

**Tasman District Council**

# **Public Water Supply Bylaw 2016**

**(edition 3)**

**Table 1. Bylaw record.**

<b>Action</b>	<b>Approved</b>	<b>Reference</b>	<b>In force</b>
Bylaw made	22/09/2016	RCN16-09-14	28/10/2016
Reviewed and amended (edition 2)	12/09/2019	RCN19-09-12	01/10/2019
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Next review to be completed by	28/11/2034		

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## **PART A – General**

### **1 Introduction**

- (1) Tasman District Council makes this Bylaw in accordance with sections 146 and 149 of the Local Government Act 2002.

### **2 Title**

- (1) The title of this Bylaw is the Tasman District Council Public Water Supply Bylaw 2016.

### **3 Commencement**

- (1) This Bylaw came into force on 28 October 2016.

### **4 Reviews**

- (1) The amended editions came into force as outlined in table 1.

### **5 Purpose and application**

- (1) The purpose of this Bylaw is to:
- a) enable the Council to manage and provide public water supply services; and
  - b) protect the public water supply network from damage, misuse, and interference; and
  - c) protect the environment and the health and safety of the public and persons using the public water supply; and
  - d) provide direction and guidance on water restrictions.
- (2) This Bylaw shall apply to Tasman District.

### **6 Interpretation**

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

**Act** means the Local Government Act 2002.

**Air Gap Separation** means the vertical gap (minimum 100 millimetres) between the outlet of the public water supply fitting which fills a storage tank (fitted with a ballcock), and the highest overflow water level of that storage tank.

**Approval or Approved** means approval, or approved, in writing by the Council or an authorised officer.

**Authorised Agent** means any person authorised or appointed by the Council.

**Authorised Officer** means any officer appointed by the Council as an enforcement officer under section 177 of the Act.

**Backflow** means a flow of water or other liquid in a reverse direction to the normal supply flow.

**Backflow Prevention Device** means a device approved by the Council that is designed to prevent backflow and includes an air gap separation.

**Bulk Water Supply** means supplying large volumes of water through dedicated bulk water supply stations requiring a permit and swipe card to take water.

**Bylaw** means this Tasman District Council Public Water Supply Bylaw 2016.

**Connection or Disconnection** means the physical connection to or disconnection from the public water supply network.

**Council** means the Tasman District Council or any person authorised or delegated to act on its behalf.

Cross-connection hazard is the actual, or potential, connection between a potable water supply and a non-potable source where contaminants could potentially enter the potable water supply through backflow.

**Customer** means the owner or occupier of premises supplied with water by the Council.

**District** means the district within the jurisdiction of the Tasman District Council.

**Domestic Purposes** means the use of the public water supply for drinking, sanitary needs and other domestic uses, including (but not limited to);

- a) Washing down a car, boat, or similar;
- b) Watering a garden by either a hand-held device or portable sprinkler;
- c) Irrigation systems for gardens and lawns on premises less than 1 hectare; and
- d) Fire protection systems approved by the Council.

This excludes all commercial, business and industrial activities, which are deemed to be an extraordinary use.

**Drinking Water** has the same meaning as in section 6 of the Water Services Act 2021.

**Dwelling** means a building or part of a building for a single self-contained housekeeping unit, whether of one or more persons (where 'self-contained housekeeping unit' means a single integrated set of sleeping, ablution, and cooking facilities).

**Extraordinary Use** means the use of the public water supply for other than domestic purposes.

**On Demand Supply** means a type of public water supply connection where water is available on demand directly from the point of supply and is metered.

**Ordinary Use** means the use of the public water supply solely for domestic purposes.

**Permit** means written permission to take water from a Bulk Water Supply site or fire hydrant, as appropriate in accordance with this Public Water Supply Bylaw 2016.

**Permit Holder** means the holder of a permit and includes any person acting with the express consent of the permit holder.

**Person** includes a corporation sole and also a body of persons whether corporate or unincorporated.

**Point of Supply** means 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. This point is generally the position of a water meter or restrictor but may include the tailpipe up to but not including the first fitting (joiner, valve or similar) after the meter or restrictor if such fitting is within 500mm of the water meter or restrictor. Examples of the point of supply are shown on the diagrams attached to this Bylaw as Appendix A.

