

## Treated Water Supply Bylaw Proposal

### Context

The Far North District Council (“the Council”) provides treated water to properties that are connected to one of its eight water supply schemes. The schemes are in: Kerikeri/Waipapa, Paihia/Opua/Waitangi, Kawakawa/Moerewa, Kaikohe/Ngawha, Ōkaihau, Kaitiāia, Rawene/Omanaia and Opononi/Ōmāpere. Treated water is water that meets the standards for drinking water. Those standards are set by central government and administered by the Ministry of Health.

The Council’s supply of treated water is currently regulated by a Water Supply Bylaw that was made on 16 October 2009. That bylaw was due for review by 16 October 2019, but was not reviewed by that date. Section 160A of the Local Government Act 2002 states that a bylaw not reviewed by the date required is automatically revoked two years later. This means the Water Supply Bylaw will be revoked on 16 October 2021. The Council therefore needs to develop a way to address the following problems that could arise when the current bylaw is revoked:

- inability to preventatively apply water restrictions, for example due to an emerging drought
- potential issues charging customers for water use if water supply is interrupted, shut off, quality is poor or if water use is restricted, for example, due to a drought
- not being able to determine the level of water supplied to a property in order to manage the amount supplied
- potential contamination of the water supply by members of the public making water unsafe to drink or use if rules do not exist to avoid contamination
- damage to council’s assets by the public (particularly damage to water mains by work done near or over these mains)
- misuse of the water supply, for example by people wasting water.

On 25 February 2021, the governing body of the Council determined that a bylaw is the most appropriate method for addressing those problems. Before making a bylaw, the governing body is required to consult and determine whether the proposed bylaw:

- is the most appropriate form of bylaw
- gives rise to any implications under the New Zealand Bill of Rights Act 1990.

### The proposal

Far North District Council proposes to make a bylaw to regulate the supply of treated water from its eight water supply schemes. The bylaw will apply to all users of water supplied by these schemes including property owners and occupiers, operators of bulk water supply businesses, and users sourcing treated water from standpipes on hydrants. The bylaw will not apply to privately-owned water schemes because they are regulated by national legislation.

This will be a new bylaw because the existing Water Supply Bylaw will be revoked on 16 October 2021.

The new bylaw will:

- define the point of supply of treated water to customers
- set out the terms of supply for different types of water supply
- describe planned and unplanned interruptions to the supply that may be made by the Council
- describe the terms of use of water meters
- provide powers for the Council to restrict or prohibit water supply
- describe how work on the water supply system can occur
- set out how to apply to connect to the treated water supply and other types of approval (e.g. exemption from restriction), including peoples' right to object to Council's decisions
- state how the water supply system must be protected from contamination and damage
- set out when the Council may access a property to inspect, test or maintain the water supply system.

## Reasons for the proposal

The governing body of the Far North District Council has determined that a bylaw is the most appropriate method for addressing problems with its supply of treated water. Because the existing bylaw will be revoked on 16 October 2021, a new bylaw needs to be made, and be in force, by that date.

## Analysis of the reasonably practicable options

The governing body of the Far North District Council considered three options for addressing problems with its supply of treated water as follows:

- Do nothing, allow the current bylaw to revoke, and have no regulation of treated water supply
- Use a supply contract, between the Council and users of the treated water, to set terms and conditions for the supply of treated water
- Make a bylaw to regulate the treated water supply

The advantages and disadvantages of the options are summarised in the following table.

	Option		
	Do nothing	Supply contract	A bylaw
<b>Advantages</b>	<p>Public education is appropriate for the majority who want to do the right thing</p> <p>Existing national legislation covers many areas relating to water supply</p>	<p>Legally binding</p> <p>Will clearly spell out the terms and conditions of treated water supply</p> <p>In some cases, could be simpler to apply than a bylaw as it involves a one-on-one contract with the customer</p>	<p>Legally binding</p> <p>Would back up public education and existing national legislation</p> <p>Can include provisions beyond what could be in a supply contract</p> <p>Will include enforcement provisions</p> <p>It effectively maintains the status quo with no need to "sign up" existing customers (as would be required for a supply contract)</p>
<b>Disadvantages</b>	<p>No powers of enforcement</p> <p>There are gaps in the national legislation</p>	<p>Logistical issues to "sign up" existing customers</p> <p>Limited to terms and conditions of supply</p>	<p>Inability to have individual contracts, i.e. is one-size-fits-all</p>

	where local rules are needed	applying to individual customers  Likely to be time consuming to introduce	
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## New Zealand Bill of Rights Act 1990 implications

Part 2 of the New Zealand Bill of Rights Act 1990 sets out civil and political rights that may only be subject to reasonable limits that can be demonstrably justified in a free and democratic society. The proposed new bylaw may give rise to implications for the right to be secure against unreasonable search or seizure, whether of the person, property, or correspondence or otherwise (section 21 of the New Zealand Bill of Rights Act 1990). This is because the bylaw gives the Council powers to enter private land to inspect parts of the water supply system. However, the bylaw provisions are fully within the scope of powers the Council already has under sections 171 to 174 of the Local Government Act 2002 and section 332 of the Resource Management Act 1991. Therefore, the bylaw provisions will be reasonable limits on the rights in the New Zealand Bill of Rights Act 1990.

