

## Part A: Introduction

### 1. Preamble

- 1.1 The title of this Bylaw is the “Wellington City Council Water Services Bylaw 2024”.
- 1.2 This Bylaw is made under section 146 of the Local Government Act 2002 (the Act), which enables territorial authorities to make bylaws for the purposes of managing, regulating against, or protecting from, damage, misuse, or loss, or for preventing the use of, the land, structures, or infrastructure associated with water supply, wastewater, drainage and sanitation, and land drainage.
- 1.3 Water services issues are also regulated and controlled by other acts and regulations, including the Water Services Act 2021. Nothing in this Bylaw affects Wellington City Council’s responsibilities under these acts and regulations.
- 1.4 Nothing in this Bylaw affects any emergency powers which may be exercised under the Civil Defence Emergency Management Act 2002 in a state of emergency.

### 2. Commencement

- 2.1 This Bylaw is operative from 7 June 2024.

### 3. Revocation and savings

- 3.1 From 7 June 2024, this Bylaw revokes and replaces the Wellington City Council Consolidated Bylaw 2013 Part 8: Water Services.
- 3.2 Any resolution made under Part 8: Water Services of the Wellington City Council Consolidated Bylaw continues in force until altered or revoked by further resolution.
- 3.3 All licences and approvals issued under any revoked Bylaw will, after the coming into force of this Bylaw, be deemed to have been issued under this Bylaw and be subject to the provisions of this Bylaw.
- 3.4 All Council officers appointed under or for the purpose of any revoked Bylaw, and holding office at the time of the coming into operation of this Bylaw, will be deemed to have been appointed under this Bylaw.
- 3.5 All fees and charges fixed by resolution of the Council in regard to any goods, services, inspections, licences or approvals provided for in any revoked bylaw will apply under the corresponding provisions of this Bylaw until altered by further resolution of Council.

#### 4. Interpretation

In this Bylaw, unless inconsistent with the context, or where otherwise expressly provided:

**"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.

**"Backflow"** means the unplanned reversal of flow of water or mixtures of water and contaminants into the Water Supply Network.

**"Customer"** is the owner or occupier of the Premises that is being supplied with water.

**"Daylight Saving"** means the period defined as New Zealand daylight time in the New Zealand Daylight Time Order 2007.

**"Extra-ordinary Supply"** is a category of On Demand Supply for which water is supplied for purposes other than that of an Ordinary Supply and which may be subject to specific limitations, terms and conditions.

**"Extra-ordinary Use"** means the use of water for purposes other than Ordinary Domestic Use. These uses include, but are not limited to:

- a. domestic spa and swimming pools in excess of 10 cubic metres capacity and fixed garden irrigation systems;
- b. fire protection systems, other than domestic fire systems, which have prior approval of the Water Services Authority;
- c. temporary unmetered supply.

**"Flow Restrictor"** means a control device fitted to the Service Pipe or Service Valve (Toby) to regulate the flow of water to a customer's Premises.

**"Level of Service"** means the measurable performance standards on which the Water Services Authority undertakes to supply water to its customers.

**"Non-Domestic Use"** means the use of water for purposes other than Ordinary Domestic Use. This includes, but is not limited to:

- a. commercial and business uses;
- b. industrial uses;
- c. horticultural, agricultural and viticultural uses;
- d. fire protection systems, other than domestic fire systems, which have prior approval of the Water Services Authority;
- e. temporary unmetered supply.

**"On Demand Supply"** is a supply which is available on demand directly from the Point of Supply subject to the agreed Level of Service.

**"Ordinary Supply"** is a category of On Demand Supply solely for Ordinary Domestic Use.

**"Ordinary Domestic Use"** means the use of water solely for domestic purposes in a dwelling and subject to clause 14.2. This use includes, subject to prior Water Services Authority approval, use in a domestic fire sprinkler system, and the use of a hose for:

- a. washing down a house, car, or boat or other domestic vehicle;

- b. garden watering by hand; and
- c. garden watering by one portable sprinkler per dwelling.

