## WATER SUPPLY BYLAW 2019

<table>
<thead>
<tr>
<th>First adopted</th>
<th>22 November 2004</th>
<th>Minute reference</th>
<th>M04/105.3</th>
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<tr>
<td>Reviews</td>
<td>25 September 2007</td>
<td>Minute references</td>
<td>M07/84.15</td>
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<td>16 April 2019</td>
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<tr>
<td>Review date</td>
<td>April 2029</td>
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<tr>
<td>Engagement required</td>
<td>Special Consultative Procedure</td>
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<tr>
<td>Associated documents</td>
<td>Tauranga Water Meter Policy 2019</td>
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<td></td>
<td>Tauranga Large Water Users Policy</td>
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<td></td>
<td>Local Government Act 2002</td>
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<td></td>
<td>Health Act 1956</td>
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<td>Health (Drinking Water) Amendment Act 2007</td>
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<td>Local Government (Rating) Act 2002</td>
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<td>Public Works Act 1981</td>
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<td></td>
<td>Tauranga City Plan</td>
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<td></td>
<td>Tauranga Infrastructure Development Code</td>
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<td></td>
<td>Fire and Emergency New Zealand Act 2017</td>
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<tr>
<td>Relevant legislation</td>
<td>This bylaw is made under the Local Government Act 2002 and the Health Act 1956</td>
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1. **TITLE**
1.1 This bylaw is the "Tauranga Water Supply Bylaw 2019"

2. **COMMENCEMENT**
2.1 This bylaw comes into force on 22 April 2019.

3. **APPLICATION**
3.1 This bylaw applies to Tauranga City.
3.2 Any person being supplied with water, or who has made application to be supplied with water, by Council.

4. **PURPOSE**
4.1 The purpose of this bylaw is to:
   (a) protect the health and safety of people using the water supply network;
   (b) protect the public water supply network from damage, misuse and interference;
   (c) assist in the provision of reliable, safe and efficient water supply in Tauranga.

5. **DEFINITIONS**
5.1 For the purposes of this bylaw the following definitions shall apply:

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approved</td>
<td>approved in writing by the Council, either by resolution of the Council or by any authorised officer of Council</td>
</tr>
<tr>
<td>Approved Licensed Contractor</td>
<td>contracting company approved by Council under this bylaw to carry out work on Council's Water Supply Network and Wastewater Network, using employees who are licensed by Council to undertake the work</td>
</tr>
<tr>
<td>Authorised Agent</td>
<td>a person or company who has been delegated responsibility to act for a customer</td>
</tr>
<tr>
<td>Authorised Officer</td>
<td>any officer of the Council or any other person authorised under the Local Government Act 2002 and authorised by the Council to administer and enforce its bylaws</td>
</tr>
<tr>
<td>Backflow</td>
<td>means the flow of water or other liquid through any service pipe or supply pipe in a reverse direction to the normal supply flow</td>
</tr>
<tr>
<td>Backflow Prevention Device</td>
<td>is a device that prevents backflow</td>
</tr>
<tr>
<td>Child Meter</td>
<td>a separate water meter located downstream from a parent meter that records water supplied to a Premises</td>
</tr>
<tr>
<td>Term</td>
<td>Definition</td>
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<td>-----------------------------</td>
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</tr>
<tr>
<td>Council</td>
<td>Tauranga City Council or any person authorised or delegated to act on its behalf</td>
</tr>
<tr>
<td>Cross Connection</td>
<td>any potential direct or indirect connection between the potable water supply and a contaminant</td>
</tr>
<tr>
<td>Customer</td>
<td>a person, or the authorised agent, who has been given approval by Council to use water supplied by Council</td>
</tr>
<tr>
<td>Dedicated Fire Connection</td>
<td>a connection to the water supply connection that supplies water solely for the purpose of fire protection</td>
</tr>
<tr>
<td>Parent Meter</td>
<td>a meter that leads onto a number of supply pipes</td>
</tr>
<tr>
<td>Person</td>
<td>a person or body of persons whether corporate or unincorporated, and includes the Crown and any successor of a person</td>
</tr>
<tr>
<td>Points of Responsibility</td>
<td>The points on the Water Supply Network located on private property that identify the area and all assets within that area that Council will be responsible for. The Points of Responsibility for each Premises with a Child Meter or any separate Backflow Prevention Device that is located more than one metre away from its associated Meter Box, will be 300mm along the pipe either side of the Child Meter box or separate Backflow Prevention Device.</td>
</tr>
<tr>
<td>Point of Supply</td>
<td>The point on the Water Supply Network that marks the boundary of responsibility between the Council and Customer, irrespective of property boundaries. For premises connected to one Water Meter, the Point of Supply is either: (a) 300 mm along the pipe immediately after the Water Meter box (b) or if a separate Backflow Prevention Device is installed, the Point of Supply is 300mm along the pipe immediately after the separate Backflow Prevention device provided the Backflow Prevention Device is located within one meter of the meter box; (c) if the Backflow Prevention Device is located more than one metre from the meter box the Point of Supply is 300mm immediately after the meter box and the responsibility of Council resumes 300mm either side of the separate Backflow Prevention Device. Where two or more Premises share a Parent Meter there will be one Point of Supply at the Parent Meter box and two or more additional Points of Responsibility further along the Supply Pipe. The Point of Supply will be defined as above. The Points of Responsibility for each Premises with a Child Meter will be...</td>
</tr>
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</table>
### Table of Definitions

