Whangarei District Council

Water Supply Bylaw 2023





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Water Supply Bylaw 2023

Explanatory notes

Council is empowered by the Local Government Act 2002 to make bylaws to:

- protect public health and safety
- manage and protect the public water supply from damage, misuse or loss.

The Water Supply Bylaw 2023 aims to achieve these purposes and should be read in conjunction with the Acts, Regulations, Codes and Standards listed in the Bylaw.

This Bylaw includes explanatory text that is not part of the regulatory content of the Bylaw. The explanatory notes are contained in boxes such as this and may assist in interpreting the regulatory provisions of the Bylaw.

Title

The title of the Bylaw shall be Whangarei District Council Water Supply Bylaw 2023.

Commencement

This Bylaw comes into force on 7 December 2023.

Repeal

As from the date this Bylaw comes into force, any previous bylaws and their amendments, or parts of a bylaw and their amendments as applicable, purporting to matters relating to water supply within the Whangarei District shall be repealed.

Application of Bylaw

This Bylaw shall apply to the area administered by Council.

History of Bylaw

Date of Council resolution	Description	Summary
4 December 1996	Water Supply Bylaw 1997	Resolution passed to make the bylaw
2 August 2000	Water Supply Bylaw 2000	Amendment Part 2 General Requirements added
14 December 2005	Water Supply Bylaw 2005	5-year review
22 February 2012	Water Supply Bylaw 2005	10-year review
31 May 2012	Water Supply Bylaw 2012	Amendment to point of supply
23 November 2023	Water Supply Bylaw 2023	Resolution passed to make new bylaw

Water supply definitions

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

Air gap separation	means a minimum vertical air gap as defined by the Building Code G12 Water Supplies between the outlet of the water supply fitting which fills a storage tank, and the highest overflow water level of that storage tank.
Air valves	can be located on all watermains for the purpose of air removal from the watermain network.
Approved	means approved in writing by Council, either by resolution of Council or by any officer of Council authorised for that purpose.
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.
Backflow prevention device	means a device that prevents backflow. For the purpose of this Bylaw a backflow prevention device refers to those devices installed at the property boundary.
Bulk watermains	means the pipes which convey water from Council's water treatment plants or from service reservoirs generally 200mm to 500mm in diameter.
Check valve	means a valve designed to prevent flow in the reverse direction to normal flow.
Council and the Council	means Whangarei District Council.
Customer	means a person who has the right to use or direct the manner of use of water supplied by Council to any premises.
Detector check valve	is a check (non-return) valve, which has a positive closing pressure, and a metered bypass to measure flows typically associated with leakage or unauthorized use on a dedicated fire supply.
Distribution watermains	means the water supply pipelines which convey water through the water supply network and service customers generally 100mm to 200mm in diameter.
Double check valve	Testable backflow prevention device with two check valves and test ports.
Drinking water	is water that is used for human consumption or oral hygiene or food preparation or washing utensils that are used for food preparation.
Dual check valve	Non-testable backflow prevention device with two nonreturn-valves.
Extraordinary supply	has the meaning given by clause 1.d) of this Bylaw.

Fees and charges	means such schedule of items, terms and prices for services associated with the supply of water which are approved by Council.
Fire hydrants	are located on the distribution watermains for the purpose of firefighting.
Level of Service	means the measurable performance standards to which Council undertakes to supply water to its customers.
Meter	is a device for the purpose of measuring the volume of water consumed.
On demand supply	has the meaning given by clause 1.d) of this Bylaw.
Ordinary supply	has the meaning given by clause 1.d) of this Bylaw.
Person	includes a corporation sole and also a body of persons whether corporate or unincorporated.
Point of supply	has the meaning given by clause 1.3.2 of this Bylaw.
Premises	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 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 land held in public ownership for a particular purpose.
Pressure reducing valves	are valves used within the reticulation system to reduce pressures from unacceptable high levels down to more reasonable levels as required due to changing elevation within the distribution system.
Publicly notified	means published on at least one occasion in one daily or weekly newspaper circulating in Council water supply area; or under emergency conditions in the most effective way to suit the particular circumstances.
Raw watermains	are watermains that convey water from the source to the treatment plant.
Reduced pressure zone Device (RPZ)	Two independent action non-return valves arranged to be force loaded to the closed position, with a relief valve positioned between the non-return valves arranged to be force-loaded to open to the atmosphere.
Restricted flow supply	has the meaning given by clause 1.3.3.2 of this Bylaw.
Restrictor	means a control device fitted to the service pipe to regulate the flow of water to a customer's premises.
Rider watermains	are small diameter watermains placed on the opposite side of the street to the distribution watermain to serve customers on that side of the street to avoid individual service pipes crossing the street, generally being 50mm in diameter.

Roading authority	means either Whangarei District Council or New Zealand Transport Agency.
Service pipe	means that section of water pipe between a water main and the point of supply, which is owned and maintained by Council.
Service valves	are located within the water distribution system for the purpose of isolating areas of the distribution system.
Storage tank	means any tank, having a free water surface under atmospheric pressure to which water is supplied across an air gap separation.
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, which is owned and maintained by the customer.
Targeted rate for water	means those rates set under the Local Government (Rating) Act 2002 and includes water supply and backflow charges.
Termination	means the physical cutting off of the supply to a premise.
Water carriers	means any individual drinking-water carrier or company registered with Taumata Arowai as a recognised carrier of drinking-water.
Water supply area	means an area of the District administered by Council and within which Council provides drinking water by network reticulation.
Water supply authority	and WSA is the operational unit of Council responsible for the supply of water, and includes its authorized agents.
Water unit	is the basis of measurement for a restricted flow supply with one water unit equal to a volume of 1.0m³.
Zone valves	or red valves are valves which are normally closed and demark the change from one pressure zone to another.

1. Part 1 Terms and conditions for the supply of water

1.1 Introduction

1. The following terms and conditions are made under the authority of the Local Government Act 2002 for the supply of water by Council to its customers.
2. The supply and sale of water by Council is subject to this Bylaw and:
   a) the following statutory acts and regulations:
      i) Health Act 1956
      ii) Health (Drinking Water) Amendment Act 2019
      iii) Local Government Act 2002
      iv) Local Government Rating Act 2002
      v) Building Act 2004
      vi) Resource Management Act 1991
      vii) The Water Services Act 2021
      viii) Whangarei District Council Backflow Prevention Policy and Code of Practice (Policy0020) 2021
      ix) Building Regulations 1992 Schedule 1 containing the Building Code; and
      x) together with all statutory modifications and amendments thereof and statutes made in substitution thereof.
   b) The following codes and standards:
   c)
      i) Water Services (Drinking Water Standards for New Zealand) Regulations 2022
      ii) BS 5728 Part 3:1984 – Measurement of flow of cold potable water in closed conduits
      iii) OIML R49-2 Water meters intended for the metering of cold potable water and hot water
      iv) SNZ PAS 4509:2008 New Zealand Fire Service Fire Fighting Water Supplies Code of Practice
      v) Environmental Engineering Standards Whangarei District Council
      vi) Standard Specification for Construction of Water Mains Whangarei District Council
      vii) Whangarei District Council Hygiene Code and
      viii) together with all statutory modifications and amendments thereof and statutes made in substitution thereof.

1.2 Acceptance and duration

1. Any person being supplied, or who has made application to be supplied, with water by Council is deemed to accept these terms and conditions, and any subsequent amendments.
2. These terms and conditions shall come into effect on 7 December 2023. Customers receiving a supply at that date accept that minimum flows and static pressures apply. For some customers whose point of supply is within 25 vertical metres of the normal operating level of the relevant service reservoir may not receive the Level of Service specified in Council's Water Activity Management Plan.

3. For customers receiving a supply after 7 December 2023, these terms and conditions shall come into effect from the date of receipt of supply.
4. The terms and conditions shall remain in force until further notice.

1.3 Conditions of supply

1.3.1 Application for supply

1. Every application for a supply of water shall be made in writing in accordance with the standard Council procedure together with the payment of the prescribed fees and charges and development contribution fee if applicable. The applicant shall provide all the details required by Council.
2. Within twenty working days of the receipt of an application complying with these terms and conditions Council shall, after consideration of the matters in Clauses 1.3.4 and 1.3.5, either:
   a) approve the application and inform the applicant of the type of supply, the size of the connection, any particular conditions the applicant shall meet, and the general terms and conditions including Level of Service under which water will be supplied
   b) refuse the application and notify the applicant of the decision giving the reasons for refusal
   c) put the application on hold pending further investigation. The applicant shall be informed immediately.
3. The applicant must have the authority to act on behalf of the owner of the premises for which the supply is sought, and shall produce written evidence of this if required.
4. Council may, at its discretion, approve or not to approve any application for a water supply connection.
5. A new application for supply shall be required if a customer wishes to increase the consumption of water, change the Level of Service, change the use of the water, relocate the point of supply, or alter in any way the service pipe.
6. Where Council considers that the pipe and fittings for the required water demands are inadequate or oversized, Council may specify the required pipe and fittings.
7. An approved application for supply which has not been actioned within six months of the date of application will lapse unless otherwise approved. Any refund will be at the discretion of Council.