## How to give your views on the proposal

The Council encourages any person or organisation affected by, or having an interest in, the proposed Treated Water Supply Bylaw to present their views on the proposal to the Council by making a submission.

You can make a submission by using the form in this proposal or in any other manner and format that is appropriate to your preferences and needs. Submissions can be made by using any of the following methods:

- online at the Council's website: <https://www.fndc.govt.nz/waterbylaw2021>
- email your submission to [submissions@fndc.govt.nz](mailto:submissions@fndc.govt.nz)
- drop-off your submission at any Council service centre or library, details of their locations and opening times are listed at [www.fndc.govt.nz/contact](http://www.fndc.govt.nz/contact) or you can get that information by phoning the Council on 0800 920 029
- post your submission to: Strategy Development Team, Far North District Council, Private Bag 752, Kaikohe 0440
- make an oral presentation of your submission at a meeting of the Strategy and Policy Committee

Please include your full name and email address or postal address in your submission if you want:

- the Council to acknowledge receipt of your submission
- to make an oral presentation – you will be contacted about when and where this will take place.

Privacy statement – Please be aware, when providing personal information, the submission is part of the public consultation process for the Treated Water Supply Bylaw. As such, all submissions, any summaries of submissions, and attached documents, are copied and made available to the Council's governing body as well as the public. Your submission and name will not be treated as confidential unless you specifically request it to be made confidential in your submission.

The last date by which you can make a submission is 31 May 2021. If you want to make an oral presentation, you must inform the Council before this date. Oral presentations will take place during the period from 8 to 11 June 2021.

## Submission form

1. Please provide your details below

Name:

Organisation: (if on behalf)

Postal Address: (optional)

Email: (optional)

Would you like to subscribe to .... e-mail updates on the proposal? Yes/No

2. Which ward do you live in? (Please tick)

Bay of Islands Hokianga Te Hiku Don't know

3. Please give your views on the proposal by referring to each part of the draft bylaw, if you don't have a view on a particular part you can leave it blank, or, in electronic forms, delete it.

(a) Do you support the provisions in Part 1 (purpose and interpretation)?

Yes/No/Unsure

Would you like to expand on your answer?

(b) Do you support the provisions in Part 2 (descriptions of the treated water supply system and its parts)?

Yes/No/Unsure

Would you like to expand on your answer?

(c) Do you support the provisions in Part 3 (terms and conditions for the supply of treated water)?

Yes/No/Unsure

Would you like to expand on your answer?

(d) Do you support the provisions in Part 4 (process for getting approvals under the bylaw)?

Yes/No/Unsure

Would you like to expand on your answer?

(e) Do you support the provisions in Part 5 (protection of the water supply system from damage or misuse, including powers for the council to do inspections)?

Yes/No/Unsure

Would you like to expand on your answer?

(f) Do you support the provisions in Part 6 (charges for water supply)?

Yes/No/Unsure

Would you like to expand on your answer?

(g) Do you support the provisions in Part 7 (offences and penalties)?

Yes/No/Unsure

Would you like to expand on your answer?

(h) Do you support the provisions in Part 8 (savings and transitional provisions)?

Yes/No/Unsure

Would you like to expand on your answer?

(i) Do you support the provisions in the Schedule (diagrams illustrating parts of the water supply system)?

Yes/No/Unsure

Would you like to expand on your answer?

## Draft Bylaw

The draft of bylaw is as follows:

# Treated Water Supply Bylaw

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**1 Title**

This bylaw is the Treated Water Supply Bylaw.

**2 Commencement**

This bylaw comes into force two working days after the date it is made.

**Related information**

This bylaw is due for review by [date to come].

**3 Application**

This bylaw applies to the district of the Far North District Council.

**Part 1: Preliminary provisions**

**4 Purpose**

The purpose of the bylaw is to:

- (a) fairly and efficiently manage treated water supply in the district;
- (b) ensure public health and safety;
- (c) protect council's assets, namely the treated water supply system;
- (d) protect the public from nuisance;
- (e) protect the treated water supply system from misuse.