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
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<tbody>
<tr>
<td>300mm along the pipe either side of the Child Meter box.</td>
<td>Council will be responsible for the Parent and Child Meters/boxes but not the Supply Pipe itself. See Attachment A of this bylaw.</td>
</tr>
<tr>
<td>Premises</td>
<td>means:</td>
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<tr>
<td></td>
<td>(a) a property or allotment which is held under separate certificate of title or for which a separate certificate of title may be issued and in respect of which a building consent has or may be issued; or</td>
</tr>
<tr>
<td></td>
<td>(b) a building that has been defined as an individual unit by cross lease, unit title or company lease and for which a certificate of title exists; or</td>
</tr>
<tr>
<td></td>
<td>(c) an independent dwelling unit as defined in the Tauranga City Plan.</td>
</tr>
<tr>
<td>Restricted Works</td>
<td>any works that will or are likely to damage, or adversely affect the operation of the Water Supply Network as defined by Clause 14.4</td>
</tr>
<tr>
<td>Service Pipe</td>
<td>means the section of pipe between a water main and the Point of Supply that is owned and maintained by Council</td>
</tr>
<tr>
<td>Supply Pipe</td>
<td>means the section of pipe between the Point of Supply and the Customer’s Premises that is installed, owned and maintained by the Customer</td>
</tr>
<tr>
<td>Water Meter</td>
<td>a Council-owned meter to measure the flow of water supplied including Parent and Child meters</td>
</tr>
<tr>
<td>Water Supply</td>
<td>means the supply of drinking water by network reticulation to the point of supply for dwelling houses, commercial and other premises</td>
</tr>
<tr>
<td>Water Supply Network</td>
<td>means all infrastructure components such as pipes, fittings, valves, hydrants, Backflow Prevention Devices, Water Meters, meter manifolds / boxes and other related equipment required of the water supply network between the point of abstraction from the natural environment to the premises</td>
</tr>
</tbody>
</table>

### 6. APPLICATION FOR SUPPLY AND ACCESS TO THE NETWORK

6.1 Every Person wishing to do any of the actions prescribed in clauses 6.1(a) to 6.1(g) must follow Council’s application and pay the prescribed charges:

(a) Obtain a new permanent or temporary connection for the supply of water, including connection for the purposes of dust control and connection to a new subdivision.

(b) Obtain a new connection and supply for a Dedicated Fire Connection system
(c) Make changes to an existing connection, including
   i. new owner taking over an existing supply
   ii. type of supply
   iii. classification type e.g. residential to commercial
   iv. location of the Point of Supply
   v. level of service of supply e.g. quantity of supply

(d) Access, operate or work on any part of the Water Supply Network.