Council will determine the sizes of all pipes, fittings and any other equipment required up to the point of supply. Following installation, Council or its appointed agents will maintain the service pipe up to the point of supply.

1.3.2 Point of supply

1. The point of supply to an individual customer is the point on the service pipe as deemed by Council, which marks the boundary of responsibility between the customer and Council.
2. Where there is a water meter or backflow prevention device then the point of supply is that point which is directly downstream of such water meter or backflow prevention device (see Figures 1-7) unless 1.3.2.2.2 applies.
3. Where there is no water meter and/or backflow prevention device installed then the point of supply is the point where the service line crosses from Council's property (being generally road reserve) into private property so as to service an individual customer.

1.3.2.1 Typical layout at point of supply

The typical layout of the fittings at a point of supply is shown in Figures 7a to 7g.

1.3.2.2 Single ownership

1. For single dwelling units the point of supply shall be located as shown in Figure 1 or as close as possible to the property boundary where fences, walls or other permanent structures make it difficult to locate it at the required position. All pipework on the customer's side of the point of supply is the responsibility of the customer.
2. In situations where the meter and/or backflow prevention device is located on private property either before or after the coming into effect of these terms and conditions, the point of supply shall be either the:
   a) tail piece of the water meter or backflow prevention device (if installed) where the meter is within 1.0m from the Council boundary; or
   b) Council boundary where the meter is located more than 1.0m from the Council boundary.
3. For each individual customer there shall only be one point of supply, unless otherwise approved.
4. For individual customer on joint rights of way and common access ways, the point of supply shall be located as shown in Figure 2a, 2b or 2c unless otherwise approved.

1.3.2.3 Multiple ownership

1. The point of supply for the different forms of multiple ownership of premises and/or land shall be as follows:
   a) for Company Share/Block Scheme Body Corporate – as for single ownership
   b) for Leasehold/Tenancy in Common Scheme Cross Lease, Strata Title, and Unit Title Body Corporate – each owner shall have an individual supply with the point of supply determined by agreement with Council generally as shown in Figures 3 and 4. In specific cases other arrangements may be acceptable subject to individual approval
   c) for commercial properties in multiple occupation or ownership the point of supply shall be as shown in Figure 4
   d) for commercial and industrial properties with both fire and service connections, the point of supply shall be as shown in Figures 5 and 6.
2. For a multiple ownership supply which was in existence prior to the coming into effect of these terms and conditions, the point of supply shall be as detailed above unless a documented agreement exists or as determined by agreement with Council for an individual case

1.3.3 Types of Supply

1.3.3.1 On-demand supply

An on-demand supply is a supply which is available on demand directly from the point of supply. There are two types, which are defined as follows:

1. Ordinary supply

   The supply of drinking water to a customer which is used solely for domestic purposes in a dwelling unit shall be deemed to be an ordinary supply. Such purposes shall include the use of a hose for:

   a) washing down a car, boat etc.

b) garden watering by hand

c) garden watering by a portable sprinkler subject to the provisions of 1.3.6.1.

2. Extraordinary supply

   All other purposes for which water is supplied other than ordinary supply shall be deemed to be an extraordinary supply and may be subject to specific conditions and limitations. Such purposes shall include:

   a) domestic – filling spa or swimming pool, fixed garden irrigation systems

   b) commercial and business

   c) industrial

   d) fire protection systems

   e) any customer outside a defined water supply area

   f) temporary supply

   g) agriculture and horticulture.

1.3.3.2 Restricted flow supply

1. A restricted flow supply is one 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 demand fluctuations. Restricted flow shall generally only be available to premises within a designated area, or under special conditions set by Council.
2. The supply shall be measured on the basis of an agreed number of water units supplied at a uniform flow rate.

1.3.4 On-demand supply

1.3.4.1 Entitlement

1. Every premises may be entitled to an ordinary supply of water, subject to:

   a) all buildings on the premises lie within a water supply area (see 2.5.2) that can receive the minimum levels of service

   b) exclusion of its use for garden watering and/or any other use under any restrictions made by Council under 1.3.6.1

   c) payment of the appropriate water supply charges and development contribution fees in respect of that property

   d) these terms and conditions

   e) any other charges or costs associated with sub-divisional development having been met.

2. Council shall be under no obligation to provide or maintain an extraordinary supply of water.
3. For extraordinary supplies Council may choose to allocate an amount of water that is the entitlement for that connection.
4. For new extraordinary connections this entitlement may be by way of a developer agreement.

1.3.4.2 Metering

Both ordinary and extraordinary supplies of water shall normally be measured by a meter and charged for in accordance with 1.4.8, alternatively Council may levy rates in accordance with the Local Government (Rating) Act 2002.

1.3.5 Level of Service

Council shall aim to provide water in accordance with the Level of Service contained in the Water Activity Management Plan of Council. Council will make every reasonable attempt to achieve the specified values.

Council retains the right to increase or decrease pressures below normal minimum pressures within a water supply area or any part thereof if it benefits the wider network. No liability is accepted as a result of pressure alteration.

Where works of a permanent or temporary nature are planned which will substantially affect the continuity of an existing supply, Council will inform all known customers.

1.3.5.1 Continuity of supply or increased Level of Service

Wherever practical Council will make every reasonable attempt to notify affected customers of a scheduled maintenance shutdown of the supply before the work commences. Where immediate action is required and this is not practical, Council may shut down the supply without notice.

If a customer has a particular requirement for an uninterrupted or increased Level of Service flow, pressure or quality, it will be the responsibility of that customer to provide any storage, back-up facilities, or equipment necessary to the provision of that Level of Service. Examples of such requirements may include customers using water for renal dialysis, industrial or agricultural purposes or firefighting.

Council does not guarantee an uninterrupted or consistent quality supply of water, or maintenance of an existing pressure which is in excess of an agreed current Level of Service, but shall do its best to meet the continuity of supply.

1.3.6 Demand management

The customer shall comply with any water use restrictions which may be approved by Council to manage high seasonal or other demands. Such restrictions will be publicly notified.

Council encourages customers to use water efficiently and to not waste or misuse water. For water saving tips, visit https://bewaterwise.org.nz/.

1.3.6.1 Emergency

Natural hazards such as floods, droughts, earthquakes or volcanic activity, or accidents which result in disruptions to the supply of water shall be deemed an emergency and shall be exempted from the Level of Service requirements.

During an emergency 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 publicly notified.

The decision to make and lift restrictions, and to enact additional penalties, shall be made by the Chief Executive Officer (ref- Extraordinary Meeting of Whangarei District Council 11 February 2020)

1.3.7 Liability

Council shall not be liable for any loss, damage or inconvenience which the customer or any person using the supply may sustain as a result of deficiencies in, or interruptions to, the water supply.

Without prejudice to the above Council may, under certain circumstances and solely at its discretion, make payments for any loss or damage sustained by the customer where it can be established to Council's satisfaction that such loss or damage was a direct result of a significant variation in the water supply. Any payment made by Council shall be in full and final settlement of any claim the customer may have against Council.

1.3.8 Fire protection connection

1.3.8.1 Connection application

Any proposed connection for fire protection shall be the subject of a separate application to Council for approval. Any such connection shall be subject to the terms and conditions specified by Council.

1.3.8.2 Supply

Council shall be under no obligation to provide a fire protection supply at any particular flow or pressure or maintain existing pressures or flows.

Where required firefighting water flow rates are unable to be met, mitigation by alternative methods shall be made in consultation with the WSA, Fire and Emergency New Zealand and the applicant.

1.3.8.3 Metering

1. In any case 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 main meter, provided however that the drawing of water will only be permitted for firefighting purposes and where a Council-approved backflow prevention device has been fitted on the live connection and the backflow preventer incorporates a detector bypass meter with backflow devices or a main line meter.
2. For a fire connection installed prior to the coming into effect of these terms and conditions which is so constructed or so located that it is likely or possible that water will be drawn from it or from any part of it by any person for purposes other than firefighting, Council may install a water meter and backflow prevention device suitable for the purpose on such a connection and recover the cost of the work from the owner.
3. Where it is discovered that a dedicated fire line is using water for purposes other than firefighting the customer shall cease using water through the fire line.