**5 Interpretation**

(1) In this bylaw, unless the context otherwise requires, -

**approval** means an approval granted under this bylaw and includes all conditions to which the approval is subject

**backflow** means the unplanned reversal of flow of water or mixtures of water and contaminants into the treated water supply system

**backflow prevention device** means a testable device that prevents backflow and, for the purpose of this bylaw, a backflow prevention device refers to those devices installed at the property boundary

**council** means the governing body of Far North District Council, or any person delegated to act on its behalf

**customer** means a person who uses, or has obtained the right to use or direct the manner of use of, treated water supplied by the council

**direct connection** includes any arrangement of pipes, hoses, or fittings temporary or otherwise which renders possible backflow into the council's water supply system

**drinking water** has the same meaning as in section 69G of the Health Act 1956

**Related information**

As at 01 December 2020, the definition is:

Drinking water

(a) means—

- (i) water that is potable; or
- (ii) in the case of water available for supply, water that is—
  - (A) held out by its supplier as being suitable for drinking and other forms of domestic and food preparation use, whether in New Zealand or overseas; or
  - (B) supplied to people known by its supplier to have no reasonably available and affordable source of water suitable for drinking and other forms of domestic and food preparation use other than the supplier and to be likely to use some of it for drinking and other forms of domestic and food preparation use; but
- (b) while standards applying to bottled water are in force under the Food Act 2014, does not include—
  - (i) any bottled water that is covered by those standards; or
  - (ii) any bottled water that is exported; and
- (c) to avoid doubt, does not include any water used by animals or for irrigation purposes that does not enter a dwelling house or other building in which water is drunk by people or in which other domestic and food preparation use occur.

**extraordinary supply** has the meaning set out in clause 9(5) of this bylaw

**engineering standards** means the council's Engineering Standards and Guidelines 2004 (revised March 2009)

**Related information**

The council's Engineering Standards and Guidelines can be located for free on the Far North District Council website and/or viewed in hardcopy at all of our office locations in the Far North area (see link below):

Online

[www.fndc.govt.nz/Our-Services/Water-Services-in-the-Far-North/Engineering-standards](http://www.fndc.govt.nz/Our-Services/Water-Services-in-the-Far-North/Engineering-standards) Part 6, Water Supply

Office locations

<https://www.fndc.govt.nz/Contact/Council-Service-Centres>

**fire hydrant** has the same meaning as in section 2 of the New Zealand Fire Service Firefighting Water Supplies Code of Practice 2008

**Related information**

As at [insert date] the definition is:

"...means an assembly usually contained in a pit or box below ground level and comprising a valve and outlet connection from a water main, to permit a controlled supply of water for firefighting. A pillar upstand connected to a water main and fitted with a valve and instantaneous coupling(s) adaptor will also constitute a fire hydrant. This does not include ball-type fire hydrants"

**fire protection system** has the same meaning as in section 2 of the New Zealand Fire Service Firefighting Water Supplies Code of Practice 2008

**Related information**

As at [insert date] the definition is:

"...means detection, alarm, and suppression system systems installed and maintained for ongoing compliance with approved Standards"

**occupier** has the same meaning as in section 2(1) of the Local Government Act 1974

**Related information**

As at 22 October 2019, the definition is:

"...in relation to any property, means the inhabitant occupier of that property"

**on demand supply** has the meaning set out in clause 9 of this bylaw

**owner** has the same meaning as in section 2(1) of the Local Government Act 1974

**Related information**

As at 22 October 2019, the definition is:

"... in relation to any property, means the person entitled to receive the rack rent thereof, or who would be so entitled if the property were let to a tenant at a rack rent."

**ordinary supply** has the meaning set out in clause 9(3) of this bylaw

**point of supply** has the meaning set out in clause 7 of this bylaw

**potable** in relation to drinking water, has the same meaning as in section 69G of the Health Act 1956

**Related information**

As at as at 01 December 2020, the definition is:

“means water that does not contain or exhibit any determinants to any extent that exceeds the maximum acceptable values (other than aesthetic guideline values) specified in the drinking-water standards”

**public notice** has the same meaning as in section 5 of the Local Government Act 2002

**Related information**

As at as at 01 February 2021, the definition is:

Public notice, in relation to a notice given by a local authority,—

(a) means a notice published in—

(i) 1 or more daily newspapers circulating in the region or district of the local authority;  
or

(ii) 1 or more other newspapers that have at least an equivalent circulation in that region or district to the daily newspapers circulating in that region or district; and

(b) includes any other public notice that the local authority thinks desirable in the circumstances

**public water line** means any service pipe or water main associated with the treated water supply system

**restrictor** means a flow control device fitted to the service pipe to limit the flow rate of water to a customer’s premises

**service pipe** means the section of water pipe between a water main and the point of supply

**standpipe** means a rigidly supported vertical length of pipe connected to a water main, emerging from the ground with a tap or valve, serving as an outdoor water supply point

**stop tap** includes stopcock, stop valve, and any other device for stopping the flow of water in a line of pipes

**storage tank** means any tank other than a flushing cistern having a free water surface under atmospheric pressure from which water supplied by the council is delivered for use

**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

**treated water supply system** has the meaning set out in clause 6 of this bylaw

**zone of influence** means that section of the ground along the alignment of a buried **public water line** extending both horizontally and vertically where:

(a) settlement or disturbance of the ground surrounding the **public water line** may cause damage to buildings on the surface above; and

(b) loads from buildings on the surface could be transmitted to the **public water line**; and

(c) as detailed in the council’s **engineering standards**.