**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) a separate dwelling on a property or allotment held under one certificate of title; or
- c) 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 (e.g. reserve) for a particular purpose; or
- e) an individual unit in a building, which is separately leased or separately occupied.

**Public Water Supply** means the water supplied by the Council through a public water supply network and includes community and rural water schemes supplied by the Council, and that the Council supplies to any person or place by truck or other vehicle.

**Public Water Supply Network** means all the pipes, pumps, pumping stations, storage tanks, reservoirs and other related equipment and structures owned by or under the control of the Council for the purpose of public water supply (including any service pipe and point of supply).

**Raw Water** has the same meaning as in section 5 of the Water Services Act 2021.

**Restricted Flow Supply** means a type of public water supply connection where a limited flow is supplied through a restrictor, and storage is provided by the customer to cater for the customer's demand fluctuations.

**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 pipe between a water main and the point of supply.

**Shut Off Valve** means the service valve at the customer's end of the service pipe near the point of supply. A Shut Off Valve is commonly known as a Toby.

**Storage Tank** means any tank having a free water surface under atmospheric pressure to which water is supplied across an air gap separation.

**Supply Pipe** means the section of pipe downstream of the point of supply.

**Toby** see Shut Off Valve

**Toby Box** means the buried plastic or metal box at point of supply housing the shut off valve, backflow prevention device and water meter.

**Traffic Management Plan** means a document describing the implementation and maintenance of temporary traffic management measures that has been approved by the Council.

**Unit** is an allocation of water on a restricted water supply scheme (rural supply or urban extension). Units are paid for as an annual rate and a single unit is an allocation of up to 1,000 Litres (1m<sup>3</sup>) per day.

**Urban Water Supply Area** means an area formally designated by the Council as an area serviced by an 'on-demand' public water supply network with firefighting capability.

**Working Day** has the same meaning as Business Day and is any weekday in New Zealand, excluding Saturdays, Sundays, New Zealand (national) public holidays and all days from Boxing Day up to and including the day after New Year's Day.

(2) In this Bylaw:

- a) Explanatory notes are for information purposes only, do not form part of this Bylaw, and may be amended by the Council at any time.
- b) A reference in this Bylaw to any Act, Regulation or Rule, includes any amendment thereof, and any Act, Regulation or Rule in substitution therefor.

## **7 Damage and faults**

(1) A customer shall inform the Council immediately:

- a) if the customer becomes aware that any part of the public water supply network located on or in the vicinity of premises owned or occupied by the customer is damaged or leaking, or the customer otherwise suspects that a fault in the public water supply network has occurred which is causing, or may cause, damage to property or injury to people; or
- b) if there is any interruption in the supply of water to premises owned or occupied by the customer.

## **8 Fees and charges**

- (1) The Council may prescribe in its *Schedule of Fees and Charges* the fees and charges payable to the Council for approvals, inspections, meter readings, and other matters provided for in this Bylaw.
- (2) Customers and permit holders shall be responsible to pay all fees and charges associated with connection and disconnection of their premises to the public water supply network, changes to restrictors and any other fees and charges set by the Council under clause 8(1).
- (3) The Council may, for any reasons as it thinks fit, refund, remit or waive any fee or charge prescribed by this Bylaw.



## **9 Continuation/cessation of supply**

- (1) A customer or permit holder shall be deemed to be continuing to use the water supplied by the Council, and shall be liable for all charges associated with such supply, until notice of cessation is given to the Council on the prescribed form:
  - a) by the customer and the final water meter reading has been carried out, or
  - b) by the permit holder and the permit is cancelled by the Council.

## **10 Transitional provisions: existing permits**

- (1) Every existing permit in force at the commencement of this Bylaw shall continue in force as if it were a permit issued under this Bylaw until it reaches its expiry date. The Council may however review and amend any conditions of an existing permit to ensure they align with this Bylaw.

## **11 Final water meter reading**

- (1) Where a water meter is used in association with the supply of water to premises, a customer must give the Council five working days' notice to arrange a final water meter reading.
- (2) The customer shall pay the Council a fee for the final water meter reading in accordance with the Council's *Schedule of Fees and Charges*.