(e) Disconnect from the Water Supply Network.

(f) Seek specific Council approval to install quick-closing valves, pumps or any other equipment that may cause pressure surges or fluctuations to be transmitted within the water supply system, or compromise the ability of Council to maintain its level of service.

(g) Supply water from a connected Premises to other Persons outside the ordinary use of the connected Premises.

6.2 Where the applicant is not the owner of the Premises seeking supply, the applicant must produce written evidence of their authority to act on behalf of the owner of the premises for which the supply is sought.

6.3 Council shall either approve the application and inform the applicant of the type of supply, and the conditions applicable to the applicant’s supply, or refuse the application and notify the applicant of the decision, giving reasons for the refusal.

7. CUSTOMER RESPONSIBILITIES IN ACCEPTANCE OF SUPPLY

7.1 The Customer must comply with the requirements of this bylaw, including any conditions of approval of an application under clause 6.3.

7.2 The Customer shall not transfer to any other party the rights and responsibilities provided for under this Bylaw or any approval given under this Bylaw.

7.3 Unless specifically approved by Council no Person shall use water or water pressure directly from the Water Supply for:
   (a) driving lifts, machinery, generators, condensers or any other similar device; or
   (b) a single pass cooling system; or
   (c) the dilution of trade waste prior to disposal; or
   (d) dust suppression.

7.4 The Customer shall be liable to pay for any Water Supply services.

7.5 A Supply Pipe must serve only one Premises and the Customer must not extend the Supply Pipe, by hose or any other means, to any other Premises.

7.6 In the event of a Premises changing ownership or the Customer wishing to terminate the supply, the outgoing Customer shall give Council seven working days’ notice to arrange a final water reading.

7.7 Council does not guarantee an uninterrupted or constant supply of water, or any maximum or minimum pressure.
8. **WATER SUPPLY CONNECTION AND INFRASTRUCTURE**

8.1 No person other than an Approved Licensed Contractor (under clause 16) shall undertake any works to the Water Supply Network including the connection or disconnection to or the installation of any Service Pipe.

8.2 All works to the Water Supply Network must be in accordance with Council’s Infrastructure Development Code.

8.3 No Person shall cause damage to the Water Supply Network.

8.4 No person shall do anything to the Water Supply Network that puts at risk the health and safety of those using the Water Supply Network.

8.5 All connections to the Water Supply shall include a Water Meter and a Backflow Prevention Device in accordance with clause 11.1.

9. **RESPONSIBILITIES FOR MAINTENANCE AND REPAIR**

9.1 Council is responsible for the Service Pipe, Water Meter box and fittings up to the Point of Supply and in between any Points of Responsibility.

9.2 The Customer is responsible for the Supply Pipe and fittings beyond the Point of Supply excluding the part of the Water Supply Network between any Points of Responsibility.

9.3 Council is responsible for the Parent and Child Meter boxes and all Backflow Prevention Devices but not the Supply Pipe itself, apart from the portion of Supply Pipe that is within the Points of Responsibility.

9.4 Any issues of responsibility past the Point of Supply and excluding the area within the Points of Responsibility within the property boundary are a matter for the property owners.

9.5 The Customer is responsible for repairing any leaks occurring on their side of the Point of Supply but excluding the part of the Water Supply Network between any Points of Responsibility.

9.6 The Customer shall maintain the areas in and around the Point of Supply and the Points of Responsibility, keeping them free of soil, growth or other matter or obstruction, which prevents, or hinders access to the Water Meter box and any separate Backflow Prevention Devices.

9.7 No other devices are permitted to be installed in the Water Meter box or Backflow Prevention device without Council approval.

9.8 Where in the opinion of Council any pipe, fitting or ground levels on the Customer’s side of the Point of Supply and Points of Responsibility has been damaged or is causing or likely to cause water to be wasted or is insufficient for the proper supply of water, Council may give the customer notice in writing requiring any work specified in the notice to be carried out.

