premises at which the backflow prevention device is installed will be charged a fee for testing, repair or replacement.
- 12.6. Installation, maintenance, testing and replacement of boundary backflow prevention devices shall be undertaken by an authorised officer or agent.

### **13. E COLI TEST**

- 13.1 A customer may request Council to collect a water sample from water supplied by the Council to their property and test the water sample for E coli. If the test result passes the drinking-water standards the customer may be charged for the costs associated with the testing. Where the test result does not pass the drinking-water standard, Council will pay the costs associated with the testing.

### **14. DEMAND MANAGEMENT**

- 14.1. The Council may set restriction on water use to manage demand. The levels of restrictions that may be set are contained at section 9 of the Administration Manual.
- 14.2. In managing water demand the Council will take into account:
  - a. the usage of water compared to the target levels in the Water Conservation Management Plan;
  - b. the amount of storage in Council reservoirs; and
  - c. seasonal weather conditions including recent rainfall and the prospects for rain.
- 14.3. The imposition of water use restrictions will be made in a public notice.
- 14.4. No person shall use water in contravention of any restriction or prohibition made by Council under this Bylaw.

### **15. EMERGENCY CONDITIONS**

- 15.1 During emergency conditions the Council 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 will be made in a public notice.

- 15.2 All decisions made pursuant to section 15.1 will be made by Council except where immediate action is required by the Council's Chief Infrastructure Officer. The Chief Executive Officer will advise Council of all decisions made as soon as practicable.



## **PART THREE – CONNECTING TO THE NETWORK**

### **16. WATER SUPPLY AREAS**

- 16.1 The Council may identify water supply areas within which an on-demand supply is provided via a reticulated water supply network. The Council's water supply areas are shown in Appendix One of the Administration Manual.
- 16.2 All Premises within a water supply area identified under this Bylaw are entitled to apply for a water supply connection under the Bylaw.
- 16.3 Except as specifically provided for in this Bylaw, no new connections will be permitted to properties lying outside water supply areas.
- 16.4 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. Properties adjacent to these pipes are not permitted to connect to them.
- 16.5 Where an existing connection has been installed or located outside the water supply area prior to the commencement of this Bylaw, Council will review its serviceability to ensure the safety and integrity of the network. Following the review Council at its discretion may approve the connection as an "extraordinary supply" or take any other reasonable actions to preserve the safety and integrity of the network.
- 16.6 Where premises are zoned rural and are within a water supply area and/or zoned residential but outside the water supply area, Council will review the serviceability of these connections to ensure the safety and integrity of the network. Following the review Council at its discretion may approve an "extraordinary supply" connection or take any other reasonable actions to preserve the safety and integrity of the network.
- 16.7 Any connections without Council authorisation may be disconnected, at the property owners' cost.

### **17. APPLICATION FOR SUPPLY**

- 17.1 No person may connect or make alterations to the Palmerston North City Council's water supply network unless approved in writing by the Council.
- 17.2 Every application for a supply of water will be made in writing on the prescribed Council water supply application form and accompanied by the prescribed charges. The applicant must provide all the details required by Council.

- 17.3 Within 10 working days of the receipt of a complete application form the Council will either:
- a) Approve the application and inform the applicant of the type of supply, the size of the connection, and any conditions the applicant must meet; or
  - b) Refuse the application and notify the applicant of the decision giving the reasons for refusal.
- 17.4 An approved application for supply which has not been actioned within six months of the date of approval will lapse unless otherwise approved. Any refund of application fees will be at the discretion of the Council.

## **18. ON-DEMAND SUPPLY**

- 18.1. Every premises shall be entitled to an ordinary supply of water if the following criteria are met:
- a. The premise lies within a water supply area if such an area has been constituted by Council;
  - b. Payment of the appropriate charges in respect of those premises is made;
  - c. The supply conforms to the provisions of the Administration Manual; and
  - d. Other charges or costs associated with subdivision development are paid.
- 18.2. Notwithstanding any other provisions in the Bylaw, the Council shall be under no obligation to provide an extraordinary supply connection.