## **12 Transfer of Rights and Responsibilities**

- (1) A customer shall not transfer to any other customer or premises, the rights and responsibilities set out in this Bylaw, without the written approval of the Council.

## **13 Applications to the Council**

- (1) Whenever a person (the applicant) applies to the Council for approval to carry out an activity that is regulated by this Bylaw;
  - a) the Council may at its discretion in accordance with its relevant policies and guidelines grant or decline the application (if the latter, reasons will be provided);
  - b) any approval may be given subject to such conditions as the Council thinks fit;
  - c) the applicant shall comply with the conditions of any approval given by the Council to the applicant; and
  - d) the applicant shall pay the Council all fees and charges payable to the Council in connection with the application, and any approval given by the Council, as prescribed in the Council's *Schedule of Fees and Charges*.

## **PART B – Protection of the public water supply and public water supply network**

### **14 Water Quality**

- (1) Any person who owns or occupies premises, or otherwise uses the public water supply, shall ensure that water is used in a manner that does not give rise to a risk to public health, and does not have an adverse effect on the public water supply or the public water supply network.
- (2) No person shall contaminate or pollute any raw water or drinking water, or undertake any act likely to contaminate or pollute any raw water or drinking water in the public water supply network.
- (3) Any person who knows of spillage or an event which may contaminate, pollute or otherwise have an adverse effect on the public water supply or the public water supply network, must inform the Council immediately.

### **15 Backflow Prevention**

- (1) All connections to the public water supply network must have a backflow prevention device installed at the boundary of the property (if practical). This requirement is separate to the requirements of the Building Act/Code. The customer shall be responsible for paying the cost of installing a backflow prevention device .
- (2) The type of backflow prevention device required will be based on the activity undertaken on the property, assessed by Council, on the basis of the highest cross-connection hazard. Domestic metered supplies, assessed as low hazard, contain an internal backflow prevention device.
- (3) Backflow prevention devices will be installed by a Council approved (in writing) contractor and subsequently vested in Council, subject to receipt of payment for the device and access provided to Council and its agents.
- (4) No person shall interfere with a backflow prevention device owned by the Council without the prior written approval of the Council.

### **16 Access to and work on the public water supply network**

- (1) No person shall, without the prior written approval of the Council, make any connection to or disconnection from, repair, tamper with or otherwise interfere with, any part of the public water supply network, except to:
  - a) operate the shut off valve at the point of supply to isolate the supply in case of an emergency only, such as a private leak (this shut off valve is not to be used to manage the private supply, a private shut off valve on the supply pipe may be installed for this purpose). The Council gives no guarantee of the serviceability of the shut off valve and reserves the right to charge the customer for any replacement or repair if damage occurs; or
  - b) take emergency action to prevent or reduce damage to water supply network infrastructure, provided verbal approval is given by the Council or Council's authorised agent.

## 17 Working near the public water supply network

Protecting the public water supply network from damage is vital for public health.

The Council maintains as-built location plans of the public water supply network and this information can be requested at the Council's Richmond Office during normal business hours. A charge may apply for the provision of this information.

Any as-built location plans supplied by the Council, or location markings placed on the ground by the Council, shall not be deemed to be an exact representation of the location of the public water supply network and must be treated as a guide only.

- (1) Any person proposing to carry out work to excavate or otherwise interfere with land shall, prior to undertaking such work, establish whether any part of the public water supply network is located in the vicinity of the proposed work, including rural public water supply networks.
- (2) If it is established that the works are likely to be in the vicinity of the public water supply network, it is the responsibility of the person carrying out the works to locate the position and depth of the public water supply network using a Council approved contractor. The only exception to this requirement is when the Council states, in writing, that a services locate is not required for that particular location.
- (3) No person shall, without giving the Council at least five working days' notice and obtaining the prior written approval of the Waters and Waste Manager, excavate or otherwise interfere with land:
  - a) within 2 metres of any part of the public water supply network, or
  - b) in the vicinity of the public water supply network if the excavation or interference is likely to compromise the structural or functional integrity of the public water supply network (e.g. piling).
- (4) The Council may give approval under clause 17(3) subject to such conditions as the Council thinks fit, including a condition requiring independent supervision of the work.
- (5) The Council may with five working days' notice, and at its discretion, mark out on the ground the location of the public water supply network. The Council may charge for this service.
- (6) Every person who fails to reinstate land in accordance with the conditions of the Council's approval under clause 17(3) shall be liable for the costs incurred by the Council for completing such work.
- (7) Any damage that occurs to any part of the public water supply network shall be reported to the Council immediately. Any repairs will be undertaken by an authorised agent of the Council and the Council may seek to recover the costs from the person that caused the damage.