9.9 Wherever practical Council will make every reasonable attempt to notify the potentially affected Persons of a scheduled maintenance shutdown of the supply network before the work commences. Where immediate action is required and this is not practical, Council may shut down the supply without notification.
10. **ACCESS TO POINT OF SUPPLY AND POINTS OF RESPONSIBILITY**

10.1 Where the Point of Supply and Points of Responsibility are on private property, the Customer shall allow Council’s Authorised Officer unrestricted access to, and about these areas between 7am and 6pm on any day for:

(i) Water Meter reading, or
(ii) checking, testing and maintenance work with advance notice being given where practicable to do so.

10.2 For works outside these hours Council shall give written notice to the Customer 48 hours prior to Council’s Authorised Officer entering the Premises except in emergency situations where Council shall be entitled to enter Premises that have a water supply at any hour without notice.

11. **BACKFLOW PREVENTION**

11.1 Every Customer must install a Backflow Prevention Device appropriate to the level of risk at the Premises as specified by Council.

11.2 The Customer shall provide to Council, on request, any information about any activities carried out on their Premises, which may contribute to the risk of Backflow or Cross Connection.

11.3 The Customer shall notify Council in writing if a change of use or a change of activity occurs that changes the risk of Backflow. Council may require a reassessment of the risk of Backflow at the Premises and if the Backflow Prevention Device requires upgrading this will be at the Customer’s cost.

12. **DEDICATED FIRE CONNECTIONS**

12.1 No person shall install a new Dedicated Fire Connection unless authorised in writing by Council to do so. Any such connection must be installed by an Approved Licensed Contractor at the applicant’s expense and shall be subject to any terms and conditions specified by Council.

12.2 Any Dedicated Fire Connection provided to supply water for fire protection shall not be used for any purpose other than firefighting and the testing of the fire protection system.

13 **FIRE HYDRANTS**

13.1 No Person shall have access to and draw water from fire hydrants unless he or she is:

- An authorised officer of Council or
- A member of the Fire Service for the purposes of testing, training or emergency incidents only or
- Is authorised by Council to do so.

14. **WORKS NEAR THE WATER SUPPLY NETWORK**

14.1 Any person proposing to carry out excavation work shall view the as-built information to determine whether or not the Water Supply Network is located in close proximity.

14.2 To protect the Water Supply Network from construction plant loading, the location of Council’s Water Supply Pipes must be marked out on site before commencing any work with heavy construction plant (above a gross weight of 10 tonnes). Before heavy construction work will be permitted over or within two metres of Council’s water pipes, an engineering assessment is to be undertaken and submitted for Council approval.
14.3 At least two working days’ notice in writing shall be given to Council of an intention to carry out Restricted Works in close proximity of the Water Supply Network, including the proposed methodology to ensure infrastructure is not impacted. Council may specify in writing any restrictions on the work it considers necessary or require an engineering assessment be undertaken to provide a methodology to protect the Water Supply Network. Council may charge for this service.

14.4 Restricted Works are works of the following type which are carried out closer than the specified distance to the asset type set out in the following table:

<table>
<thead>
<tr>
<th>Type of works</th>
<th>Types of Water Supply Network asset</th>
<th>Specified distance from the Water Supply Network</th>
</tr>
</thead>
<tbody>
<tr>
<td>General excavation</td>
<td>Pipes 300mm in diameter and greater, including connected manholes and structures</td>
<td>10 metres</td>
</tr>
<tr>
<td></td>
<td>Pipes less than 300mm in diameter, including connected manholes and structures</td>
<td>2 metres</td>
</tr>
<tr>
<td>Piling</td>
<td>Pipes 300mm in diameter and greater, including connected manholes and structures</td>
<td>10 metres</td>
</tr>
<tr>
<td></td>
<td>Pipes less than 300mm in diameter, including connected manholes and structures</td>
<td>2 metres</td>
</tr>
<tr>
<td>Blasting</td>
<td>Pipes 300mm in diameter and greater, including connected manholes and structures</td>
<td>15 metres</td>
</tr>
<tr>
<td></td>
<td>Pipes less than 300mm in diameter, including connected manholes and structures</td>
<td>15 metres</td>
</tr>
</tbody>
</table>

14.5 Any Person excavating and working around the Water Supply Network shall take due care to ensure that the network is not damaged and that bedding and backfill is reinstated in accordance with the specifications set out in the Infrastructure Development Code.