1.3.8.4 Sprinkler systems

Any fire sprinkler system shall be constructed, installed and maintained in good order to the appropriate sprinkler standard and shall be so designed and fixed that water cannot be drawn there from for any other purpose. All sprinkler systems shall have a Council-approved backflow prevention device and meter installed at the point of supply. These systems shall be designed to accommodate future reductions in network pressure and flows as a result of increased demands and network alterations.

Council recommends that all water sprinkler systems allow space for the future installation of booster pumps should they be required.

1.3.8.5 Fire hose reels

In any case where the supply of water to any premises is metered, fire hose reels shall be connected only to the metered supply, not to a fire protection connection. Any supply feeding a fire hose reel shall have a Council-approved backflow prevention device installed at the point of supply.

1.3.8.6 Charges

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

1.3.9 Backflow prevention

1. Notwithstanding the provision of clause 1.4.6:
    a) all connections to the Council supply shall have a backflow prevention device at the point of supply
    b) Council may require the customer to install a Council-approved testable backflow preventer on Council's side of the point of supply at the customer's expense
    c) all fire connections shall have an approved testable backflow prevention device installed on Council's side of the point of supply as shown in Figures 7d and 7e at the customer's expense
    d) all water connections available to shipping shall have an approved backflow prevention device installed on Council's side of the point of supply at the customer's expense
    e) all extraordinary supplies as defined in 1.3.3.1 shall require a point of supply backflow prevention device unless agreed otherwise by Council
    f) point of supply backflow prevention devices shall remain the property of Council, unless agreed otherwise by Council.
2. Council will charge a fee in accordance with targeted rates for water supply as noted in the Long Term Plan or Annual Plan, for the annual inspection and maintenance of such devices and shall also require the customer to maintain the device to be accessible for testing. The fee may be added to the customer's water bill.
3. Where the property owner wishes to retain ownership of a point of supply backflow prevention device, written agreement from Council is required. The property owners shall ensure all maintenance and inspection works are undertaken in compliance with Council's requirements. All costs are to be met by the property owners.
4. Any existing ordinary or extraordinary supplies which do not have backflow prevention at the point of supply, or have inadequate backflow prevention, shall install a Council-approved backflow prevention device as required by Council. All costs are to be met by the property owners.

1.3.10 Meters and flow restrictors

1.3.10.1 Installation

1. Where a customer has an unmetered supply, the customer may request that a meter be provided, and Council shall undertake this work at the customer's expense. These devices shall remain the property of Council.
2. Where a customer has an unmetered supply, Council may install a meter at Council's cost and charge the customer based on consumption. These devices shall remain the property of Council.
3. For new ordinary supply connections, meters and restrictors for restricted flow supplies shall be supplied and installed by Council or their appointed agents at the customer's expense. All new meter installations shall have dual check valve devices within the meter box on the customer side of the meter. The meters and dual check valves shall become the property of Council who shall be responsible for their ongoing maintenance.

1.3.10.2 Location

Meters and restrictors will be located in a position which is readily accessible for reading and maintenance, and if practicable immediately on Council's side of the point of supply, see Figure 1.

1.3.10.3 Accuracy

1. The accuracy of meters and restrictors shall be tested as and when required by Council to ensure performance within ±4% of its reading meters, or within ±10% of its rated capacity restrictors.
2. A customer who disputes the accuracy of a meter or restrictor may apply to Council for it to be tested provided that it is not within three months of the last test. If the test shows non-compliance with the accuracy requirement above then the customer will not be charged for the test. If the test shows compliance then the customer shall pay a fee in accordance with Council's current schedule of fees and charges.
3. Meters shall be tested by running a measured quantity of not less than 400 litres through the meter in accordance with BS 5728: Part 3 or OIML R49-2. Restrictors shall be tested by measuring the quantity that flows through the restrictor in a period not less than one hour at its normal operating pressure. A copy of independent certification of the test result will be made available to the customer on request.

1.3.10.4 Adjustment

Should any meter, after being tested, be found to register outside the ±4%, Council shall make an adjustment in accordance with the results shown by such tests backdated for a period at the discretion of Council but not exceeding 12 months, and the customer shall pay a greater or lesser amount according to such an adjustment.

1.3.10.5 Estimating consumption

1. Should any meter be out of repair or cease to register, or be removed, Council may estimate the consumption for the billing period. Council may use previous billing information or similar properties to estimate consumption as agreed with the customer. The customer shall pay the agreed amount.
2. If metering indicates a significant increase in consumption to a premises, which is established as being caused by a previously unknown leak, providing that the customer repairs the leak with due diligence, Council may reassess the account in accordance with current Council policy on the matter.

3. Where the seal or dial of a meter is broken, Council may declare the reading void and estimate consumption as provided above.
4. Where an unauthorised connection has been made to Council's water supply system Council may estimate the consumption for the period from when the connection was made. Council may use the uniform charge for water on a pro rata basis to make the estimation. Where a meter has been installed without approval the meter reading shall be used as the basis for the estimation provided it complies with Council's standards for meters and installations. The full consumption registered on the meter shall be payable by the current owner of the property. Development contribution fees may also be payable. Estimating and charging for water will be in addition to other legal action that Council decides to take for breaches of this Bylaw or other acts and regulations. See clause 1.5.

1.3.10.6 Incorrect accounts

Where a situation occurs, other than as provided for in 1.3.10.5, where the recorded consumption does not accurately represent the actual consumption on a property then the account shall be adjusted using the best information available to Council. Such errors include, but are not limited to, misreading of the meter, errors in data processing, meters assigned to the wrong account, and unauthorised supplies.

At the discretion of the Water Services Manager, a customer may be granted special payment terms.

1.3.10.7 Unread meters

Where a meter has remained unread for whatever reason, Council may charge for all water registered on the meter or shown since the previous reading.

1.3.11 Restriction or disconnection

The supply of water to any customer may be disconnected or have the flow restricted in some way by Council in the event of:

1. failure to pay the appropriate charges by the due date
2. failure to repair a leak, or in any way wilfully allow water to run to waste or be misused
3. provision of a non-approved connection to or interference with Council's supply system
4. the fitting of quick-closing valves, such being subject to 1.4.1
5. failure to prevent backflow in accordance with the requirements of clauses 1.3.9 and 1.4.6 of this Bylaw
6. failure to install the appropriate backflow prevention device at the point of supply
7. non-compliance with, or breach of, any other requirements of these terms and conditions as detailed in clause 1.5.1 of this Bylaw.

1.4 Customer responsibilities

1.4.1 Plumbing system

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 the Building Act 2004 and the New Zealand Building Code.
2. Quick-closing valves of any kind, or any other equipment which may cause pressure surges to be transmitted, shall not be used on any piping directly connected to the service pipe,

that is, in any position where they are required to close against mains pressure. In some specially approved circumstances they may be used, provided a suitable air chamber is fitted in the supply pipe as may be required in the particular case. In special circumstances non-concussive types of valve may be used as approved by Council.

3. In accordance with the New Zealand Building Code, the plumbing system shall be compatible with the water supply. It shall be the customer's responsibility to establish any peculiarities or features of the water supply from Council in order to ensure compatibility. No responsibility will be accepted by Council for failure by the customer to make the necessary enquiries.
4. It should be noted that some naturally occurring water chemistries can have a plumbosolvency effect on plumbing systems and hot water cylinders. It is the customer's responsibility to check that equipment being installed is compatible with the water supply in that area. All tapware shall comply with AS/NZS 3718:2005.

1.4.2 Change of use

Where a change in the end use of water supplied to a property occurs, and/or the supply changes from an ordinary to an extraordinary type (refer to 1.3.3) or vice versa, a Public Utility Application shall be required. It is the customer's responsibility to notify Council if backflow prevention is required or if the level of backflow prevention required changes in accordance with Whangarei District Council's Backflow Prevention Policy and Code of Practice 0020.

A change of use application will not normally incur a fee. However, if an increase in demand is required development contributions may be payable.

1.4.3 Access

1.4.3.1 Point of supply

1. The customer shall allow Council access to and about the point of supply or any meter or backflow prevention device located on private property between 7.30am and 6pm on any day for:
   a) meter reading without notice
   b) checking, testing and maintenance work on the meter and/or backflow prevention device with notice being given whenever possible.
2. Outside these hours, e.g. for leak detection, Council will give notice to the customer.
3. Under emergency conditions the customer shall allow Council free access to and about the point of supply at any hour.
4. Where access is not made available for any of the above and a return visit is required by Council, a fee may be charged for a return visit.

1.4.3.2 Inspection

The customer shall allow Council with or without equipment, access to any area of the premises for the purposes of determining compliance with these terms and conditions.