**Related information**

Part 3 of the Schedule to this bylaw has an illustration that shows the extent of the zone of influence.

(2) Related information is for information purposes, does not form part of this bylaw, and may be inserted, amended or removed without any formality.

(3) The Interpretation Act 1999 applies to this bylaw.

## Part 2: The treated water supply system

### 6 Treated water supply system

(1) The **treated water supply system** includes all components of the treated water distribution network from treatment plants to the **point of supply** to the customer, including but not limited to water mains, pump



stations and pumps, valves, **hydrants**, **service pipes**, water meters and **backflow prevention devices**.

- (2) The **treated water supply system** is illustrated in Part 1 of the Schedule to this bylaw.

## 7 Point of supply

- (1) The **point of supply** to an individual **customer** is the point on the **service pipe** which marks the boundary of responsibility between the **customer** and **council**.
- (2) As described in the **engineering standards** the **point of supply** to the **customer** should normally be located on the road reserve boundary. This applies to all properties including properties on rear sections accessed by a right of way.
- (3) The typical layout of the fittings at the **point of supply** is illustrated in Part 2 of the Schedule to this bylaw.
- (4) Where there is a **backflow prevention device** then the **point of supply** is the point which is directly downstream of the backflow prevention device.
- (5) Where there is no **backflow prevention device** then the **point of supply** is the point which is directly downstream of the water meter.

## 8 Point of supply for different types of ownership

- (1) The nature of the **point of supply** for different forms of property ownership is:
- (a) For a single owner – only one **point of supply**;
  - (b) For company share, body corporate – only one **point of supply**;
  - (c) For leasehold/tenancy in common and unit title, body corporate – each owner has an individual supply;
  - (d) For commercial properties in multiple occupation or ownership – to be agreed on a case-by-case basis;
  - (e) For commercial and industrial properties with both fire and service connections – to be agreed on a case-by-case basis.
- (2) For supply that was approved before the date of commencement of this bylaw, the **point of supply** is the arrangement existing at that time, or as determined by agreement with the **council** for any individual case.

## 9 Types of treated water supply

- (1) **On demand supply** to a property is a supply of treated water that is available on demand directly from the **point of supply**. There are two types of **on demand supply**: **ordinary** and **extraordinary supply**.
- (2) A person who requires on demand supply must apply to the **council** for approval for a connection.
- (3) **Ordinary supply** includes treated water used for the following purposes:
- (a) drinking water; or
  - (b) use of a hose to wash a car, boat etc. at a residential property; or
  - (c) use of a hose to water a residential garden by hand; or
  - (d) watering of a residential garden by a portable sprinkler, subject to the provisions of clauses 14 and 15 which relate to restrictions and prohibitions on the use of treated water
- (4) No person may use any water supplied as **ordinary supply** for any other purposes.
- (5) **Extraordinary supply** is all purposes, other than **ordinary supply**, for which treated water from the **point of supply** is use and the supply may be subject to specific conditions and limitations.

### Related information

Examples of **extraordinary supply** include treated water used for the following purposes:

- filling a residential spa or swimming pool
- water for a fixed residential garden irrigation system
- irrigation water used for agriculture, horticulture or viticulture
- commercial and industrial purposes other than for drinking water
- **fire protection systems** within buildings

- (6) No person may use any water supplied as an **extraordinary supply** for purposes other than the purpose stated in the approval.

(7) The council is under no obligation to provide or continue to provide any **extraordinary supply** of water.

## 10 Supply of treated water for extinguishing fires

(1) Only Fire and Emergency New Zealand personnel may gain access to, and draw water from, any **fire hydrant**.

### Related information

Use of fire hydrants by untrained personnel can result in damage to the water supply system.

(2) Where the council provides unmetered connections for **fire hydrants** and **fire protection systems**, the connections must not be used for any other purpose and must be independent of any service connection to a property.

## 11 Other types of water supply

(1) Other than water used for **ordinary** or **extraordinary supply**, and water used for firefighting purposes, the **council** may supply two other types of treated water:

- (a) bulk supply of water from tanker filling points;
- (b) water supply from metered **standpipes** on **hydrants**.

(2) A person who wants water supplied under subclause (1) must apply to the **council** for approval of that supply.

## 12 Interruptions to the supply made by council

(1) The council may interrupt the **ordinary** or **extraordinary** supply of treated water for the following purposes:

- (a) planned maintenance or other work ("**planned interruptions**"); or
- (b) to carry out emergency inspections or repair work on the **treated water supply system**, to ensure the health or safety of any person, or to avoid or minimise damage to the system or property ("**unplanned interruptions**").

(2) For **planned interruptions** the **council** will take all reasonable steps to provide 24 hours' written notice of the interruption and plan the work to minimise disruption and inconvenience to the **customer**.

