

## PROPOSED WELLINGTON CITY COUNCIL WATER SUPPLY BYLAW 2012

### **Introduction**

The Local Government Act 2002 (the Act) enables the Council to make bylaws for the management and protection of water supplies, waste water, drainage and sanitation. These matters are also subject to statutory controls in the Act and other enactments. The need for a bylaw covering these matters is founded upon addressing perceived problems that are not effectively controlled by statute or regulation.

This bylaw is made pursuant to Part 8 of the Act.

### **Title**

The title of this bylaw is the Wellington City Council Consolidated Bylaw 2012 Part 8: Water Services.

### **Commencement**

The bylaw shall be operative from (date). Unless revoked or reviewed sooner, it shall be reviewed no later than (date). If not reviewed by (date) this bylaw is revoked on (date).

### **Bylaws revoked & amended**

From (date) the consolidated bylaw shown in Schedule 1 (Wellington City Council Bylaw 2008 Part 8:Water Services) is revoked.

## **1. Interpretation**

In this part of the 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 a flow of water or other liquid through any service pipe or supply pipe in a reverse direction to the normal supply flow.

**"Council Approved Contractors"** are contractors approved in writing by Council from time to time. A current list of these contractors is available from the Council.

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

**"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:

- (i) domestic spa and swimming pools in excess of 10 cubic metres capacity and fixed garden irrigation systems;
- (ii) fire protection systems, other than sprinkler systems installed to comply with NZS4517, which have prior approval of Council; or
- (iii) temporary supply.

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

**"On Demand Supply"** 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 used solely for domestic purposes.

**"Ordinary Domestic Use"** means the use of water solely for domestic purposes in a dwelling and subject to clause 8.3. This use includes, subject to prior Council approval, use in a fire sprinkler system installed to comply with NZS4517:2002 and the use of a hose for:

- (i) washing down house, a car, or boat or other domestic vehicle;
- (ii) garden watering by hand; and
- (iii) garden watering with one portable sprinkler per premises.

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

- (i) commercial and business uses;
- (ii) industrial uses;
- (iii) horticultural, agricultural and viticultural uses;
- (iv) fire protection systems, other than sprinkler systems installed to comply with NZS4517, which have prior approval of Council;
- (v) temporary supply.

**"Point of Supply"** - the point on the service pipe leading from the water main to the premises which marks the boundary of responsibility between the customer and the Council, irrespective of property boundaries.

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

**"Publicly Notified"** means 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 particular circumstances.

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**"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.

**"Restrictor"** means a control device fitted to the service pipe or service valve to regulate the flow of water to a customer's premises.

**"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 Council.

**"Service Valve (Toby/Manifold)"** means the valve at the customer end of service pipe used to control and/or isolate the supply.

**"Special circumstances"** means the circumstances that may lead the Council to install a meter on the supply to an "Ordinary Domestic Use" to a customer's property. This includes, but is not limited to:

- Known leaks that remain unrepaired
- Where excessive usage is being investigated
- Where water is being wasted.

**"Supply Pipe"** means that section of pipe between the point of supply and the customer's premises through which water is conveyed to the premises. This section of pipe is owned and maintained by the Customer.

**"Termination"** means the physical cutting off of the 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 Supply Area"** means any property or allotment serviced by reticulated water supply.

**"Water Supply Connection Standards"** means the Council's Water Supply Connection Standards, which is a public document and is available on the Council's website: [www.wcc.govt.nz](http://www.wcc.govt.nz).

**"Water Supply System"** all of the components of the network between the reservoir and the point of supply. This includes but not limited to rising mains, trunk mains distribution mains, rider mains, pump stations and pumps, valves, hydrants, scour lines, service pipes, boundary assemblies, meters, backflow prevention devices, manifolds and tobies.

**"Water Unit"** means the basis of measurement for a restricted flow supply and equals to a volume of 365 m<sup>3</sup> delivered at the rate of 1 m<sup>3</sup> per day.

### 2. Application of the Bylaw

**2.1** Any person being supplied with, or who has made application to be supplied with, water by the Council is deemed to accept the terms and conditions contained in this Bylaw, and any subsequent amendments.

**2.2** This Bylaw and its terms and conditions shall come into effect on the date notified by the Council, for customers receiving a supply at that time, and at the date of receipt of supply for customers connected after that time.