1.4.4 Council equipment

1.4.4.1 Care of equipment

1. The customer shall take due care to protect from damage Council equipment up to the point of supply, including pipe work, valves, meters, backflow prevention devices and restrictors.
2. Where there is no customer stopcock, or where maintenance is required between the service

valve and the customer stopcock, the customer may use the valve on the service line to isolate the supply. However Council reserves the right to charge for maintenance of this valve if damaged by such customer use.

Council gives no guarantee as to the serviceability of the service valve located on the service pipe.

1.4.4.2 Maintenance of access

The customer shall 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. No persons shall plant trees or bushes over water lines or within close proximity to a water line such that the roots may cause damage or obstruct access to the water line. Council may remove any trees obstructing or damaging water lines and recover the cost from the owners of the trees. Where a Council maintained water pipeline crosses private land or runs down a shared access way, the owner or owners shall ensure that access to the pipeline is clear and unobstructed at all times for maintenance or repair purposes. The cost of removing obstructions or reinstating extraordinary surface features shall be met by the owners.

1.4.5 Prevention of waste

1. The customer shall prevent and not intentionally allow water to run to waste from any pipe, tap or other fitting. It is an offence to let water run to waste and may result in disconnection or restriction of the supply and or prosecution.
2. The customer shall not use water or water pressure directly from the supply for driving lifts, machinery, eductors, generators, condensers or any other similar device, unless specifically approved.
3. Using water for single pass cooling or heating systems, or to dilute trade waste prior to disposal, is not permitted, unless specifically approved.

1.4.6 Backflow prevention

1. Under the Water Services Act 2021 and Building Act 2004, it is necessary to prevent water which has been drawn from Council's water supply from returning to that supply.
2. All point of supply backflow prevention devices must comply with AS/NZS 2845 and Council's Backflow Prevention Policy and Code of Practice 0020.
3. For premises covered by the Building Act 2004 customers are to ensure:
    a) backflow prevention either by providing an adequate air gap separation or by the use of a backflow prevention device which complies with the New Zealand Building Code; and/or
    b) the prohibition of any direct cross connection between Council's water supply and:
        i) any other water supply potable or non-potable
        ii) any other water source
        iii) any storage tank
        iv) any other pipe, fixture or equipment containing chemicals, liquids, gases, or other non-potable substances.
4. Council will require customers to comply with section 27 of the Water Services Act 2021 regarding protection of potable water.

5. Compliance under the Building Act 2004 does not absolve the property owner from the requirements of the Water Services Act 2021 for point of supply backflow prevention.

1.4.7 Fire protection supply

1.4.7.1 Firefighting

Where an unmetered connection has been provided to supply water to a fire protection system (including hydrants) this shall be used for no other purpose than fire system testing or for fire brigade drills conducted under the authority of the Fire and Emergency New Zealand District Manager and Delegated Personnel with the consent of the WSA. Council reserves the right for backflow prevention devices and water meters to be installed at the property owner's expense for new or existing connections.

1.4.7.2 Adequacy of supply

It shall be the customer's responsibility to ascertain and monitor whether the fire protection supply available is adequate for the intended purpose.

Council reserves the right to increase or decrease the pressures within the network. Council does not accept liability for fire protection systems whose effectiveness is reduced by a change in supply pressure.

1.4.8 Payment

1. The customer shall be liable to pay for the supply of water and related services in accordance with Council's current targeted rates for water and schedule of fees and charges.
2. The items included in the schedule and the terms on which they will be charged may be altered by Council from time to time by:
    a) resolution or special order as applicable pursuant to the Local Government (Rating) Act 2002
    b) resolution publicly notified.

1.4.9 Transfer of rights and responsibilities

1. No customer shall transfer to any other party the rights and responsibilities provided for under these terms and conditions.
2. A supply pipe shall serve only one customer and shall not extend by hose or any other pipe beyond that customer's property.
3. No customer shall on-sell water drawn from Council supply without written permission from Council.
4. In particular and not in limitation of the above, any water which a customer draws from Council supply shall not be provided to any other party without the approval of Council.

1.4.10 Change of ownership

In the event of a premises changing ownership Council will automatically record the new owner as being the customer at that premises. Where a premises is metered the outgoing customer shall give Council at least three working days' notice in writing to arrange a final reading. A fee in accordance with the special reading fee will be charged. Where a final reading has not been taken on the sale of a property, the new property owner will be liable for payment of all outstanding accounts.

1.4.11 Termination

1. A customer shall give at least three working days' notice in writing to Council of their requirement for termination of the supply. All terminations involving permanent disconnections must complete a disconnection application form.
2. Termination shall only be carried out by Council-approved contractors and all costs are to be paid for by the applicant.

1.5 Breaches, offences and disputes

1.5.1 Breach of terms and conditions

1. The following may be taken by Council as a breach of these terms and conditions to supply and receive water:
    a) an incorrect application for supply which fundamentally affects the terms and conditions
    b) failure by the customer to meet and comply with these terms and conditions
    c) failure to meet any obligation placed on the customer under all current Acts and Regulations specified in 1.1.2a of this Bylaw
    d) frustration of Council's ability to adequately and effectively carry out its obligations
    e) an act or omission by the customer of any obligation arising out of any provision in Part 1 and Part 2 of this Bylaw such including but not being limited to any of the following:
        i) failure to pay the appropriate charges by the due date
        ii) failure to repair a leak, or in any way wilfully allowing water to run to waste, or to be misused
        iii) failure to prevent backflow
        iv) failure to comply with water use restrictions or prohibitions introduced by Council for any specified purpose
        v) extending by hose or any other pipe a private water supply beyond that customer's property
        vi) providing water drawn from Council's supply to any other party without approval of Council.

1.5.2 Interference with equipment

Any tampering or interfering with Council equipment, either directly or indirectly, shall constitute an offence. Without prejudice to its other rights and remedies, Council shall be entitled to estimate in accordance with clause 1.3.10.5 of this Bylaw and charge for the additional water consumption not recorded or allowed to pass where a meter or restrictor has been tampered with, and recover any costs incurred.

1.5.3 Penalties

1. Any action taken or thing done or omitted to be done in contravention of the terms of this Bylaw shall constitute an offence.
2. Council may remove or alter any work or thing that is, or has been, constructed in breach of this Bylaw and where any such removal or alteration is undertaken recover the costs of that removal or alteration from the person who committed the breach.
3. Upon conviction for any offence under this Bylaw any person so convicted will be liable to the penalties set by the Local Government Act 2002.

2. Part 2 General requirements

2.1 Introduction

Part 2 addresses those matters relating to the supply of water which require enactment by bylaw. It generally covers the overall water supply system, excluding those matters which relate to the actual supply of water to an individual customer. It also defines the parameters of supply for on-demand supplies for the purposes of the Local Government (Rating) Act 2002.

2.2 Types of supply

For the purposes of this part of the Bylaw, the types of supply shall be as defined in Part 1, Clause 1.3.3.

2.3 Supply system

2.3.1 No person to connect to system

1. No person other than the authorised agents of Council, shall without express approval, make any connection to or otherwise interfere with any part of the water supply system.
2. Any authorised persons working on the water supply must have a valid Blue Card and work in accordance with the requirements of the Water Services Hygiene Code.

2.3.2 Fire hydrants

1. The right to gain access to and draw water from fire hydrants shall be restricted to:
   a) Council or its agents
   b) trained Fire and Emergency New Zealand Personnel for the purpose of fighting a fire or training
2. Water carriers shall only fill from designated filling points as agreed with Council's Water Services Manager.
3. Without prejudice to other remedies available, Council may remove and hold any equipment used by any unauthorised person to gain access to, or draw water from, a fire hydrant.

2.3.3 Use of coloured pipe and ducts

Only blue pipe shall be used for new water mains and service pipes. Other services and ducting for other utilities should be generally in accordance with the Guide for Safety with Underground Services issued by the Occupational Safety and Health Service, October 2002. On no account shall blue pipe be used for carrying or ducting any products other than potable water.

2.3.4 Working around buried services

Council shall keep accurate permanent as-built records of the location of its buried services. This information shall be available for inspection with copies available if required. Charges may be levied to cover the costs of making copies available.

1. Any person proposing to carry out excavation work shall view the as-built information to establish whether or not Council services are located in the vicinity. At least 2 days' notice in writing shall be given to Council of an intention to excavate in the vicinity of its services.

Where appropriate Council will mark out to within 1m 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. Council may charge for this service.

2. When excavating and working around buried services due care shall be taken to ensure the services are not damaged and that bedding and backfill is reinstated in accordance with the appropriate Council specification. When drilling or excavating across or close to buried services the service must be exposed by hand digging or vacuum excavation to accurately locate its position. When laying pipes or ducts near to water mains the separations, both vertical and horizontal, as specified in Council's Engineering Standards. Excavation within roadways is also subject to the permit process of the appropriate roading authority.
3. Any damage which occurs to a Council service shall be reported to Council immediately. Council reserves the right to charge for all repairs including reinstatement and all consequential costs to Council.