*Note: All excavation and trenching work carried out within the road corridor is also subject to the permit process of the appropriate road controlling authority.*

## **18 Building or placing materials over or near a public water supply network**

- (1) No person shall construct or erect any building or structure within three metres measured horizontally from the outside of any public water supply network, without first obtaining the Waters and Wastes Manager's (via email to: [engineering.csrs@tasman.govt.nz](mailto:engineering.csrs@tasman.govt.nz)) written approval to:
  - a) construct or erect the building or structure within three metres; or
  - b) divert the public water supply network to achieve the three-metre distance.
- (2) No person shall, without the prior written approval of the Waters and Wastes Manager place or allow to be placed any materials, machinery, equipment or temporary structure over or near any part of the public water supply network, which in the opinion of the Council may compromise the structural or functional integrity of the public water supply network or may interfere with access to the public water supply network. The Council may recover the costs of removing any covering materials, machinery, equipment or temporary structure from any person who commits a breach of this clause.
- (3) The Council's approval under clauses 18(1) or 18(2) may be given subject to such conditions as the Council thinks fit, including a condition that the person to whom approval is given pays the fees charged by the Council for the supervision of the works, and the costs incurred by the Council in connection with the design and construction of the works, and the preparation of as-built drawings.
- (4) In the event of a pipe diversion, the pipe diversion work must be undertaken by the Council's authorised agent(s) and the costs to be recovered from the person requesting the works and/or property owner.

## **19 Interference by trees and shrubs**

- (1) Tree and shrubs should not be planted in a location where the roots or branches of the trees or shrubs are likely to interfere with the public water supply network.
- (2) The owner of premises shall comply with any notice by the Council requiring the owner to remove or trim any trees or shrubs on the premises that have interfered with, or in the opinion of the Council are likely to interfere with, the public water supply network or access to the public water supply network. The cost of complying with the Council's notice shall be met by the owner of the premises unless otherwise agreed in writing by the Council.

## **PART C – Conditions of public water supply**

### **20 Continuity of supply and pressure**

Due to practical and physical limitations, and unforeseen circumstances, the Council cannot guarantee an uninterrupted supply of water, a supply of water of a particular quality, or a supply of water at a particular pressure.

Where the Council shuts down a public water supply for maintenance, repair or other works, the Council will whenever practicable, make every reasonable effort to notify the customer. Where immediate action is required and notification is not practicable, the Council may shut down a public water supply network without notice.

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

- (1) If a customer has a requirement for an uninterrupted public water supply, it is the responsibility of the customer to provide measures such as storage, back-up facilities, or the equipment necessary. For customers connected to an on demand supply the Council suggests 12 hours of storage should be allowed for.
- (2) Customers on a restricted flow supply must have storage tanks with a minimum capacity of 25 m<sup>3</sup> and it is strongly recommended that customers have a minimum of seven days storage capacity.
- (3) The Council shall not be liable for any loss, damage, or inconvenience which the customer may incur as a result of normal Council operation of the public water supply within its permitted parameters.

## **21 Connection**

- (1) No person shall, without the Waters and Wastes Manager's prior written approval:
  - a) connect to the public water supply network;
  - b) alter a connection to the public water supply network; or
  - c) use the public water supply for fire protection.
- (2) All new connections, including all pipes, fittings and any other equipment up to the point of supply, shall only be installed by Council's authorised agent(s) and shall be at the cost of the person to whom approval has been granted under clause 21(1).
- (3) The Council may seek further information in order to process, or set conditions on, an application for approval under clause 21(1). Examples include (but are not limited to) a modelling assessment (at the applicants' cost) of the hydraulic capacity of the public water supply.
- (4) The Council may decline an application for approval under clause 21(1). Reasons for declining an application may include (but are not limited to):
  - a) insufficient capacity to accommodate the requested allocation; or
  - b) incompatible design.
- (5) Where more than one connection to the public water supply network is requested, or a requested connection is outside of an urban water supply area, approval shall be at the Council's discretion.
- (6) If an approved connection to the public water supply network is physically not made within six months of approval, then the approval is deemed to have lapsed and a new application will need to be made, including any additional costs that may be incurred. Water allocated for any approved connection may not be available for reallocation after this six-month period.