**"Point of Supply"** means the point on the Service Pipe which marks the boundary between public and private responsibility, and is typically the Customer side of the Service Valve (Toby), unless otherwise specified, and regardless of whether the Service Valve (Toby) is inside or outside the property boundary.

**"Premises"** means:

- a. 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 of which a building consent has been or may be issued; or
- b. where a building exists, whether or not a building consent has been issued; or
- c. a building or part of a building that has been defined as an individual unit by a cross-lease, unit title or company lease and for which a Certificate of Title is available; or
- d. land held in public ownership, such as a reserve, for a particular purpose.

**"Prescribed Fee"** means any fees or charges approved by Wellington City Council for any items or services associated with the supply of water and includes any fees/charges adopted by Wellington City Council in accordance with the Local Government Act 2002 and the Local Government (Rating) Act 2002.

**"Public Water Services Infrastructure"** means infrastructure owned or operated by the Water Services Authority for the purposes of the delivery of water services, and includes the Water Supply Network, Wastewater Network, and Stormwater Network. This includes existing or proposed assets used or proposed to be used by the Water Services Authority to provide water services.

**"Publicly Notified"** means made publicly available, until any opportunity for review or appeal has lapsed, on the Water Services Authority's internet site and published on one occasion in one daily or weekly newspaper circulating in the district, or under emergency conditions, in the most effective way to suit the circumstances.

**"Restricted Flow Supply"** is 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 their demand fluctuations.

**"Service Pipe"** means that section of water pipe between a watermain and the Point of Supply. This section of pipe is owned and maintained by the Water Services Authority.

**"Service Valve (Toby)"** means the valve at the Customer end of the Service Pipe used to control and/or isolate the supply.

**"Special Circumstances"** means the circumstances that may lead the Water Services Authority to install a Water Meter, Flow Restrictor or/and Backflow prevention device on the supply to an Ordinary Domestic Use to a Customer's property. These circumstances include, but are not limited to:

- a. known leaks that are not repaired;
- b. where excessive use is being investigated;
- c. where water is being wasted;

- d. where the Customer cannot demonstrate that the risk of Backflow is adequately managed.

**"Stormwater Network"** means the infrastructure owned or operated by, or processes used by, the Water Services Authority to collect, treat, drain, store, reuse, or discharge stormwater. This includes overland flow paths and green water services infrastructure that delivers stormwater water services but does not include a transport stormwater system.

**"Supply Pipe"** means the 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.

**"Termination"** means cutting off the water supply to a Premise.

**"Water Meter"** means the approved device fitted to a service to determine the volume of water passing through that point.

**"Water Services Authority"** means Wellington City Council or its authorised agents.

**"Water Services Authority Approved Contractors"** are contractors approved in writing by the Water Services Authority.

**"Water Supply Area"** means any property or allotment serviced by reticulated water supply.

**"Wastewater Network"** means the infrastructure owned or operated by, or processes used by, the Water Services Authority to receive, store, convey, treat, or discharge wastewater.

**"Water Supply Network"** means the components of the network between the reservoir and the Point of Supply. This includes, but is not limited to, rising mains, trunk mains, distribution mains, rider mains, pump stations and pumps, valves, hydrants, scour lines, Service Pipes, boundary assemblies, Water Meters, Backflow prevention devices, and Service Valves (Tobies).

**"Working Day"** has the same meaning as in section 13 of the Legislation Act 2019 and the day observed as Wellington Anniversary Day.

## **5. Application of the Bylaw**

**5.1** This Bylaw and its terms and conditions apply to Water Supply, Wastewater, and Stormwater Networks and services in Wellington city.

**5.2** Any person, on applying for, or being supplied with water by the Water Services Authority accepts the terms and conditions contained in this Bylaw, and any subsequent amendments.