2.4 Protection of supply

2.4.1 Catchment classes

1. Catchment areas from which untreated water is drawn for the purposes of water supply are divided into the following classes:
   a) controlled
   b) restricted
   c) open.
2. These may apply to both surface water and/or ground-water catchments.

2.4.2 Controlled catchments

There are no controlled catchments in any of Council's water supplies.

2.4.3 Restricted catchments

The following schedule comprises the restricted catchment areas pertaining to Council's water supplies and is limited to catchments of water supply dams.

2.4.3.1 Schedule

Wilson's Dam

239.99 ha being Part Allot M42 PSH OF Ruakaka, Lot 2 DP 126620, Part Lot 1 DP 179543, Lot 2 DP 33336, Lot 1 DP 176490, Lot 7 DP 166984, Lot 1 DP 176489, Lot 1 DP 183381, Lot 9 DP 313809, Lot 5 DP 315046 and Section 3 SO 359862.

Whau Valley Dam

911.02 ha being Allot 38 OF Pukenui , Allot 8 OF Pukenui, Allots 52, 53, 54, NW55, SE55, 56, 58,74, 75, 76 PSH OF Whangarei Pt Allots 56, 74 Whangarei Parish, Lot 2 DP 63280 and Lot 2 DP 463854

Hikurangi Dam

312.69 ha being Pts Allot NE47, Pt Allots NE49, SW49, Hikurangi Parish, Secs 6, 7 and 9, Blk XVI, Hukerenui SD and Lot 2 DP 157301.

Takahiwai Dam

166.09 ha being Lots 1 to 17 DP 208533, Secs 1 and 6 Blk VI Ruakaka SD, Pukekauri 1B1 Blk.

2.4.3.2 Entry

1. No person shall enter a restricted catchment to undertake any of the following activities unless permitted in writing by Council
    a) camping
    b) hunting, trapping or shooting of any animals or birds
    c) boating
    d) fishing
    e) bathing or washing of anything
    f) lighting or maintaining any fire
    g) taking, or allowing to stray, any livestock
    h) using any pesticide, herbicide or toxic substance for any purpose whatsoever
    i) damaging or destroying any trees, shrubs or other existing cover or interfering with any building or structure
    j) taking or draining water.
2. In granting any such permit Council may impose such conditions as it may consider necessary and appropriate.
3. Any person entering a restricted catchment must remain on designated walking paths.
4. Council may limit access to restricted catchment areas if it is deemed necessary.

2.4.4 Open catchments

All other water supply catchments in the District administered by Council are open catchments and no specific controls or restrictions apply. However, in the event of a spillage or other event which has released or is likely to release hazardous substances into the waters of the catchment, Council shall be advised of the details with due urgency. This requirement shall be in addition to those other notification procedures to other authorities which are required.

2.5 Water supply area

2.5.1 Definition

A water supply area is a part of the District within which a supply of water can be made available for all buildings sited within the area.

2.5.2 Detail

1. A water supply area will include an area of 135 metres from all distribution mains, as measured along roads right of ways or access paths, which can be readily serviced with the performance requirements as defined within the Water Activity Management Plan, or as agreed with Council's Water Services Manager.

    The Water Supply Areas are:

    - Whangarei City (including Hikurangi and Whangarei Heads)
    - Bream Bay
    - Mangapai
    - Maungakaramea.

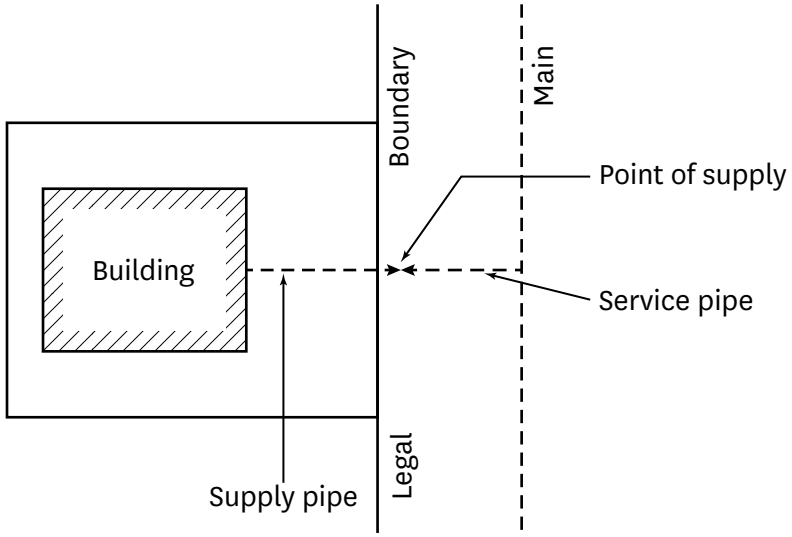
2. The following provisions apply in a water supply area:
    - Reticulation system

      Distribution watermains provide the firefighting capability of the network and service customers on one side of the street generally. These are usually 100mm to 200mm diameter.
    - Operating water pressure and flows, unless otherwise approved by the Water Services Manager, as per the following table:

For existing connections minimum pressure at boundary	25 metres static head minimum water pressure at time of connection.	To be measured at the meter or road boundary, whichever is the lower in altitude as per the Bylaw.
For new connections minimum pressure at the building site	25 metres static head minimum water pressure at time of connection.	To be measured at the ground floor of the building envelope.
Maximum pressure at boundary	120 metres static head maximum water pressure.	To be measured at the meter or road boundary, whichever is the lower in altitude.
Minimum flow at boundary	15 litres/minute minimum flow rate of supply for existing properties 20 litres/minute minimum flow rate for all new connections.	To be measured at the boundary on the customers side of the meter.
Fire and Emergency New Zealand	100% compliance with SNZ PAS4509 Code of Practice Firefighting Water Supply for all new developments and all new connections.	Minimum residual pressure at all hydrants should be 10 metres head for all urban and rural areas. All properties to be within 135 metres of a fire hydrant for all urban and rural connections as measured along practical access ways.

The applicant may, similar to subdivisions, extend the distribution watermain thereby extending the water supply area to cover the property in question, and enabling a connection to be granted. To ensure this is the case all service connections are to be perpendicular to the distribution watermain or ridermain.

Figure 1. Point of supply single dwelling unit



See Figure 7a, 7b or 7c for fitting detail

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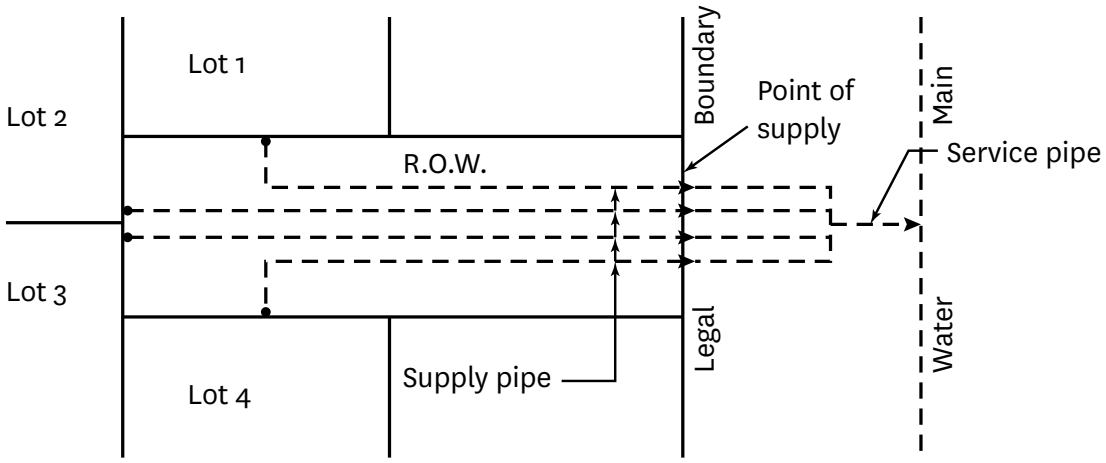
Figure 2. Point of supply multiple dwelling units