(3) For **unplanned interruptions**, the **council** may interrupt the water supply without first notifying the **customer**.

(4) If a **customer** has a need for an uninterrupted level of supply (in terms of flow, pressure, or quality), it is the responsibility of that **customer** to provide any storage, back-up facilities, or equipment necessary to provide that level of supply.

## 13 Meters

(1) All **ordinary supply** and **extraordinary supply** of water to any property must have a water meter except where approved otherwise by the **council**.

(2) The **customer** must keep the meter clear and readily readable at all times.

(3) Any **customer** who disputes the accuracy of a meter or restrictor may apply to the **council** for it to be tested, provided that it is not within six months of the last test.

(4) If a meter, after being tested, is found to be reading incorrectly, the **council may** make an adjustment to **the customer's account** in accordance with the test results after due allowance for permissible tolerances.

## Part 3: Terms and conditions of supply

### 14 Demand management

(1) The **customer** must comply with any restrictions advised by the **council** to manage the demand for treated water.

(2) Such restrictions will be advised by **public notice**.

### Related information

For example, restrictions may be applied if the raw water supply is low due to low rainfall, or if a major leak requiring maintenance work is detected in the water mains.

## 15 Emergency water restrictions

- (1) During an emergency the **council** may restrict or prohibit the use of treated water for any specified purpose, for any specified period, and for any its **customers**.
- (2) Restrictions or prohibitions made under subclause (1) will be advised by **public notice** unless otherwise permitted by emergency legislation.

### **Related information**

For example, emergency restrictions may be applied in drought conditions, or, if water supply is contaminated, or preventative action is required to mitigate an adverse effect on the water supply, or a civil emergency is declared.

## 16 No compensation for water restrictions

In the case of any restriction or prohibition described in clauses 14 and 15 no **customer** shall be entitled to any payment or compensation.

## 17 Work on the treated water supply system

- (1) A person must not carry out any work on the **treated water supply system** except in accordance with an **approval** granted to them.
- (2) The following work may only be done by the **council** or its agent:
  - (a) Connections, alterations to connections, or repairs to connections to the **treated water supply system**;
  - (b) Disconnections from **the treated water supply system**;
  - (c) Installation of a water meter or **restrictor**.
- (3) A person must not construct a building over a public water line, whether on public or private land, except in accordance with an **approval** granted to them.
- (4) A person must not construct a building within the **zone of influence** except in accordance with an **approval** granted to them.
- (5) A building developer may apply for an **approval** to divert a public water line if:
  - (a) the diversion will be done in accordance with the **engineering standards**; and
  - (b) the developer will pay all the costs of the work.
- (6) A person must not:
  - (a) cause the crushing load imposed on a **public water line** to exceed that which would arise from the soil overburden plus an HN-HO-72 wheel or axle load (as defined by New Zealand Transport Agency Bridge Manual 3rd edition 2013);
  - (b) place any additional material over or near a **public water line**;
  - (c) change the elevation of the land above a **public water line**;except in accordance with an **approval** granted to them.
- (7) A person must not excavate or carry out piling or similar work closer than:
  - (a) 5 metres from the centre line of any water main; or
  - (b) 2 metres from the centre line of any **service pipe**except in accordance with an **approval** granted to them.

## Part 4: Approvals

### 18 Applications for supply

A written application to the **council** must be made for:

- (a) connections to, or disconnections from, an **ordinary** or **extraordinary supply** (see clause 9);
- (b) a change of use of an **ordinary** or **extraordinary supply**;
- (c) other types of supply (see clause 11).

## 19 Applications for other purposes

Other than an application under clause 18, an application must be made to the **council** for an approval for any of the following purposes:

- (a) to request any changes to the fittings or placement of fittings for an **ordinary** or **extraordinary supply**;

### Related information

For example, this could include installing a new water meter, changing the position of a water meter, removing a water meter, or relocating the **point of supply** or the **service pipe**

- (b) to work over or near the **treated water supply system** (see clause 17(3) to (7));  
(c) to request that a water meter is checked or to request a special meter reading;  
(d) to ask for a temporary exemption from a water restriction or prohibition (see clauses 14 and 15).

## 20 Making an application

- (1) An application for an approval required by this bylaw must be made to the **council** by the person who needs the approval ("**the applicant**") and:
- (a) be in the form required by the **council**; and
  - (b) be accompanied by the applicable fee set in the **council's** Fees and Charges Policy; and
  - (c) include all information required by the **council**.
- (2) An application is not treated as being made until all the provisions in this clause have been complied with.