## Part B: Protection of Public Water Services Infrastructure

### 6. Access to Public Water Services Infrastructure

- 6.1 No person other than the Water Services Authority will have access to any Public Water Services Infrastructure (other than public overland flow paths) without the approval of the Water Services Authority, except to operate a Service Valve (Toby).
- 6.2 No person may cause damage to or otherwise interfere with Public Water Services Infrastructure.
- 6.3 Any damage which occurs to any Public Water Services Infrastructure must be reported to the Water Services Authority immediately. The person responsible for causing the damage will be liable for the cost of repair.

### 7. Working on or around Public Water Services Infrastructure

- 7.1 Any person proposing to carry out permanent or temporary work on or in close proximity to, near, or over (as defined in the Regional Standard for Water Services) Public Water Services Infrastructure, must:
  - a. Obtain written approval from the Water Services Authority prior to any work being undertaken, and
  - b. Be responsible for locating all buried services prior to commencing excavation work, and
  - c. Follow the procedures required for obtaining a Corridor Access Request (CAR) as laid down in Wellington City Council's Code of Practice for Working on the Road, and
  - d. Be responsible for immediately reporting any damage to the Water Services Authority, and for the cost of repair.

### 8. Requirements for compliance of works

- 8.1 All connections, installations, maintenance, repair works, and any other work on or around Public Water Services Infrastructure must be in accordance with this Bylaw, the Regional Standard for Water Services (which incorporates the Regional Specification for Water Services), relevant regulations, and Wellington City Council policies, unless otherwise agreed by the Water Services Authority.

# Part C: Water Supply

## 9. Application for supply

### 9.1 Any Customer who wants to:

- a. obtain a new connection to the water supply; or
- b. replace an existing connection to the water supply; or
- c. alter an existing connection to the water supply, including disconnection from the public network or installation/disconnection of Water Meters, Flow Restrictors, or Backflow prevention devices; or
- d. change the use of, demand on, or capacity of the water or Level of Service to their Premises

must make an application on the prescribed form, including all the information required by the Water Services Authority, and pay any Prescribed Fee.

### 9.2 No connection to the Water Supply Network, replacement or alteration of existing connections, or change of use, may be made without the prior written approval of the Water Services Authority.

### 9.3 The applicant must be the owner of the Premises or have the written authority to act on behalf of the owner of the Premises for which the supply is sought.

### 9.4 On receipt of a complete application and the Prescribed Fee, the Water Services Authority will either:

- a. approve the application, subject to any conditions the Water Services Authority considers appropriate, including conditions to comply with this Bylaw, the Regional Standard for Water Services (which incorporates the Regional Specification for Water Services), relevant regulations, and Wellington City Council policies; or
- b. refuse the application; or
- c. request further information to be supplied by the applicant within a specified time.

### 9.5 The Water Services Authority will notify the applicant of its decision in writing within 10 Working Days.

### 9.6 New connections, including all pipes, fittings and any other equipment, up to the Point of Supply, must only be installed by Water Services Authority Approved Contractors at the applicant's cost. The applicant must arrange for the contractor both to complete the work and to provide the Water Services Authority with written confirmation that the work was completed by them.

### 9.7 Approved applications that have not been implemented within six months of the date of approval will lapse unless the Water Services Authority approves an extension before the six-month period expires. Any refund of fees paid will be at the sole discretion of the Water Services Authority.

## **10. Point of Supply**

- 10.1** For each Customer there must be only one Point of Supply, unless otherwise approved by the Water Services Authority.
- 10.2** The location of any Point of Supply for single or multiple dwelling units will be as defined in the Regional Standard for Water Services, unless otherwise agreed by the Water Services Authority.
- 10.3** For a multiple ownership supply which was in existence prior to this Bylaw coming into effect, the Point of Supply shall be the arrangements that existed at that time, or as determined by agreement with the Water Services Authority in any individual case.