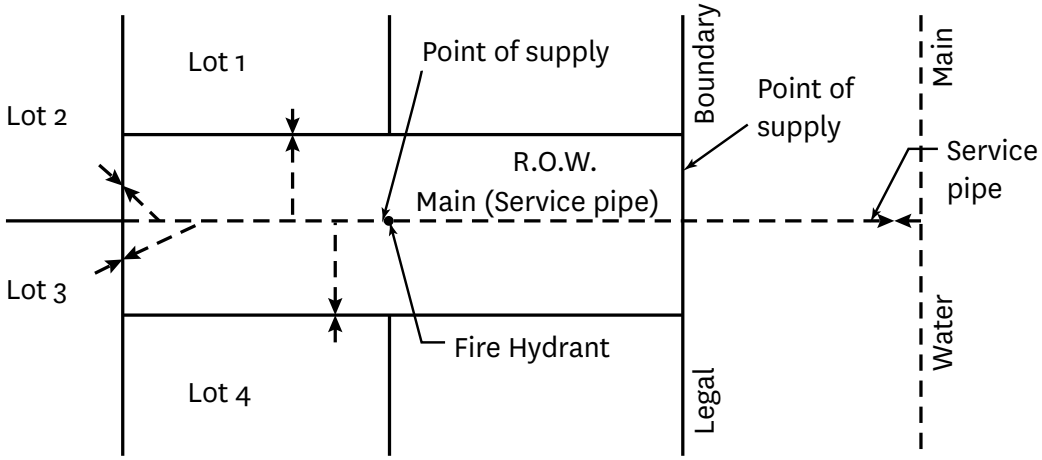
2a Private connections



Multiple connections in rights of way in joint private ownership

See Figure 7a, 7b or 7c for fitting detail

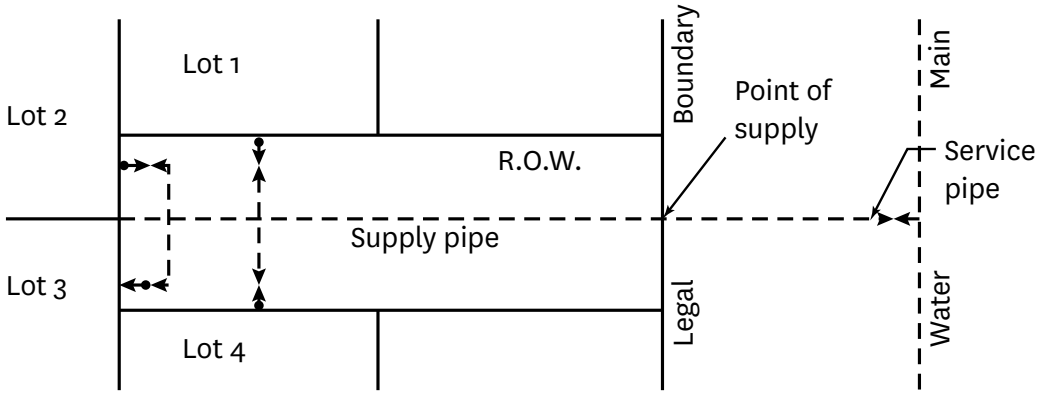
2b Public connections



Applies only to service pipe accepted by WDC as public main (easement required). The point of supply is the last Fire Hydrant in the right of way unless otherwise approved.

See Figure 7a, 7b or 7c for fitting detail *WDC 8184-10*

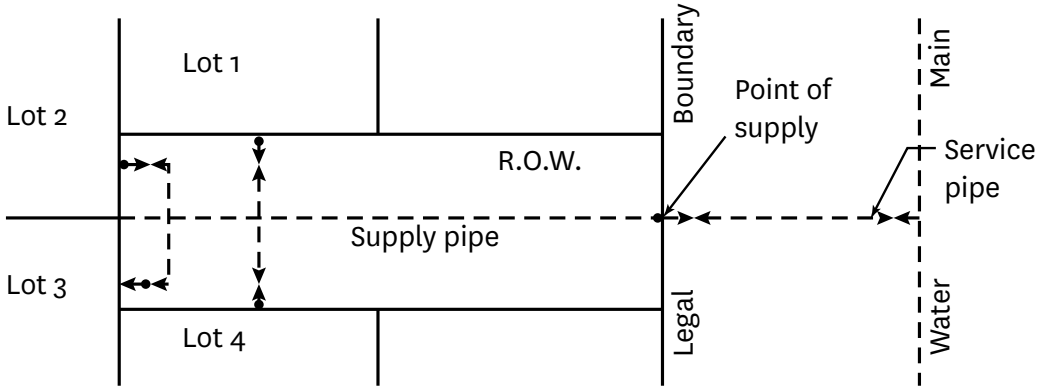
2c Existing mains in private ways



Connections in rights of ways in private ownership. Council will retain ownership and maintain the water meters. The supply pipes within the right of way are owned and maintained by property owners.

See Figure 7a, 7b or 7c for fitting detail *WDC 8184-11*

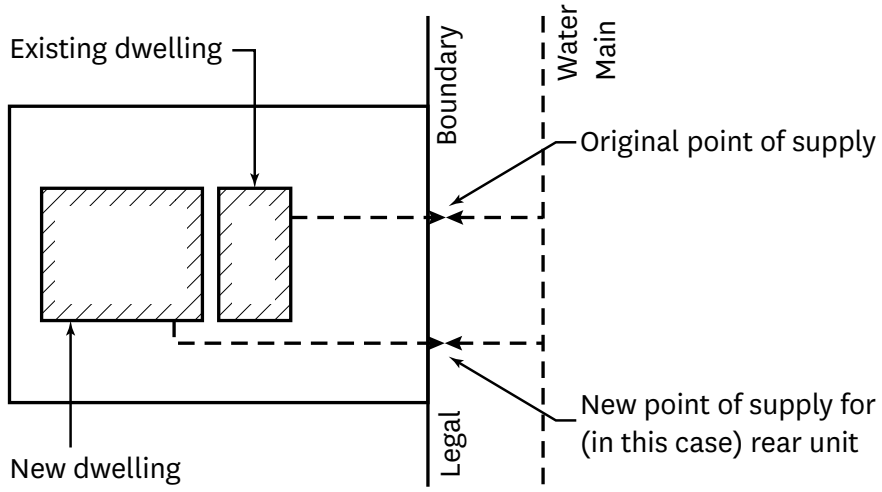
2d Existing parent and child metering arrangements



This arrangement is permitted only for existing parent and child situations. New connections shall be as per Figure 2a or 2b.

See Figure 7a, 7b or 7c for fitting detail *WDC 8184-11*

Figure 3. Point of supply cross leases

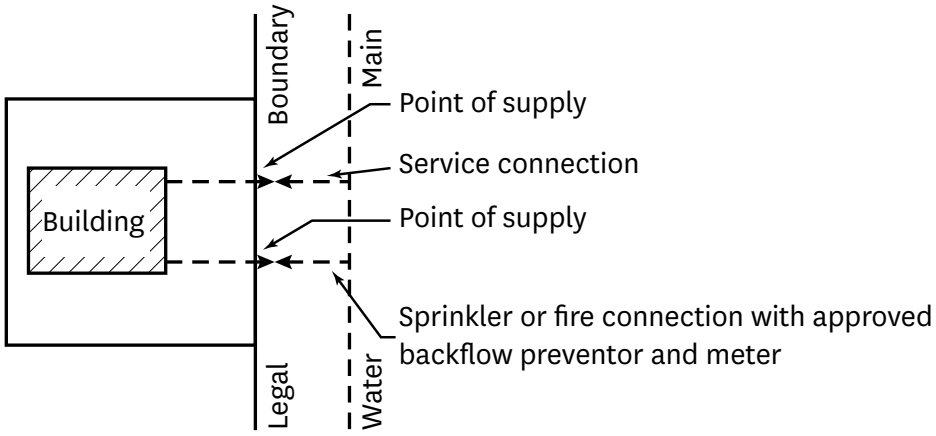


Where additional units are being built, additional points of supply will be required in such a position as to facilitate future subdivisions.