## 21 Assessment of applications

- (1) The **council** must assess all applications for approvals in accordance with the following criteria, as applicable to the application:
- (a) the purpose for which the water will be used;
  - (b) how much water is required;
  - (c) any documented record of the applicant's non-compliance with this bylaw or any previous water supply bylaw, or approvals granted under such bylaws;
  - (d) whether approving the application could detrimentally affect the council's ability to supply treated water at the volume and/or pressure required for firefighting;
  - (e) whether the approval may negatively affect the safe and efficient operation of the **treated water supply system**, or the health and safety of any person, or the environment.
- (2) When assessing applications to take bulk water from tanker filling points (see clause 11(1)a) the council must also assess:
- (a) the suitability of the water tanker for transporting bulk water; and
  - (b) the location the water will be transported to.
- (3) When assessing applications to take water from metered **standpipes** on **hydrants** (see clause 11(1)b) the council must also assess whether there are any suitable alternative options to source the water.
- (4) When assessing applications for a temporary exemption from water restrictions or prohibitions (see clause 19(d)) the council must also assess whether the restrictions have, or are they likely to have, a significant negative impact on the applicant's business or personal situation.
- (5) When assessing applications for approval to do work over or near the **treated water supply system** (see clause 17(3) to (7)) the **council** must also assess whether the work can be carried out safely without damaging **council's** assets if appropriate conditions are put in place.

## 22 Deciding on an application

- (1) The **council** may grant an application for an approval if it is satisfied the application meets the assessment criteria described in clause 21.
- (2) The **council** may decline an application for an approval if it does not meet the assessment criteria in clause 21.
- (3) An **applicant** may withdraw their application at any time before a decision is made, but any fee paid with the application will not be refundable unless the **council**, in its absolute discretion, decides that a refund (or partial refund) is reasonable in the circumstances.

## 23 Conditions placed on approvals

The **council** may include conditions on any **approval** for any one or more of the following matters:

- (a) the purpose for which the supply of treated water is approved;
- (b) the duration of the approval;
- (c) the quantity of water that may be supplied;
- (d) any other matter the **council** considers is reasonable to ensure efficient and safe operation of the **treated water supply system**.

## 24 Objections

- (1) An applicant may object to the **council**:
  - (a) about a decision to decline an **approval** by lodging an objection in writing within 20 working days after the date of the decision;
  - (b) about a condition of an **approval** by lodging an objection in writing within 20 working days after the date of the decision.
- (2) The council will make a decision on an objection within 20 working dates of the date the objection is received and will provide the decision, in writing, to the applicant. The decision must include the reasons for the decision.
- (3) Nothing in this clause affects the right of an applicant to apply for judicial review of a decision to decline an application for an **approval** or a decision to include conditions on an approval.

## 25 Renewing an approval

If an approval has a condition specifying a duration for the approval, the person granted the **approval** may apply to the **council** to renew the **approval**, before the end of its duration, by informing the council, in writing, the approval is still necessary and:

- (a) demonstrating any conditions are being met; or
- (b) seeking amendment of the conditions and giving reason why.

## 26 Amending an approval

- (1) A person granted an approval may –
  - (a) at any time within the duration of the approval; or
  - (b) at any time if the approval does not have a duration specified in its conditions –apply to the council to amend the approval or its conditions.
- (2) An application for amendment must be made in the same manner as an application for an approval, with any necessary modifications.

## 27 Transferring of approval

Approvals are not transferable.

### Related information

For example, a customer granted approval for an **ordinary supply** cannot supply their neighbour with water from this supply.

## 28 Suspending or cancelling an approval

- (1) The **council** may suspend or cancel an **approval** if:
  - (a) any conditions are not being met; or
  - (b) the **approval** is affecting the efficient and safe operation of the water supply system.
- (2) The suspension or cancellation takes effect from the date the person who was granted the approval receives written notice of the council's decision to suspend or cancel the **approval**. The notice must include the reasons for the council's decision.
- (3) Suspending or cancelling an **approval** does not affect the council's powers to take other enforcement action under this bylaw or any other legislation for the acts or omissions that were the reasons for the

suspension or cancellation.

- (4) The person who was granted an **approval** that is suspended or cancelled under this clause may object to the council about the suspension or cancellation by lodging an objection in writing within 20 working days after the date of the suspension or cancellation.
- (5) The council will make a decision on an objection within 20 working dates of the date the objection is received and will provide the decision, in writing, to the applicant. The decision must include the reasons for the decision.
- (6) Nothing in sub-clauses (4) or (5) affects the right of the person to apply for judicial review of a decision to suspend or cancel an **approval**.
- (7) Any fees paid for the approval are not refundable if the council suspends or cancels the **approval**.

## 29 Other obligations not affected

An **approval** does not affect or limit the obligations of any person to comply with any legislation that applies to the matters covered by the **approval**.

## Part 5: Protection of the treated water supply system

### 30 No connection to other water supplies or fittings

- (1) No person other than **council** or its agents may connect to the **treated water supply system** without an approval from the **council**.
- (2) No person other than council or its agents may make or maintain a **direct connection** between the **treated water supply system** and any drainage system, sanitary fitting, or any apparatus used for the reception or conveyance of any liquid, gas, or drawn water.