## **19. STANDARD CONDITIONS OF SUPPLY**

- 19.1 The Council may set and amend conditions for supply for any premises or class of premises. The conditions of supply will be those standard conditions recorded in Part Three of 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 supply. Council will keep records of all variations it makes to the standard conditions of supply with the property owner.
- 19.2 Every person receiving water supply from the Council does so on the basis of the standard conditions of supply that apply under this Bylaw, and must:
- a) Comply with the conditions of supply recorded in Part three of the Administration Manual and any variations;
  - b) Comply with the Council's Engineering Standards for Land Development; and
  - c) Comply with this Bylaw.

## **20. LEVEL OF SERVICE**

- 20.1 The Council shall provide water in accordance with the level of service contained in the Long Term Plan of the Council.
- 20.2 The Council does not guarantee an uninterrupted or constant supply of water, or maintenance of an existing pressure which is in excess of an agreed level of service, but shall make every reasonable attempt to provide continuity of supply, subject to the exceptions in section 15 and 20.3 of the Bylaw.
- 20.3 Where physical works are planned which will substantially affect an existing supply, the Council will make every reasonable attempt to notify all customers known to be affected before the work commences. Where immediate action is required and this is not practical, the Council may shut down the water supply without notice. Council shall use reasonable endeavours to ensure that shutdowns do not exceed 8 hours.
- 20.4 Where a customer requires an uninterrupted level of service in relation to the flow, pressure or quality of water, it will be the responsibility of that customer to provide all necessary storage, back-up facilities or equipment.
- 20.5 The Council will not be liable for any loss, damage or inconvenience including any consequential losses whatsoever or howsoever caused which the customer (or any person using the supply) may sustain as a result of deficiencies in, or interruptions to, the water supply.
- 20.6 Without prejudice to clause 20.5 the Council may, under certain circumstances and solely at its discretion, make payments to customers for damage caused to equipment, appliances, processes and materials as a direct result of a variation in the water supply; provided that any such equipment or appliances have been designed to cater for reasonable variations in the flow, pressure and quality of the water supply.

## **21. POINT OF SUPPLY**

- 21.1 For each customer there shall only be one point of supply, unless otherwise approved by the Council. The point of supply shall be located as set out in section 7 of the Administration Manual, unless otherwise agreed by the Council.
- 21.2 The Council shall own and maintain the service pipe and fittings up to the point of supply, including the water meter, restrictor or backflow prevention device, where fitted. The customer shall own and maintain the supply pipe beyond the point of supply. Without limiting the obligation on the customer, the customer shall undertake any specific maintenance or repairs on the customer's side of the point of supply, as directed by Council.
- 21.3 Council owns and maintains fire connections up to the point of supply. The valve and connecting pipe from the valve through to the property boundary and beyond is the responsibility of the property owner.

- 21.4 The Council gives no guarantee as to the serviceability of the valve located on the service pipe. Where there is no customer stopcock, or where maintenance is required between the service valve and the customer stopcock, the customer may use the service valve to isolate the supply. However, the Council reserves the right to charge for maintenance of this valve if damaged by such customer use.
- 21.5 For a multiple ownership supply where a fire hydrant is attached to the supply, notwithstanding anything in sections 8.1 and 8.2 of the Administration Manual, the Council shall own and maintain the fire hydrant and the main that supplies it.

## **22. FIRE PROTECTION CONNECTIONS**

- 22.1 Any proposed connection for fire protection will be the subject of a specific application (on the standard Council form) made to Council for approval. It will include all the details required by the Council and be accompanied by the prescribed fee.
- 22.2 Within ten working days of the receipt of a complete fire protection connection application form, Council will either:
- a. Approve the fire protection connection application and inform the applicant of the type of supply and any particular conditions to be met; or
  - b. Refuse the application and notify the applicant of the decision giving the reasons for refusal.
- 22.3 It will be the customer's responsibility to ascertain in discussion with the Council and Fire and Emergency New Zealand and monitor whether the fire protection supply available is adequate for the intended purpose.
- 22.4 The Council shall be under no obligation to provide a fire protection supply at any particular flow or pressure.
- 22.5 Where the supply of water to any premises is metered Council may allow the supply of water for the purposes of firefighting to be made in a manner which bypasses the water 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 Fire and Emergency New Zealand; or
  - b. A Council approved detector check valve has been fitted on the water meter bypass.
- 22.6 Any unmetered connection provided to supply water to a fire protection system will not be used for any purpose other than firefighting and testing the fire protection system except where the fire protection system is installed in accordance with NZS 4517 and its subsequent updates.
- 22.7 Where a fire protection connection has been installed or located so that it is possible that water may be drawn from it by any person for purposes other than firefighting, Council

may require an appropriate water meter installed on the connection at the customer's expense.