## **11. Access to Point of Supply**

- 11.1** Where the Point of Supply is on private property, the Customer must allow the Water Supply Authority access to, and about, the Point of Supply between 7:30am and 6:00pm on any day for:
- a. Water Meter reading without notice; and
  - b. Checking, testing, and maintenance work, with prior notice being given whenever possible.
- 11.2** Outside the hours in clause 11.1 of this Bylaw (such as for night-time leak detection), the Water Supply Authority will give notice to the Customer.
- 11.3** In the case of a network failure or significant fault or emergency, the Customer must allow the Water Supply Authority free access to, and about, the Point of Supply at any hour.

## **12. Ownership, maintenance, and other responsibilities relating to water supply**

- 12.1** The Water Services Authority will own and maintain the Service Pipe and fittings up to and including the Point of Supply, including any Water Meter where fitted.
- 12.2** The Customer must own and maintain the Supply Pipe and fittings, including any Backflow prevention device, on the Customer's side of the Point of Supply. Without limiting that obligation on the Customer, the Customer must undertake any specific maintenance or repairs on the Customer's side of the Point of Supply, as directed by the Water Services Authority.
- 12.3** The Water Services Authority gives no guarantee as to the serviceability of the Service Valve (Toby) located on the Service Pipe.
- 12.4** The Customer must take due care to protect from damage the Water Services Authority's equipment up to the Point of Supply, including pipework, valving and Flow Restrictors.
- 12.5** The Customer must maintain the area in and around the Point of Supply to keep it free of soil, growth, or other matter or obstruction which prevents or is likely to prevent convenient access.

- 12.6** Customers must not allow water to run to waste, allow leaks to continue unchecked or unrepaired, or breach any water restrictions.
- 12.7** Where a Customer ignores advice from the Water Services Authority to repair an ongoing leak, the Water Services Authority may repair the leak and charge the Customer all associated costs as provided in the Local Government Act 2002.
- 12.8** Pumps, hydraulically-driven equipment, quick-closing valves of any kind or any other equipment which may cause pressure surges to be transmitted, must not be connected directly to the Supply Pipe. The Water Services Authority reserves the right to approve such equipment at its discretion.

## **13. Types of supply**

### **13.1 Ordinary Supply**

- a. Every residential Premises is entitled to an Ordinary Supply of water, subject to:
- i. the Premises being within the Water Supply Area, and the Water Services Authority's reticulated water supply being available and capable of servicing the Premises;
  - ii. during the official periods of Daylight Saving, garden and lawn watering being permitted only:
    - a. by sprinkler, irrigation or watering system, or a single unattended hose, and
    - b. during the hours of 6:00am-8:00am and 7:00am-9:00pm, and
    - c. on alternate days: even-numbered houses on even-numbered days and uneven (odd) numbered houses on uneven (odd) numbered days;
  - iii. the exclusion of its use under any restrictions imposed under clause 14.2 of this Bylaw;
  - iv. payment of any Prescribed Fees in respect of the Premises;
  - v. compliance with the terms and conditions of this Bylaw or any Water Services Authority approval;
  - vi. payment of any other charges or costs associated with sub-divisional development; and
  - vii. the Water Services Authority reserving the right in Special Circumstances to:
    - a. install an approved Water Meter; or/and
    - b. install a Flow Restrictor; or/and
    - c. install a Backflow prevention device.

### **13.2 Extra-ordinary Supply**

- a. The Water Services Authority is under no obligation to provide an Extra-ordinary Supply of water. However, if it does:
- i. the supply will be metered and charged for in accordance with any Prescribed Fee;
  - ii. the Customer will meet all costs relating to the installation of the Water Meter and any testing of the Water Meter that the Customer requests; and



- iii. the Water Services Authority will retain ownership of the Water Meter and be responsible for maintaining it.

### **13.3 Restricted Flow Supply**

- a. A Restricted Flow Supply will only be available to Premises within an area and/or under special conditions approved by the Water Services Authority.
- b. The Water Services Authority reserves the right to require Customers to have a Water Meter fitted and to charge any Prescribed Fee.
- c. A Restricted Flow Supply will be provided at a restricted uniform flow rate which allows for minimal consumption levels only.