*Note: The reader is referred to the Council's Water Allocation Guidelines.*

## **22 Disconnection**

- (1) No person shall, without the Council's prior written approval, disconnect from the public water supply network.
- (2) Any person seeking approval under clause 22(1) shall give the Council at least seven working days' notice on the prescribed form.
- (3) If the Council approves disconnection, the disconnection shall be at the water main, must be undertaken by an authorised agent of the Council, and may include removal of the service pipe or sealing at the point of supply. The cost of such work shall be payable by the person to whom approval has been given under clause 22(1).
- (4) If the disconnection involves the demolition or removal of a building and a replacement building is proposed and reconnection to the previous point of supply will take place within a six-month period, the Council may approve a temporary disconnection at the Council's discretion.
- (5) A disconnection shall be deemed complete once all fees and charges as are fixed by the Council have been paid, an inspection has taken place, and the work has been signed off by the Council as satisfactory.
- (6) Council's approval for disconnection should not be unreasonably withheld.

## **23 Permission to take water from the public water supply network**

### **23.1 Permission to take water from a fire hydrant**

- (1) No person shall, without the prior written approval of the Council, take any water from a fire hydrant connected to the public water supply network unless that person is:
  - a) a member of the Fire and Emergency New Zealand (FENZ) for the purpose of fighting fires, training, and testing;
  - b) a permit holder acting in accordance with the terms and conditions of a current permit issued by the Council; or
  - c) the Council or its authorised agent(s).
- (2) The holder of a permit to take water from a fire hydrant shall, upon payment of the fee fixed by the Council, be entitled to receive a single fire hydrant upstand pipe incorporating a water meter and backflow prevention device for the term of the permit. In addition to the obligations imposed on the permit holder by the permit and this Bylaw, a permit holder shall not take any water from a fire hydrant unless they are using a fire hydrant upstand pipe supplied to them by the Council, which incorporates a water meter and backflow prevention device.
- (3) Fire hydrant upstand pipes remain the property of the Council and the permit holder shall compensate the Council for any loss or damage to the fire hydrant upstand pipe.
- (4) The holder of a permit to take water from a fire hydrant shall pay the Council for water taken from the fire hydrant at a rate per cubic metre that is fixed by the Council.

- (5) If the holder of a permit to take water from a fire hydrant requires more than one fire hydrant upstand pipe, they will be required to obtain an additional permit to take water (one permit per fire hydrant upstand pipe).
- (6) The holder of a permit to take water from a fire hydrant shall only take water from any fire hydrant listed on a schedule approved by the Council.
- (7) The Permit Holder shall not take water from a fire hydrant in areas where water restrictions are in force. It is the Permit Holder's responsibility to check if water restrictions are in force.
- (8) A traffic management plan for all the fire hydrant sites will be included with the permit and it is the permit holder's responsibility to comply with the traffic management plan when taking water from a fire hydrant.

## **23.2 Permission to take water by Tanker from a Swipe Card Operated Bulk Water Supply Station**

- (1) No person shall, without the prior written approval of the Council, take any water from a Bulk Water Supply Station (BWSS) unless that person is:
  - a) a permit holder acting in accordance with the terms and conditions of a current permit issued by the Council; or
  - b) the Council and its authorised agents.
- (2) The holder of a permit to take water from a BWSS shall, upon payment of the fee fixed by the Council, be entitled to receive a Swipe Card to operate the BWSS.
- (3) The holder of a permit to take water from a BWSS shall pay the Council for water taken from the BWSS at a rate per cubic metre that is fixed by the Council.
- (4) If the holder of a permit to take water from a BWSS requires more than one Swipe Card, they will be required to obtain an additional permit to take water (one permit per Swipe Card).
- (5) The holder of a permit to take water from a BWSS shall take water from a BWSS listed on a schedule approved by the Council.
- (6) The Permit Holder shall not take water from a Council BWSS in areas where water restrictions are in force. It is the Permit Holder's responsibility to check if water restrictions are in force.
- (7) A traffic management plan for all the BWSSs will be included with the permit and it is the permit holder's responsibility to comply with the traffic management plan when taking water from a BWSS.