### 31 Fittings to be in good repair

- (1) A person must not allow any pipe, tap, or other fitting connected with the water supply on their premises to be out of repair or in any way defective so that water is wasted, misused or contaminated.
- (2) Where, in the opinion of the **council**, any pipe, appliance or fitting connected to the water system at any premises:
  - (a) has deteriorated; or
  - (b) is of inferior quality or workmanship; or
  - (c) is causing or is likely to cause waste of water; or
  - (d) is insufficient for the proper supply of waterthe **council** may require, by notice in writing, the **customer** to carry out any work the council considers is necessary to remedy the pipe, appliance or fitting.
- (3) The **customer** must comply with a notice given under subclause (2) within 5 working days.
- (4) Subject to the provisions of the Local Government Act 2002, the customer shall allow the council and its agents to enter the property with or without equipment, access any area of the property for the purposes of determining compliance with these requirements.

#### **Related information**

Under section 171(1) of the Local Government Act 2002 the council cannot enter a dwelling house to determine compliance.

- (5) If the occupier fails to carry out the work required by the **council**, the **council** or its agent may make the repair at the occupier's expense.

### 32 Prevention of contamination

- (1) Every **customer** must prevent **backflow** either by providing an adequate air gap or by using a **backflow prevention device**.

#### **Related information**

Under clause G12.3.2 of the Building Code (Schedule 1 of the Building Regulations 1992) all buildings are required to have equipment installed to prevent contamination of the

water supply system. This equipment is usually in the form of a backflow prevention device. Technical details regarding **backflow prevention devices** are included in the **engineering standards**.

- (2) No person may return, or allow to return, any water drawn from the **council's** water supply system to any main or pipe or any other part of the **treated water supply system**.

### 33 Access to inspect and maintain

- (1) In order to read meters, the **council** may enter private land within 24 hours of providing notice to the **owner** or **occupier**. The **council** will read meters between the hours of 8am and 6pm.
- (2) In order to inspect, test, or maintain **the treated water supply system**, the **council** may enter private land 24 hours after providing notice to the **owner** or **occupier**. The **council** will inspect, test or maintain the system between the hours of 8am to 6pm.
- (3) Under emergency conditions the **council** may enter private land without notice to the **owner** or **occupier** to maintain or repair the treated water supply system. This may occur at any hour.

## Part 6: Charges

### 34 Charges

Charges involving the **treated water supply system** are listed in the **council's** Fees and Charges.

#### Related information

These charges can be found on the **council's** website at

<https://www.fndc.govt.nz/files/assets/public/objectivedocuments/policy-and-planning-pol/tp-and-annual-plans/fees-and-charges/fees-and-charges.pdf>

## Part 7: Offences and penalties

### 35 Offences

Any person who breaches this bylaw commits an offence under section 239 of the Local Government Act 2002.

#### Related information

A person who is convicted of an offence of breaching this bylaw is liable to a fine of up to \$20,000 under section 242 (4) of the Local Government Act 2002.

Examples of breaches of this bylaw include:

- use of ordinary supply for extraordinary purposes,
- use of extraordinary supply for purposes other than specified by **council**
- not meeting the conditions of an approval
- not complying with a restriction or prohibition on the use of treated water without a temporary exemption granted by the **council**
- work on the **treated water supply system** without an approval
- connecting to or disconnecting from the **treated water supply system** without approval
- failure to remedy deficient pipes

## Part 8: Savings and transitional provisions

### 36 Water supply bylaw revoked

The Water Supply Bylaw made by the council on 16 October 2009 and all amendments made to that bylaw are revoked.

### 37 Applications, approvals etc under previous bylaw

- (1) Every licence, permit, dispensation, permission or other form of approval granted under the Water Supply Bylaw revoked in clause 36 that was in force immediately before the commencement of this bylaw, continues in force as if it is an approval of that kind issued under this bylaw; but:
  - (a) it expires on the date specified in that approval; or
  - (b) if no expiry date is specified, it expires on the date 12 months after the commencement of this bylaw.
- (2) Any application for a licence, permit, dispensation, permission or other form of approval made under the Water Supply Bylaw revoked in clause 36, filed before the day on which this bylaw commenced, must be dealt with by the council as if it was made under this bylaw.
- (3) Any meter which was installed by the **customer** before the commencement of this bylaw must continue to be maintained by the customer until it is, in the opinion of **council**, no longer fit for use, when it will be replaced by a **council** meter.

## Schedule

### 38 Diagrams illustrating parts of the water supply system

The Schedule is included solely to assist in understanding the meaning of some provisions of this bylaw, it has no legal effect and if there is an inconsistency between the content of the Schedule and the provisions of this bylaw, the provisions of this bylaw prevail.