## **14. Continuity of supply**

### **14.1 Uninterrupted service and maintenance of pressure**

- a. The Water Services Authority does not guarantee an uninterrupted or constant supply of water, nor does the Water Services Authority guarantee maintenance of an existing pressure and flow.
- b. If a Customer has a particular requirement for an uninterrupted service (flow, pressure or quality), it will be the responsibility of that Customer to provide any necessary storage, backup facilities, or equipment.
- c. Nothing in this Bylaw should be construed as obliging the Water Services Authority to provide or continue to provide a supply of water to any property. No allowance or compensation will be made or allowed by the Water Services Authority if the water supply is restricted or interrupted, or if there is any change of pressure in the supply.

### **14.2 Demand management**

- a. The Customer must comply with any water restrictions which may be approved by the Water Services Authority to manage high seasonal or other demands. Any restriction or prohibition, as contained in Schedule One – Water Use Restrictions, will be imposed by authority delegated to the Wellington City Council Chief Executive Officer and will be advised to Councillors and Publicly Notified prior to coming into effect.
- b. The restrictions or prohibitions set out in Schedule One – Water Use Restrictions may be varied at any time by the Water Services Authority. Variations will be made by authority delegated to the Wellington City Council Chief Executive Officer and will be advised to Councillors and Publicly Notified.
- c. No person may use, or allow to be used, water from the city's reticulated supply in contravention of any restriction or prohibition made under this Bylaw.

### **14.3 Emergency restrictions**

- a. Where there is an emergency (including natural hazards such as floods, drought or earthquake), this may result in disruption to the supply of water and the intended level of service may not be maintained.
- b. During an emergency, the Water Services Authority may restrict or prohibit the use of water for any specific purpose, for any specific period and for any or all of its

Customers. Such restrictions will be publicly notified in the most effective way to suit the circumstances.

- c. Where an immediate action is required, any restriction or prohibition may be imposed by an authorised officer of Wellington City Council subject to subsequent Council ratification.
- d. Nothing in this Bylaw affects any emergency powers which may be exercised by Taumata Arowai under the Water Services Act 2021.

#### **14.4 Supply during repair and maintenance**

- a. Wherever practical, the Water Services Authority will make every reasonable attempt to notify the Customer of a scheduled repair or maintenance shutdown of the supply before the work commences. Where immediate repair or maintenance is required and notification is not practical, the Water Services Authority may shut down the supply without notice.

#### **14.5 Liability**

- a. The Water Services Authority will meet Level of Service requirements but is not 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.

### **15. Fire protection connection**

**15.1** No connection to the water supply for fire protection may be made without prior written approval from the Water Services Authority.

**15.2** Any proposed connection for fire protection must be the subject of an application on the prescribed form to the Water Services Authority. The application must include all the details required and be accompanied by any Prescribed Fee.

**15.3** The Water Services Authority may either grant an application made under clause 15.2, subject to any conditions the Water Services Authority considers appropriate, or refuse the application. The Water Services Authority will notify the applicant of its decision in writing within 10 Working Days.

**15.4** The Water Services Authority will strive to provide firefighting flows and pressures in compliance with NZS PAS 4509. However, the Water Services Authority will be under no obligation to provide a fire protection supply at any particular flow or pressure.

**15.5** The Water Services Authority reserves the right to require the Customer to supply and install an approved Water Meter at any time for water supply for fire protection and to pay any Prescribed Fee.

**15.6** Where an unmetered connection has been provided to supply water to a fire protection system, this must be used for no other purpose than firefighting and testing the fire protection system.

**15.7** It is the Customer's responsibility to ascertain and periodically monitor whether the fire protection supply available is adequate for the intended purpose.

**15.8** Water used for the purpose of extinguishing fires will be supplied free of charge. Where the fire protection connection is metered and water has been used for firefighting purposes, the Water Services Authority will, upon notification, assess the quantity of water used, and a sum based on the estimate at the appropriate charge rate will be credited to the Customer's account.