14.6 A Person causing damage to the Water Supply Network shall report that damage to Council immediately. Repairs shall be arranged by Council and repair costs may be charged to the person responsible for the damage.
15. **RESTRICTIONS ON WATER USE**

15.1 Council may impose restrictions on the use of Water Supply where it considers that its ability to maintain an adequate supply of drinking water is or may be at risk because of drought, emergency or increased water demand.

15.2 Any such restriction may apply to all of Tauranga or one or more parts of Tauranga.

15.3 Council will give such public notice as is reasonable in the circumstances of any restriction on water use under clause 15.1.

15.4 No Person may use water contrary to a restriction made under this clause.

15.5 Council may give notice in writing to any Person acting contrary to any restriction made under this clause. Council may restrict Water Supply to any Person that fails to comply with any restrictions made under clause 15.1.

16. **APPROVED LICENSED CONTRACTORS**

16.1 Only Council Approved Licensed Contractors shall undertake any works to the Water Supply Network.

16.2 The form of any application for and grant of Approved Licensed Contractor status required under this Bylaw will be determined by Council.

16.3 No application for an approval or licence from the Council, and no payment of or receipt for any fee paid in connection with such approval application or licence, shall confer any right, authority or immunity on the person making such application or payment.

16.4 Council may revoke or suspend an approval or licence granted under this Bylaw if it reasonably believes the licence holder:

(a) has acted or is acting in breach of the approval or licence; or

(b) is unfit in any way to hold such an approval or licence.

16.5 Council may require the Approved Contractor or Licence holder to attend a hearing to explain why the approval or licence should not be revoked or suspended. The Council may revoke or suspend the approval or licence at its discretion. If either:

(a) the Approved Contractor or Licence holder does not attend the hearing; or

(b) if after the hearing the Council is satisfied the Approved Contractor or Licence holder has been in breach of the licence or is unfit to hold the approval or licence.

17. **OFFENCES AND PENALTIES**

17.1 Every person who breaches this Bylaw commits an offence under section 239 of the Local Government Act 2002. Further, every Person commits a breach under this Bylaw who:

(a) Fails, refuses or neglects to comply with any notice duly given to that person under this Bylaw;

(b) Obstructs or hinders any Authorised Officer of the Council or other Council appointed person in performing any duty or in exercising any power under this Bylaw.
17.2 In accordance with section 193 of the Local Government Act 2002, any Person who fails to comply with any part of this Bylaw, may have their Water Supply restricted.

17.3 Subject to any provision to the contrary, any person guilty of an offence against this Bylaw shall be subject to the penalties set out in Section 242(4) of the Local Government Act 2002, and is liable on summary conviction to a fine not exceeding $20,000.

17.4 Council may:
(a) remove or alter any work or thing that is, or has been, constructed in breach of this Bylaw; and
(b) recover on demand the full costs of removal or alteration from the Person who committed the breach.

17.5 If a Customer or other Person defaults in undertaking any action required under this Bylaw, the Council may at its discretion, upon giving notice to that Customer or other Person, undertake that action and recover on demand from them the full cost of undertaking the action from that Person.

18. DISPENSING POWERS
18.1 Council may waive full compliance with any provisions of this Bylaw in a case where Council is of the opinion that full compliance would needlessly cause harm, loss or inconvenience to any person or business without any corresponding benefit to the community. Council may, in its discretion, impose conditions of any such waiver.
Attachment A

One meter box

One meter box and a separate backflow prevention device within one metre of the meter box

When the separate backflow prevention device is further than one metre from the meter box