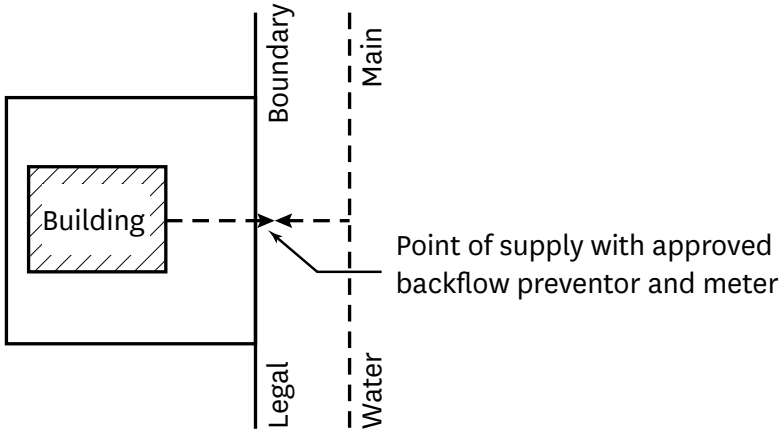
See Figure 7a, 7b or 7c for fitting detail *WDC8184-5*

Figure 4. Point of supply commercial connections

4a Single ownership/multiple occupation (e.g. highrise or apartment block)

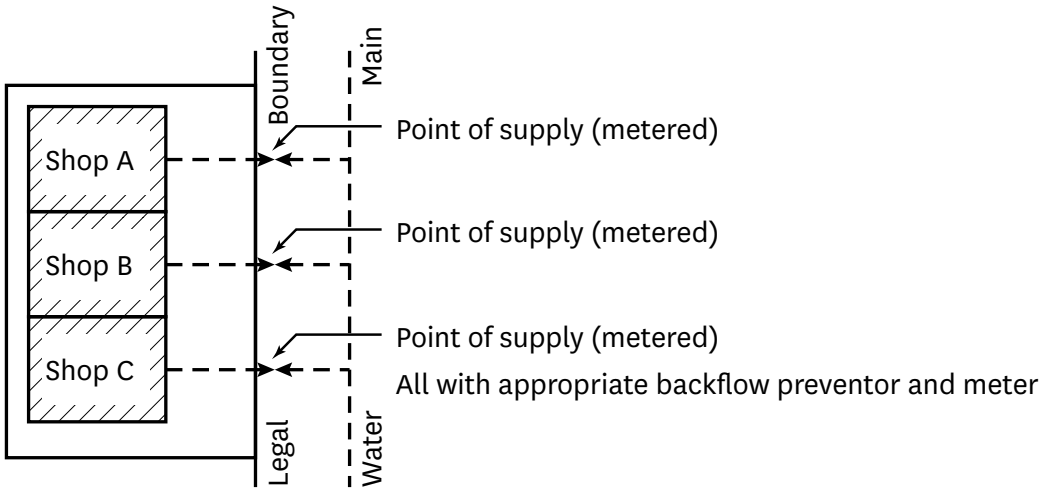


4b Commercial premises (single building)



Generally one point of supply at boundary. Metered consumption charged to property owner or uniform charge levied for each shop if in a multiple ownership and not separately metered.

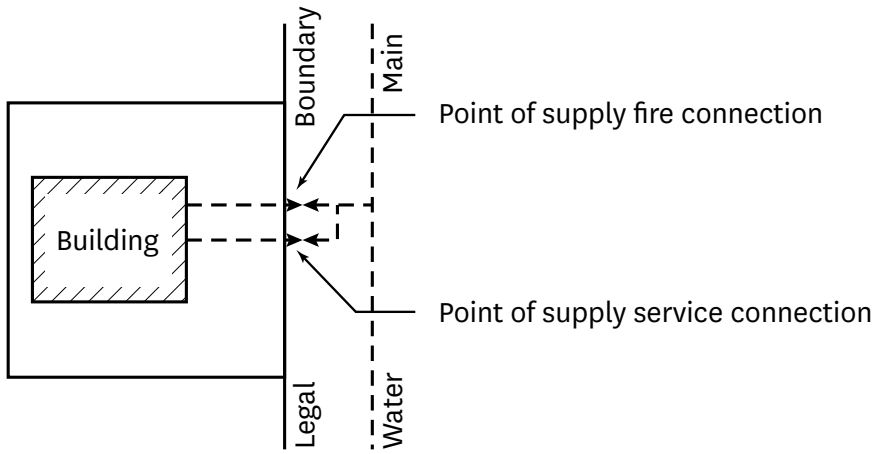
4c Commercial premises (multiple buildings)



For 4a, 4b and 4c see Figure 7 for fitting detail *WDC8184-6*

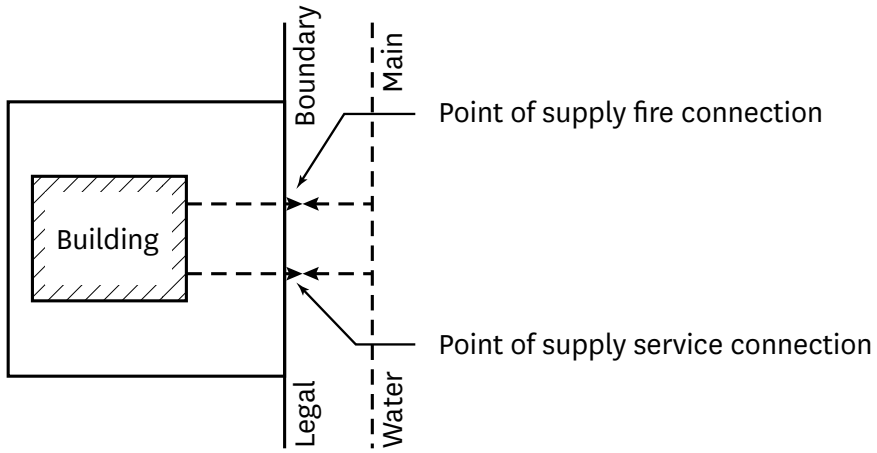
Figure 5. Point of supply industrial/commercial connections

5a Combined fire and service connection



See Figure 7d for fitting details

5b Separate fire and service connections



See Figure 7f and 7g for fitting details

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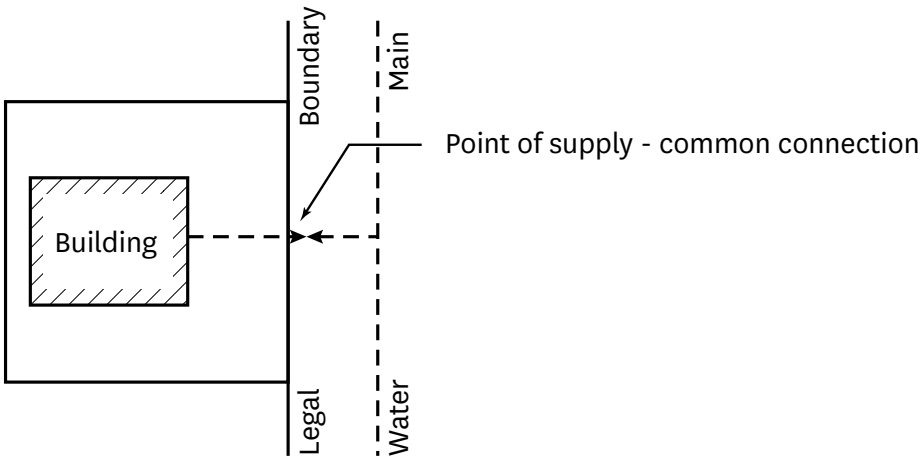
Figure 6. Point of supply industrial/commercial connections

Common fire and service connection

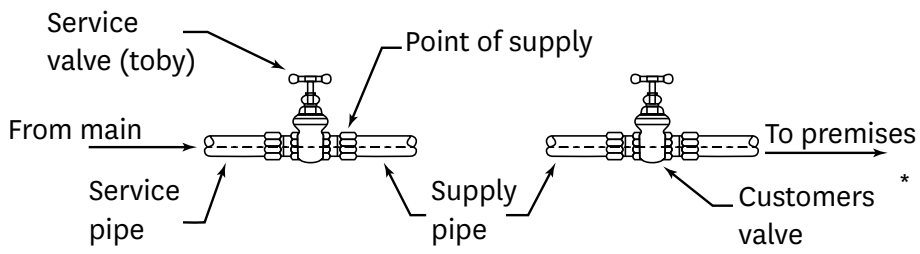


This arrangement is permitted only for existing common connections. All new connections to be as per Figure 5.