**15.9** Customers intending to test fire protection systems requiring a draw-off of water must obtain prior approval from the Water Services Authority. Water used for routine flushing and flow testing does not constitute waste, but the quantity of water used may be assessed and charged for by the Water Services Authority.

## **16. Drawing of water from fire hydrants**

**16.1** The right to gain access to, and draw water from, fire hydrants is restricted to:

- a. the Water Services Authority, authorised contractors to the Water Services Authority, or otherwise as approved by the Water Services Authority;
- b. Fire and Emergency New Zealand personnel for the purpose of Fire and Emergency New Zealand operations;
- c. Other emergency services; and
- d. Persons with an approved permit to draw water, in accordance with the terms and conditions of approval.

**16.2** To obtain a permit to draw water from a fire hydrant, the applicant must make an application to the Water Services Authority, including all information required, and pay any Prescribed Fee. The Water Services Authority may, at its discretion, grant or decline such an application and if granted, may impose whatever conditions it sees fit, including limiting the time period when water can be drawn from the hydrant.

**16.3** Any person using a fire hydrant in breach of clause 16.1 of this Bylaw must immediately remove the standpipe when requested to do so by the Water Services Authority.

**16.4** Any person using a fire hydrant pursuant to clause 16.1(d) of this Bylaw is liable to the Water Services Authority for any damage or loss caused to the fire hydrant or the Water Supply Network as a result of that use.

## **17. Drawing of water from authorised locations**

**17.1** The Water Services Authority reserves the right to decline, revoke, or modify any written approval to draw water from authorised locations at any time, and may direct water to be drawn only from other alternative locations as approved by the Water Services Authority.

## **18. Backflow prevention**

**18.1** The Customer and the Water Services Authority have responsibilities under both the Building Act 2004 and the Water Services Act 2021 to take all necessary measures to

ensure that water drawn from the public Water Supply Network does not return to that supply network.

**18.2** These responsibilities include:

- a. providing adequate Backflow prevention appropriate to the hazard classification under the Building Code and/or to the level of risk assessed by the Water Services Authority, and
- b. ensuring there is no cross-connection between the public Water Supply Network and:
  - i. any other water supply (potable or non-potable);
  - ii. any other water source;
  - iii. any storage tank; or
  - iv. any other pipe, fixture or equipment containing chemicals, liquids, gases, or other non-potable substances.

**18.3** Excluding for Ordinary Supply, if the Water Services Authority determines that there is a risk of Backflow and the Customer is not able to demonstrate that the risk is being adequately managed, the Water Services Authority may install a Backflow prevention device on the Water Services Authority's side of the Point of Supply.

**18.4** For Backflow prevention devices required under clause 18.3 of this Bylaw, the Water Services Authority may require the Customer to reimburse costs of installation, maintenance, and testing of the device.

**18.5** Where a testable Backflow prevention device has been installed, the Customer must maintain and test the Backflow prevention device in accordance with the Building Code and any additional requirements specified by the Water Services Authority.

## **19. Water Meters and Flow Restrictors**

**19.1** Ordinary Domestic Use is not required by the Water Services Authority to be metered unless the provisions of clause 13.1(a)vii are in place.

**19.2** Non-Domestic Use must be metered. All Water Meters must be installed by the Customer in compliance with the requirements of the Water Services Authority. The Customer will pay for the initial installation of the Water Meter. The Water Services Authority will own and maintain the meter thereafter. All owners of Premises which have a metered supply must pay the Prescribed Fee in relation to that supply.

**19.3** All Extra-ordinary Supply must be metered. All Water Meters must be installed by the Customer in compliance with the requirements of the Water Services Authority. The Customer will pay for the initial installation of the Water Meter. The Water Services Authority will own and maintain the meter thereafter. All owners of Premises which have a metered supply must pay the Prescribed Fee in relation to that supply.

**19.4** Flow Restrictors for Restricted Flow Supplies will be supplied, installed and maintained by the Water Services Authority and will remain the property of the Water Services Authority.