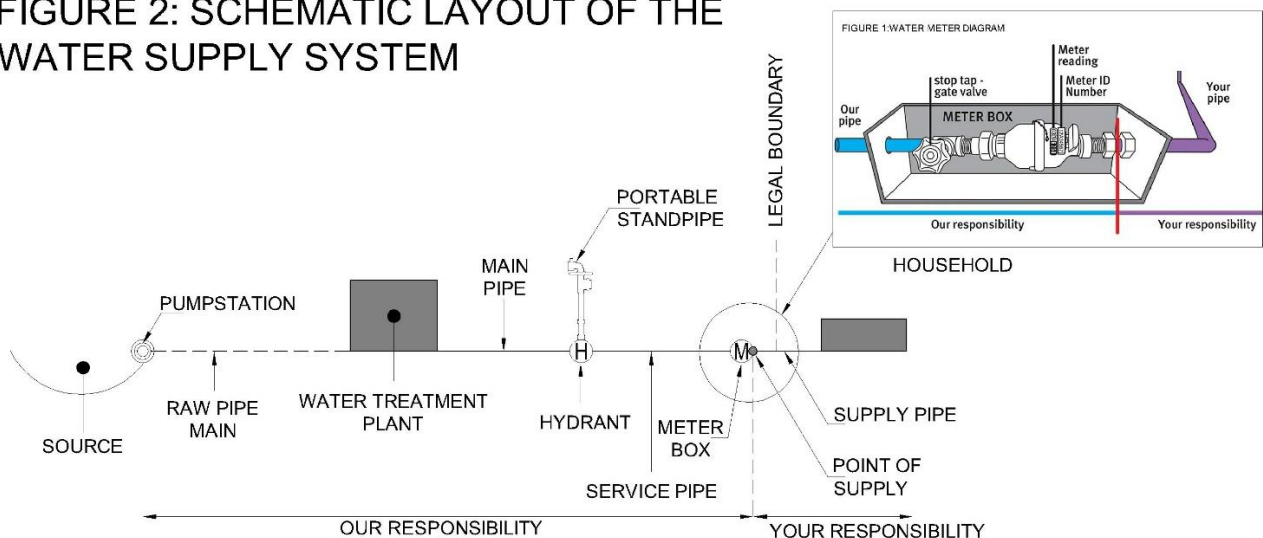
## Schedule

Clauses 6, 7 and 17

### Part 1: Treated water supply system

Illustration of the components of the **treated water supply system**.

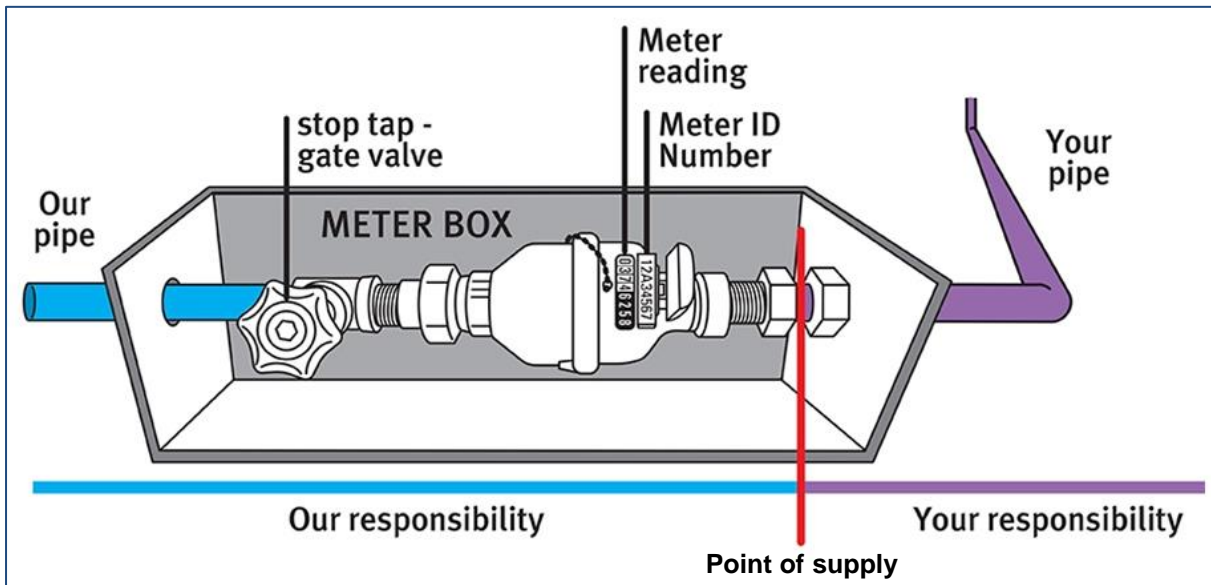
**FIGURE 2: SCHEMATIC LAYOUT OF THE WATER SUPPLY SYSTEM**





## Part 2: Point of supply layout

Illustration of typical layout of the fittings at the **point of supply**.



## Part 3: Zone of influence

Illustration of the zone of influence around a **public water line**.