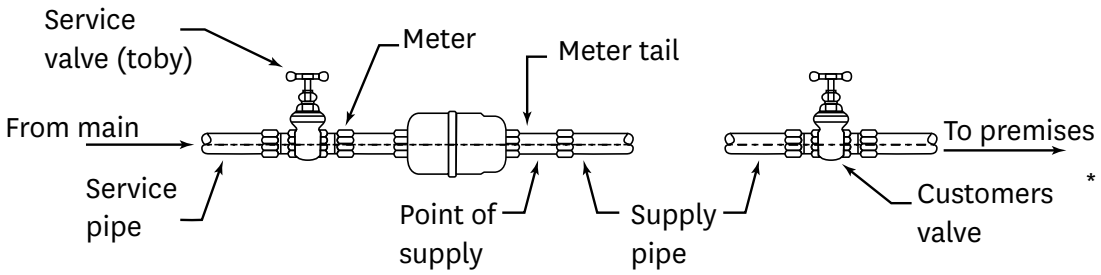
See Figure 7e for fitting details *WDC8184-2*

Figure 7. Examples of fitting details showing point of supply

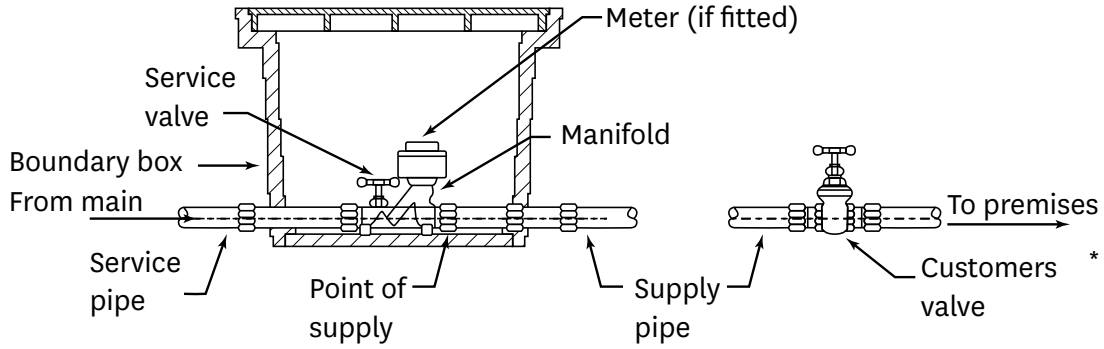
7a Domestic unmetered supply



7b Domestic metered supply

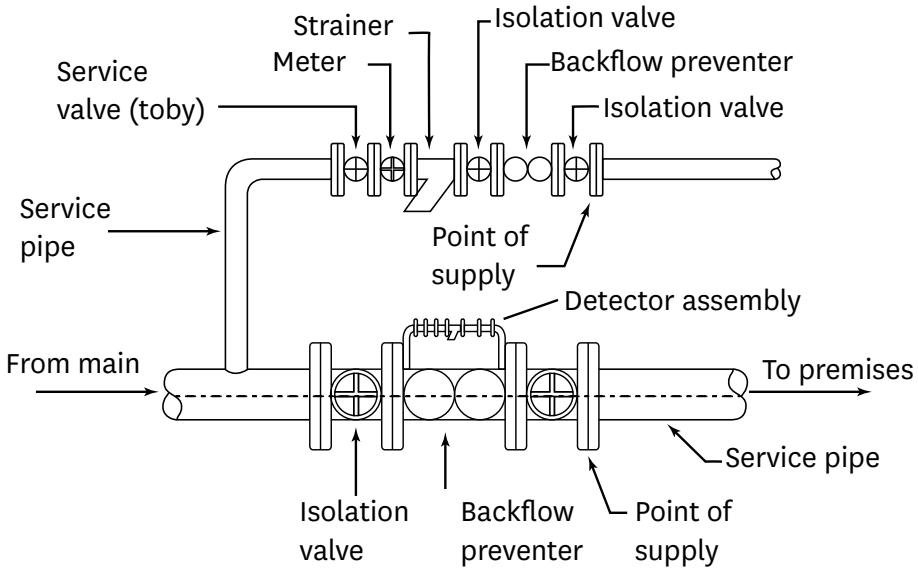


7c Manifold assembly at boundary box



** As provided for in N.Z. Building Code approved document G12/AS1* *WDC8184-7*

7d Separate fire and metered service connection with common line from main



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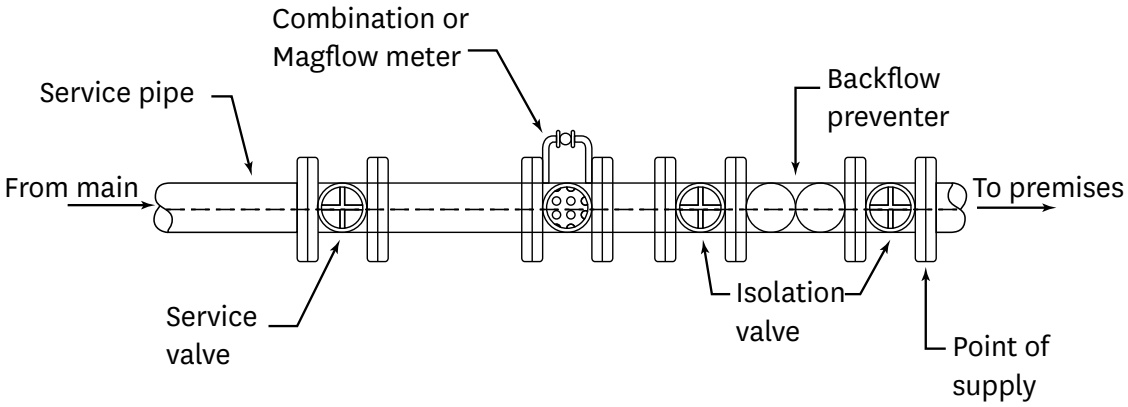
7e Common fire and metered service connection



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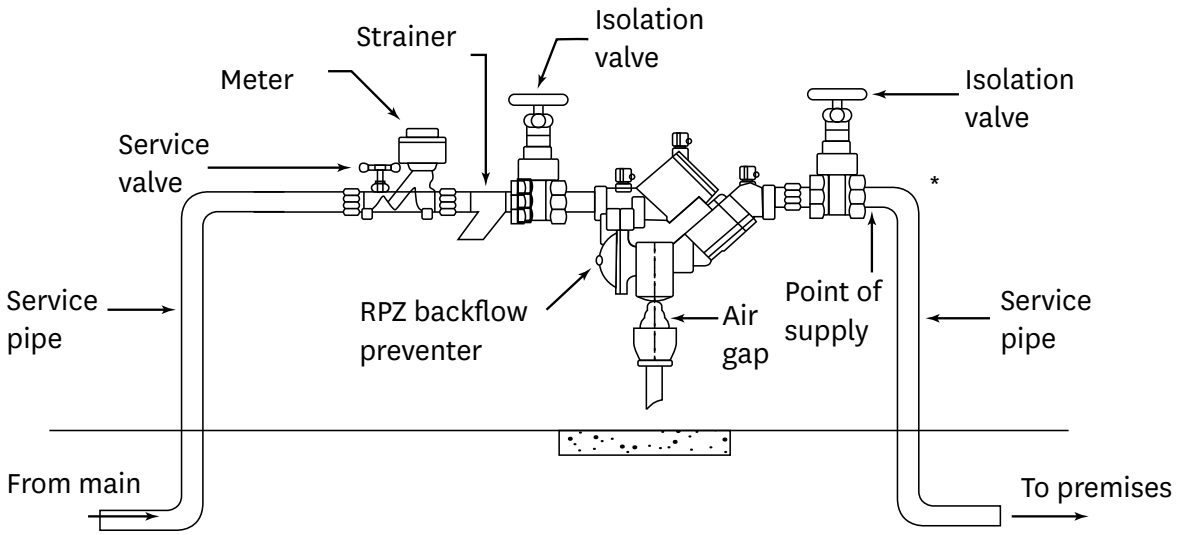
7f Metered supply with reduced pressure zone backflow preventer (RPZ)



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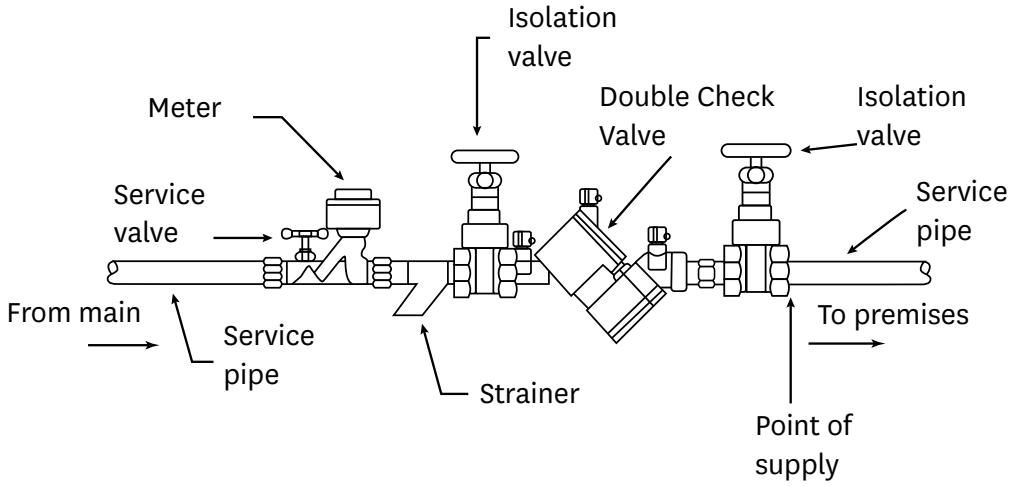
7g Metered supply with double check valve backflow preventer



WDC8184-4



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