- 22.8 Water used for the purpose of extinguishing fires will be supplied free of charge. Whenever water has been used for firefighting purposes for which a charge has been made, the customer may estimate the quantity of water used and, subject to Council approval, a sum based on such estimate at the appropriate charge rate shall be credited to the customer's account.

## **23. CUSTOMER'S PLUMBING SYSTEM**

- 23.1 The customer's plumbing system shall be designed, installed and maintained, both in its component parts and its entirety, to ensure that it complies with all relevant statutory requirements in place at the time.
- 23.2 Quick-closing valves, pumps, or any other equipment which may cause pressure surges to be transmitted within the water supply system, or compromise the ability of the Council to maintain its stated levels of service, shall not be used on any piping directly connected to the service pipe, unless approved by the Council.
- 23.3 In accordance with the New Zealand Building Regulations 1992 the plumbing system must be compatible with the water supply. Specific features of the Council supply which need to be taken into account are contained in Table 1.

*Table 1: Compatibility Features*

<b>Location</b>	<b>Feature</b>	<b>Value</b>
Palmerston North City	Minimum pressure*	350kPa
Ashhurst Area	Minimum pressure*	350kPa
Linton Area	Rural water supply	Limited rural supply
Valley views	Rural water supply	Limited rural supply
Other small supplies outside water supply area	Rural water supply	Limited rural supply
Bunnythorpe	Minimum pressure*	300kPa
Longburn	Minimum pressure*	300kPa

\*Minimum pressure related to the level of service set out in the Palmerston North Water Asset Management Plan.

## **24. CHANGE OF OWNERSHIP**

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

## **25. DISCONNECTION AT CUSTOMER'S REQUEST**

- 25.1. The customer must make an application to Council for disconnection of water supply to a premises at least 20 working days prior to the desired disconnection date. The application 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.
- 25.2. On receiving approval of disconnection from Council the customer must arrange for any disconnection to be undertaken by a Council-approved contractor.

## **26. EXCESSIVE AND WASTEFUL USE**

- 26.1 The customer must take all necessary steps to prevent the following occurring on the customer's side of the point of supply:
- a. water to run to waste from any pipe, tap or other fitting;
  - b. allowing the condition of the plumbing within the property to deteriorate to the point where leakage and or wastage is uncontrolled.
- 26.2 Unless specifically approved by the Council, the customer must not use water or water pressure directly from the supply:
- a. for a single pass cooling system;
  - b. for air conditioning
  - c. to dilute trade waste prior to disposal;
  - d. for cooling purposes in an industrial plant;
  - e. for generating energy; or
  - f. for driving lifts, machinery, educators, generators or any other similar device.
- 26.3 Where Council has reasonable grounds for believing the customer's water use is excessive or wasteful it will advise the customer to remedy the situation, following the process set out in section 10.2 of the Administration Manual.

## **27. METERING, WATER METERS AND FLOW RESTRICTORS**

- 27.1 Where a water supply is required to be metered under this Bylaw the customer is responsible for installation, maintenance, testing and replacement. Council or an approved contractor will undertake these on behalf of the customer, who will bear the costs for the same.
- 27.2 All commercial premises will be required to have a metered water supply unless an application for exemption is made to the Council and written approval given.
- 27.3 An ordinary supply of water is not normally metered, and the cost of such supply shall be determined by the process prescribed in the Local Government (Rating) Act 2002.

- 27.4 All owners of premises which have metered water supply must pay the prescribed rate for water supplied by meter.
- 27.5 The accuracy of water meters shall be tested as and when required by the Council as described in section 11 of the Administration Manual.
- 27.6 A customer (ordinary or extraordinary supply) may request the Council to provide a water meter so that the customer may change from a uniform annual charge to a water by meter charge. This will be treated as a new application.
- 27.7 For water meters shared by multiple owners which were in existence prior to the coming into effect of the Bylaw, it is the owners' responsibility to reach an agreement to apportion the bill and arrange the payment. Where new connections and water meters are required or internal plumbing is to be altered, the costs must be met by the owners.
- 27.8 Water meters and restrictors must be located on the Council side of the point of supply and readily accessible for reading and maintenance. Specific approval by Council is required if it is not practicable to locate the water meter or restrictor immediately on the Council side of the point of supply.
- 27.9 A customer with a metered water supply is required to comply with any water restrictions imposed under this Bylaw.
- 27.10 Should any water meter be out of repair, cease to register, or be removed, the Council shall estimate the consumption following the process set out in clause 12 of the Administration Manual. Any water meter that is due for repair or replacement should be repaired or replaced within three months' of the Council being notified of the need for repair or replacement.