**19.5** In Special Circumstances, subject to Clause 13.1(a)vii, where known water wastage remains unresolved, subject to the 'Special Circumstances Water Services Bylaw Procedure' establishing water wastage, a customer must pay any Prescribed Fee and any fee in relation to that supply.

- 19.6** Where a Customer requests the Water Services Authority to test a Water Meter, the Water Services Authority will arrange a test to be carried out and all costs associated with the test must be met by the Customer.
- 19.7** A Customer with an Ordinary Supply may make an application for the installation of a Water Meter to enable the Customer to change from a capital value rates charge for water to a water-by-meter charge. The Customer will meet all costs in relation to the installation of the Water Meter. The Water Services Authority will own and maintain the Water Meter.
- 19.8** If a Customer suspects that a Water Meter has been tampered with, the Customer must immediately notify the Water Services Authority.
- 19.9** If any Water Meter is out of repair or ceases to register, the Water Services Authority will estimate the consumption for the period since the previous reading.

## **20. Termination**

- 20.1** The Customer must make an application to the Water Services Authority for Termination of water supply on the prescribed form, including all the information required by the Water Services Authority and pay any Prescribed Fee.
- 20.2** On receiving approval of Termination from the Water Services Authority, the Customer must arrange for any Termination to be undertaken by a Water Services Authority Approved Contractor.
- 20.3** Where a metered premises is to be demolished, the Customer must give 48 hours' notice to arrange a final reading. The Customer must also make an application to the Water Services Authority for removal of the Water Meter and Termination of water supply.

## **21. Change of Premises ownership or tenant**

- 21.1** In the event of a Premises changing ownership or tenant, the outgoing owner/tenant must advise the Water Services Authority of the details of the new owner or tenant as being the Customer at that Premises.
- 21.2** Where a premises is metered, the outgoing Customer must give the Water Services Authority 48 hours' notice to arrange a final reading.

# **Part D: General and Administrative**

## **22. Fees, waivers, forms, and processes**

- 22.1** Wellington City Council may by resolution prescribe or vary any fee in respect of any matter provided for in this Bylaw.
- 22.2** The Water Services Authority may refund, remit or waive any fee prescribed by this Bylaw or charge payable for a certificate, authority, permit or consent from, or inspection by, the Water Services Authority, for any reason it thinks fit.

**22.3** The Water Services Authority may prescribe the form of, and process to be followed for, any application, certificate, licence permit or other document, which is required under this Bylaw. These forms and processes may be altered or amended at any time.

**22.4** An application to the Water Services Authority can be made to waive full compliance with any provision of this Bylaw on the basis that it would needlessly injure or affect any person, the operation of any business, or cause loss or inconvenience to any person, without any corresponding benefit to the community.

**22.5** On receipt of an application under clause 22.4 of this Bylaw, the Water Services Authority may waive the strict observance or performance of any provision of this Bylaw and impose such other terms or conditions consistent with the intention and purpose of the Bylaw as the Water Services Authority may think fit.

## **23. Removal of works in breach of Bylaw and recovery of costs**

**23.1** The Water Services Authority may remove or alter any work or thing constructed in contravention of any provision of this Bylaw.

**23.2** The Water Services Authority may recover from any person responsible for the construction, or permitting the continued existence of any such work or thing, all costs incurred in connection with any removal or alteration.

**23.3** The exercise of clause 23.1 of this Bylaw will not relieve any person from liability for constructing or permitting the continued existence of any such work or thing.

## **24. Payment**

**24.1** The Customer will be liable to pay for the supply of water and related services in accordance with the Water Services Authority's Prescribed Fee.

**24.2** The Water Services Authority may recover all unpaid water charges for metered water usage, in the manner prescribed in the Local Government (Rating) Act 2002.

**24.3** Any person who causes damage to any Public Water Services Infrastructure will be liable to pay the costs of repair.

## **25. Transfer of rights and responsibilities**

**25.1** The Customer's rights and responsibilities provided for under this Bylaw are not transferable.

**25.2** Water which the Customer draws from the public supply must not be provided to any other party without prior Water Services Authority approval and a Customer must not extend the water supply by means of any hose or other pipe to a party beyond the Customer's property.