### **3. Application for Supply**

**3.1** Any person who wants to:

- (a) obtain a new connection to the water supply; or
- (b) replace an existing connection; or
- (c) alter an existing connection; or
- (d) change the use of the water or level of service,

must make an application on the prescribed form, including all the information required by the Council and pay any prescribed fee. No connection to the water supply, replacement or alteration of existing connections or change of use, shall be made without the prior written approval of the Council.

**3.2** 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.

**3.3** On receipt of a complete application the Council will either:

- (a) approve the application, subject to any conditions the Council considers appropriate; or
- (b) refuse the application; or
- (c) request further information to be supplied by the applicant within a specified time.

The Council will notify the applicant of its decision in writing within 10 working days.

**3.4** New connections, including all pipes, fittings and any other equipment, up to the point of supply, shall only be installed by Council approved contractors and shall be at the cost of the applicant. The applicant shall arrange for the Council approved contractor to complete the work and provide to the Council written confirmation from that contractor that the work was completed by them. No water can be taken from the water supply until that confirmation is received by the Council and acknowledged by the Council.

**3.5** An approved application under clause 3.3, which has not been implemented within six months of the date of application, will lapse unless the Council approves an extension, before the 6 month period expires. Any refund of fees paid will be at the sole discretion of the Council.

**3.6** Any water supply connection must comply with any requirements of the Council, including any requirements contained in the Water Supply Connection Standards.

### **4. Point of Supply**

**4.1** For each customer there shall be only one point of supply, unless otherwise approved by the Council. The service valve (Toby/Manifold) shall be located 450mm from the boundary, in the berm where possible or as close as possible where fences, walls or other permanent structures make it difficult to locate it at the required position. Other positions shall require specific approval.

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**4.2** The point of supply for single dwelling units, for customers on joint rights of way, common access strips and for the different forms of multiple ownership of premises and/or land shall be located as shown in the Water Supply Connection Standards unless otherwise agreed by the Council.

**4.3** 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 Council in any individual case.

### **5. Responsibility for maintenance**

**5.1** The Council shall own and maintain the service pipe and fittings up to the point of supply, including any water meter where fitted. The customer shall own and maintain the supply pipe beyond the point of supply. Without limiting that obligation on the customer, the customer shall undertake any specific maintenance or repairs on the customer's side of the point of supply, as directed by Council.

**5.2** The Council gives no guarantee as to the serviceability of the service valve (Toby/Manifold) located on the service pipe.

### **6. Ordinary supply**

**6.1** Every residential premise shall be entitled to an ordinary supply of water, subject to:

- (a) the premises being within the Water Supply Area, and the Council's reticulated water supply being available and capable of servicing the premises;
- (b) the exclusion of its use under any restrictions imposed by the Council under clause 8.3 of this Bylaw;
- (c) payment of any prescribed charges in respect of the premises;
- (d) compliance with the terms and conditions of this Bylaw or contained within any Council approval;
- (e) payment of any other charges or costs associated with subdivisional development; and
- (f) Council reserving the right in "special circumstances" to:
  - (i) install an approved water meter; or
  - (ii) install a flow restrictor.

## **Extra-ordinary Supply**

- 6.2** The Council is under no obligation to provide an extra-ordinary supply of water. However, if it does:
- (a) it shall be metered and charged for in accordance with any prescribed fee;
  - (b) the customer will meet all costs in relation to the initial installation of the water meter and testing of it if requested by the customer; and
  - (c) the Council will retain ownership of the water meter and be responsible for maintaining it

## **7. Restricted flow supply**

- 7.1** Restricted flow supply shall only be available to premises within an area and/or under special conditions approved by the Council.
- 7.2** The Council reserves the right to require customers to have a meter fitted and to charge any prescribed fee.
- 7.3** A Restricted Flow Supply shall be measured on the basis of an agreed number of units supplied at a uniform flow rate.

## **8. Continuity of Supply**

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

- 8.1** The Council does not guarantee an uninterrupted or constant supply of water, nor does the Council guarantee maintenance of an existing pressure and flow.
- 8.2** If a customer has a particular requirement for an uninterrupted level of service (flow, pressure or quality), it will be the responsibility of that customer to provide any necessary storage, back up facilities, or equipment.

### **Demand Management**

- 8.3** The customer shall comply with any restrictions which may be approved by Council to manage high seasonal or other demands. Any restriction or prohibition will be imposed by resolution and will be publicly notified.
- 8.4** No person may use any water, or allow any water to be used, in contravention of any restriction or prohibition made by the Council under this Bylaw.

### **Emergency Restrictions**

- 8.5** 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 level service may not be maintained.
- 8.6** During an emergency the Council 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 shall be publicly notified. Where an immediate action is required any restriction or prohibition may be imposed by an authorised officer of the Council subject to subsequent Council ratification.