## **28. RESTRICTED FLOW SUPPLY**

- 28.1 Restricted flow supply shall only be available to premises within a designated area or under special conditions set by the Council.
- 28.2 Council may review the serviceability of any restricted flow supply connection and take reasonable action as required to preserve the safety and integrity of the network.
- 28.3 Restricted flow supply shall be measured on the basis of an agreed number of units supplied at a uniform flow rate. The Council reserves the right to require customers receiving a restricted flow supply to have a water meter fitted and to charge a prescribed fee.
- 28.4 The Council will charge for a restricted flow supply based on one of the following:  
a) as prescribed in the Local Government (Rating) Act 2002; or

- b) The volume passing through a water meter; or
- c) The agreed number of water unit.



## **PART FIVE – ENFORCEMENT**

### **29. FEES AND CHARGES**

- 29.1 The Council may set fees and charges in accordance with section 150 of the LGA 2002 for the matters listed in the schedule to this Bylaw.
- 29.2 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.

### **30. OFFENCES AND PENALTIES**

- 30.1 Every person who breaches any provision of this Bylaw or fails to comply with a notice served under this Bylaw commits an offence under section 239 of the Local Government Act 2022 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. Actions that are in breach of this Bylaw include, but are not limited to:
- a. Failure to comply with the conditions of water supply that apply to the premises;
  - b. Failure to comply with the conditions of any permit;
  - c. Providing incorrect information in an application for supply which fundamentally affects the provision of the supply;
  - d. Connecting to the water supply system without prior written approval from the Council;
  - e. Gaining access to and drawing water from a fire hydrant without prior approval from the Council.
- 30.2 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.
- 30.3 The Council may restrict water supply to premises for breach of this Bylaw pursuant to section 193 of the LGA 2002.
- 30.4 The Council may remove or alter works or things constructed in breach of this Bylaw pursuant to section 163 of the LGA 2002.
- 30.5 The Council may recover the costs of remedying any damage arising from breach of this Bylaw pursuant to section 176 of the LGA 2002.
- 30.6 Council may seek an injunction restraining a person from committing a breach of this Bylaw pursuant to section 162 of the LGA 2002.

## PART SIX – ADMINISTRATION

### 31. DELEGATIONS

31.1 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.

31.2 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:

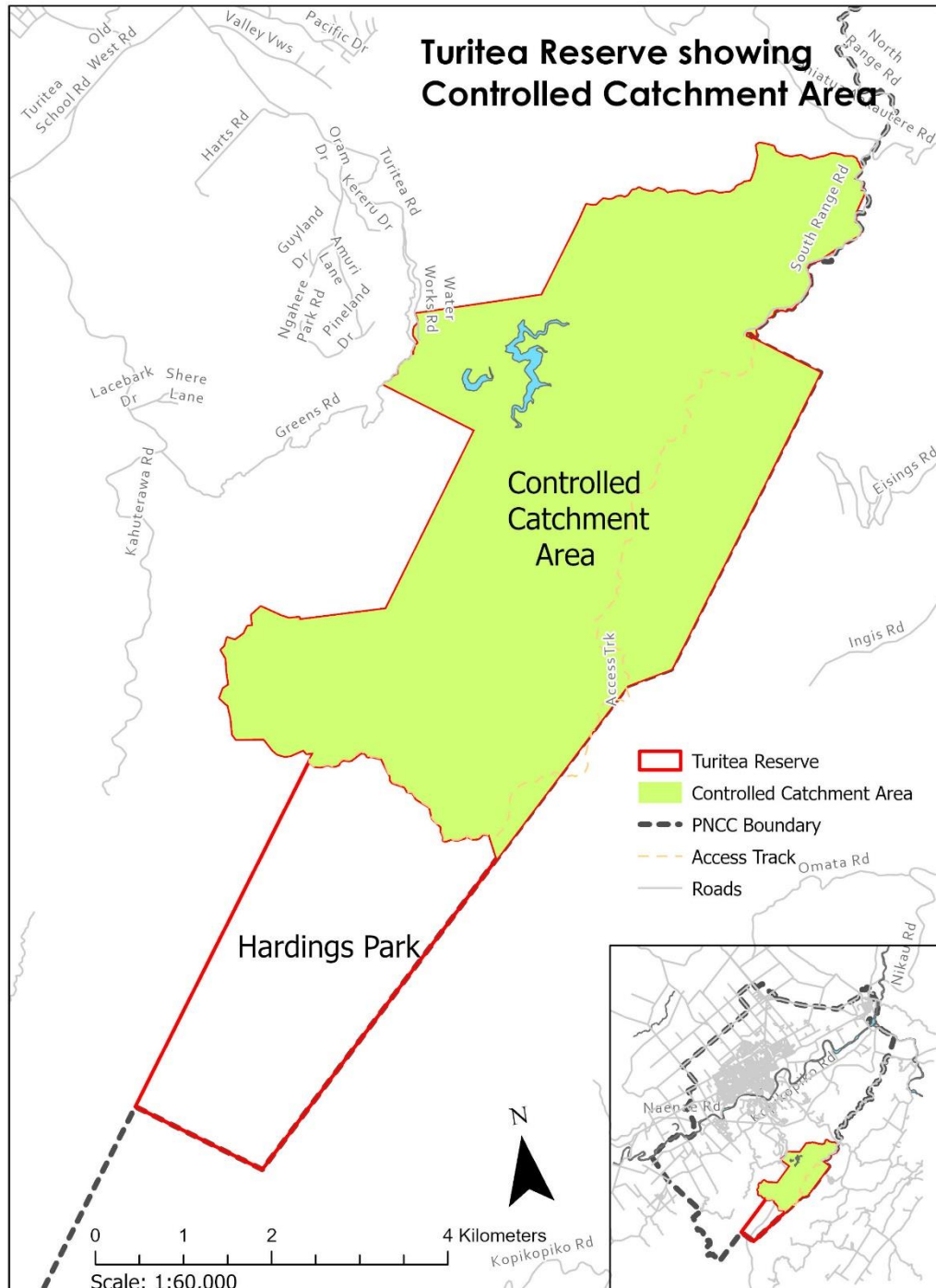
- a. Amend the water supply areas as shown on maps in the Administration Manual.
- b. Specify the conditions that apply to the supply of water to premises by the Council contained in the Administration Manual;
- c. Specify forms and procedures for the effective administration of the Bylaw;
- d. Make any decision or determination required in this Bylaw in order to administer it;
- e. Make any decisions regarding whether a permit should be granted, and the terms and conditions of that permit including standard conditions and variations; and
- f. Decisions regarding suspension, withdrawal or removal of a permit.

31.3 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.

31.4 All 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.

31.5 Every exercise of a power delegation under this clause must be reported to Council if not exercised by Council by resolution, provided failure to report does not invalidate the exercise of the delegate's power.

## SCHEDULE 1 – TURITEA RESERVE CONTROLLED CATCHMENT AREA



December 2022

## 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.
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 meter reading by appointment	Payable following a customer request for a water meter reading in accordance with section 8.3 of the Bylaw.
Water meter accuracy testing fee	Payable following a customer request to test a water meter for accuracy in accordance with section 11.2 of the Administration Manual.
Water quality testing fee	Payable following a customer request to test the quality of water supplied by the Council in accordance with section 13.1 of the Bylaw.
Consent processing fee	Payable when the costs of processing the consent exceed the water supply application fee.
Disconnection fee	Payable following a customer request for disconnection in accordance with section 25.1 of the Bylaw.
Tanker filling station access	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 water meter fee	Actual cost of supply and installation plus 10% administration fee.
New backflow prevention device	Actual cost of supply and installation plus 10% administration fee.
Upgraded backflow prevention device	Actual cost of supply and installation plus 10% administration fee.
Processing and issuing permits	Payable with the application for permit
Monitoring permits fee	Payable by the permit holder on an invoice basis.