## **26. Offences and penalties**

**26.1** Every person commits an offence against this Bylaw who:

- a. does or permits anything contrary to this Bylaw;

- b. omits or neglects to do anything which ought to be done at the time and in the manner provided in this Bylaw;
  - c. fails to comply with any duty, obligation, or condition imposed by this Bylaw;
  - d. fails to comply with any resolution made under this Bylaw;
  - e. fails to comply with any approval granted under the Bylaw, including any condition of an approval granted under this Bylaw;
  - f. provides an incorrect application for supply which fundamentally affects the provisions.
- 26.2** The continued existence of any work, building, land, premises or thing in contravention of any part of this Bylaw is deemed to be a continuing offence under this Bylaw.
- 26.3** Any person who breaches any part of this Bylaw commits an offence and is liable on conviction to the penalties prescribed in the Local Government Act 2002.
- 26.4** Without prejudice to clause 26.3 of this Bylaw, the Water Services Authority may take any other action in relation to things done or not done under this Bylaw.

## **27. Resolution power**

- 27.1** The Water Services Authority may, by resolution, impose such prohibitions, restrictions, controls, or directions it sees fit regarding the use of Water Supply, Wastewater, and Stormwater Networks and services.
- 27.2** The Water Services Authority may, by resolution, impose any requirements it sees fit in relation to the installation and maintenance of infrastructure necessary for Water Supply, Wastewater, and Stormwater Networks and services.

# Schedule One – Water Use Restrictions

Clause 14.2 ‘Demand management’ of the Wellington City Council Water Services Bylaw 2024 requires that:

- a. The Customer must comply with any water restrictions which may be prescribed by the Water Services Authority to manage high seasonal or other demands. Any restriction or prohibition, as contained in Schedule One – Water Use Restrictions, will be imposed by authority delegated to the Wellington City Council Chief Executive Officer and will be advised to Councillors and Publicly Notified prior to coming into effect.
- b. The restrictions or prohibitions set out in Schedule One – Water Use Restrictions may be varied at any time by the Water Services Authority. Variations will be made by authority delegated to the Wellington City Council Chief Executive Officer and will be advised to Councillors and Publicly Notified.
- c. No person may use, or allow to be used, water from the city’s reticulated supply in contravention of any restriction or prohibition made under this Bylaw.

The Schedule of Water Use Restrictions that may be imposed by Wellington City Council through the authority delegated to the Chief Executive Officer is as follows:

## **Level One (provides for):**

- Daylight Saving alternate-day garden watering allowances and handheld hose use during the hours of 6:00am to 8:00am and 7:00pm to 9:00pm
- Water patrols (providing advice on allowed watering hours)
- Joint communications across councils

## **Level Two (provides for):**

- Level One, plus,
- Ban on garden sprinklers, irrigation systems and unattended hosepipes for all households. Handheld watering devices can be used at any time, on any day as long as they are attended.
- Increased communications and proactive water patrols

## **Level Three (provides for):**

- Level Two, plus,
- Ban on domestic hose use (watering-can/bucket use only)
- Increased communications and proactive water patrols



**Level Four (provides for):**

- Level Three, plus,
- Ban on non-essential water use (banned activities to be publicly notified)
- Supply rationing to prioritise essential services (if required)
- Increased communications and proactive water patrols

Water use restrictions at Levels One to Four inclusive may be imposed by Wellington City Council through the authority delegated to the Chief Executive Officer.

Any restrictions over and above Level Four may only be imposed following the declaration of:

- a. a state of local emergency as per section 68 (*Declaration of state of local emergency*) of the Civil Defence Emergency Management Act 2002; or
- b. a state of national emergency as per section 66 (*Declaration of state of national emergency*) of the Civil Defence Emergency Management Act 2002; or
- c. a drinking water emergency as per section 59 (*Taumata Arowai may declare drinking water emergency*) of the Water Services Act 2021.