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### **Repair and Maintenance**

- 8.7** Wherever practical the Council 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 Council may shut down the supply without notice.

### **Liability**

- 8.8** The Council shall 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.

### **9. Fire Protection Connection**

- 9.1** No connection to the water supply for fire protection shall be made without the prior written approval of the Council. Any proposed connection for fire protection shall be the subject of an application (on the prescribed form) to the Council. It shall include all the details required by the Council and be accompanied by the prescribed fee (if any). Any such application may be granted, subject to any conditions the Council considers appropriate, or refused. The Council will notify the applicant of its decision in writing within 10 working days.

Any fire connection must comply with the requirements of the Council, including any requirements contained in the Water Supply Connection Standards.

- 9.2** The Council shall be under no obligation to provide a fire protection supply at any particular flow or pressure.
- 9.3** The Council 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 pay any prescribed fee. The metering of fire connections shall be as shown in the Water Supply Connection Standards, unless otherwise agreed by the Council.
- 9.4** Notwithstanding clause 9.3, for a fire connection (including those installed prior to the coming into effect of this Bylaw) which is so constructed or so located that it is likely or possible that the water will be drawn from it (including hydrants) or from any part of it by any person for purposes other than fire fighting, the Council shall require the customer to install a water meter suitable for the purpose, on the connection.
- 9.5** The right to gain access to, and draw water from, fire hydrants shall be restricted to:
- (a) the Council or its authorised officers;
  - (b) Fire Service personnel for the purpose of Fire Service operations; and
  - (c) fire hydrant permit holders, during the period for which the permit has been issued.
- 9.6** To obtain a fire hydrant permit, the applicant must make an application to the Council, including all information required by

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Council and payment of the prescribed fee (if any). The Council may, in 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.

- 9.7** Where an unmetered connection has been provided to supply water to a fire protection system this shall be used for no other purpose than fire fighting and testing the fire protection system.
- 9.8** Handheld hoses intended for fire-fighting purposes are not to be used for purposes other than fire-fighting or testing of that system
- 9.9** It shall be the customer's responsibility to ascertain and periodically monitor whether the fire protection supply available is adequate for the intended purpose.
- 9.10** 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 fire fighting purposes, the Council shall, upon notification, assess the quantity of water used, and a sum based on the estimate at the appropriate charge rate shall be credited to the customer's account.
- 9.11** Customers intending to test fire protection systems in a manner that requires a draw-off of water shall obtain approval from the Council beforehand. Water used for routine flushing and flow testing does not constitute waste but quantity of water used may be assessed and charged for by the Council.

### **10. Backflow Prevention**

- 10.1** It is the customer's responsibility to take all necessary measures on the customer's side of the point of supply to prevent water which has been drawn from the Council's water supply from returning to that supply. Council retains the right to fit a backflow prevention device on the customer's side of the point of supply at the customer's expense.
- 10.2** All water for shipping and fire service connections shall have an approved backflow prevention device installed on the customer's side of the point of supply at the customer's expense.
- 10.3** The customer is required to maintain the backflow prevention device in proper working order and undertake the annual inspection by an Independent Qualified Person (IQP). The annual inspection certification shall be forwarded to Council's Building Consents and Licensing Services Department
- 10.4** Failing to comply with 10.3 will result in the Council Building Consents and Licensing Services Department issuing an infringement notice to the customer.

### **11. Meters and Flow Restrictors**

- 11.1** "Ordinary Domestic Use" is not required by the Council to be metered unless the provisions of clause 6.1(f) are in place.
- 11.2** "Non-Domestic Use" shall be metered. All meters must be installed by the customer in compliance with the requirements of the Council. The customer will pay for the initial installation of

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the meters as prescribed in the Water Supply Connection Standards. The Council will own and maintain the meter thereafter. All owners of premises which have a metered supply shall pay the prescribed fee in relation to that supply

- 11.3 All extra-ordinary supply shall be metered. All meters must be installed by the customer in compliance with the requirements of the Council. The customer will pay for the initial installation of the meters as prescribed in the Water Supply Connection Standards. The Council will own and maintain the meter thereafter. All owners of premises which have a metered supply shall pay the prescribed fee in relation to that supply.
- 11.4 Restrictors for restricted flow supplies, shall be supplied, installed and maintained by the Council and shall remain the property of the Council.
- 11.5 In “Special Circumstances”, subject to Clause 6.1(f), where known water wastage remains unresolved, subject to the ‘Special Circumstances Water Service Bylaw Procedure’ establishing water wastage, a metered supply shall pay any prescribed fee and any fee in relation to that supply.
- 11.6 Where a customer requests the Council to test the meter, the Council will arrange a test to be carried out as prescribed in the Water Supply Connection Standards and all costs associated with test shall be paid for by the customer.
- 11.7 A customer (with an ordinary supply) may make 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 Council shall own and maintain the meter.
- 11.8 If the customer suspects that the meter has been tampered with the Council should be notified immediately.
- 11.9 Should any meter be out of repair or cease to register the Council shall estimate the consumption for the period since the previous reading as prescribed in the Water Supply Connection Standards.

### **12. Customer Responsibilities**

- 12.1 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 Plumbers, Gasfitters and Drainlayers Act 1976, the Building Act 2004 and the New Zealand Building Code and any other relevant statutory requirements in place at the time. In addition, the customer's plumbing system shall comply with any requirements in the Water Supply Connection Standards.
- 12.2 Customers must not allow water to run to waste, allow leaks to continue unchecked or repaired or allow the unattended operation of hoses.
- 12.3 Where a customer ignores advice from the Council to repair an on-going leak, the Council may repair the leak and charge the

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customer all associated cost as provided in the Local Government Act 2002.

- 12.4** Pumps, hydraulically driven equipment, quick closing valves of any kind or any other equipment which may cause pressure surges to be transmitted, shall not be connected directly to the supply pipe.

### **13. Working Around Buried Services**

**13.1** Any person proposing to carry out excavation work shall:

- (a) Be responsible for locating all buried services prior to commencing excavation work, and
- (b) Follow the procedures required for obtaining a Road Opening Notice (as laid down in the Council's Code of Practice for Working on the Road).

**13.2** Any damage which occurs to a Council service shall be reported to the Council immediately. The person causing the damage shall be liable for the cost of repair.

### **14. Council Equipment**

**14.1** The customer shall take due care to protect from damage the Council equipment up to the point of supply, including pipework, valving and restrictors.

**14.2** 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.

### **15. Payment**

**15.1** The customer shall be liable to pay for the supply of water and related services in accordance with the Council's prescribed fee.

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

### **16. Transfer of Rights and Responsibilities**

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

**16.2** Water which the customer draws from the Council supply shall not be provided to any other party without prior Council approval and a customer shall not extend the water supply by means of any hose or other pipe to a party beyond the customer's property.

### **17. Change of Ownership**

**17.1** In the event of a premises changing ownership or tenant the Council requires the outgoing owner/tenant to advise details of the new owner or tenant as being the customer at that premises. Where a premise is metered the outgoing customer shall give the Council 48 hours' notice to arrange a final reading.

### **18. Termination**

**18.1** The customer must make an application to Council for termination of water supply on the prescribed form, including all the information required by the Council and pay any prescribed fee.

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**18.2** On receiving approval of termination from Council the customer must arrange for any termination to be undertaken by a Council approved contractor.

**18.3** Where a metered premise is to be demolished the customer shall give 48 hours' notice to arrange a final reading. The customer must also make an application to Council for removal of the water meter and termination of water supply as per 18.1 above.

### **19. Offences**

**19.1** 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;
- (g) gains access to and draws water from a fire hydrant without prior approval from the Council;
- (h) makes any connection to the water supply system without prior written approval from the Council; or
- (i) tampers or interferes with Council equipment or water supply system, either directly or indirectly.

### **20. Resolution power**

**20.1** The Council may, by resolution, impose such prohibitions, restrictions, controls, or directions regarding the use of water and impose any requirements it sees fit in relation to the installation and maintenance of infrastructure necessary for water supply.

### **Commentary**

**The following comments do not form part of the Bylaw. They are provided to advise on the relevant law and information that relate to the Bylaw.**

#### **Statutory authority**

This Bylaw is made pursuant to the Council's bylaw-making powers in the Local Government Act 2002.

#### **Legislation**

There are a number of statutory provisions that relate to the control of the supply of water, wastage of water and the Council's powers of entry onto private premises. Please refer to sections 171-173 and sections 192 -193 of the Local Government Act 2002.

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### **Obtaining approval from the Council**

Should you need to obtain approval from the Council in relation to this Bylaw, you should contact the Council's Central City Service Centre, phone 499 4444, and they will direct you to the appropriate person. There will be an application form you will need to fill in. Council officers will be able to assist you in completing an application form.