## **24 Point of supply**

- (1) The Council is responsible for maintenance of the public water supply network up to and including the point of supply.
- (2) The customer is responsible for maintenance of the supply pipe beyond the point of supply.

- (3) A supply pipe shall serve only one customer and shall not extend by any other pipe or hose beyond the premises owned or occupied by the customer and supply any other person without the prior written approval of the Council.
- (4) Typical points of supply are illustrated by the diagrams contained in Appendix A.
- (5) Where, prior to this Bylaw coming into force, the Council has approved a point of supply that is in a different location to that described in this Bylaw, the point of supply shall be deemed to be the existing arrangement.
- (6) The Council reserves the right to change the point of supply should the existing point of supply for any connection become necessary to change due to any physical or legal reason or where there is a significant change in water demand or risk to the public water supply.

## **25 Types of public water supply**

- (1) All connections to the public water supply network shall be classified as either 'on demand supply' or 'restricted flow supply' and the use of water shall be either 'ordinary' or 'extraordinary'.

## **26 On Demand Supply**

- (1) Except with the prior written approval of the Council, all customers whose premises are connected to an on demand supply shall only use the on demand supply for ordinary use.
- (2) No person shall, without the prior written approval of the Council, use an on demand supply for an extraordinary use.
- (3) No customer whose premises are connected to an on demand supply shall, without the prior written approval of the Council:
  - a) change from an ordinary use of water to an extraordinary use of water; or
  - b) significantly increase the quantity of water supplied to the premises; or
  - c) change from an activity that is a medium risk to a higher risk to the water supply and/or network in respect of backflow e.g. a warehouse to an abattoir. In such cases, the Waters and Wastes Manager approval may include additional backflow prevention.
- (4) An on demand supply shall be subject to the prohibition or restriction of supply provisions set out in section 29 of this Bylaw.

## **27 Restricted Flow Supply**

- (1) All customers whose premises are connected to a restricted flow supply may use the supply for ordinary use and extraordinary use.
- (2) All customers whose premises are connected to a restricted flow supply must have a minimum water storage capacity of **25m<sup>3</sup>**. This provides a buffer against water supply interruptions, which are common in rural restricted water supply schemes.

*Note: Customers connected to a restricted flow supply are reminded:*



- a) *Council strongly recommends that customers have at least seven days storage, and that customers increase their water storage capacity above the minimum water storage capacity to provide this if needed;*
  - b) *That the Council is not responsible or liable to fill storage tanks following supply disruptions; It is the customers responsibility to regularly check the flow of water into their storage tanks and advise the Council immediately if there is a problem. At the discretion of the Council, and subject to availability of resources, the Council may provide up to 5m<sup>3</sup> of water over a 24-hour period by upsizing the restrictor for a limited time. There is a cost to the customer to change a restrictor to achieve this additional supply, under the Schedule of Fees and Charges.*
  - c) *Of the relevant firefighting provisions contained within the Tasman Resource Management Plan;*
  - d) *That all customers whose premises are connected to a restricted flow supply must obtain the Council's written approval to increase or decrease their allocated units of water and there is a cost under the Schedule of Fees and Charges to change the restrictor size.*
  - e) *A restrictor limited to one unit does not guarantee the supply of a full unit per day; instead it limits the maximum supply to one unit per day for each allocated unit.*
- (3) A restricted flow supply shall be subject to the prohibition or restriction of supply provisions set out in section 29 of this Bylaw.

## **28 Meters and restrictors**

- (1) Meters for on demand supplies, and restrictors for restricted flow supplies, shall be supplied, installed and maintained by the Council and shall remain the property of the Council.
- (2) Meters and restrictors shall be located in a position where they are readily accessible for reading and/or maintenance.
- (3) Should any meter cease to register, or be removed, the Council shall be entitled to estimate the water use for the period since the previous reading. This estimate will be based on the average of the previous four billing periods for that meter. The Council may consider seasonal or other fluctuations when determining an estimate if the average of the previous four billing periods would be unreasonable.
- (4) Should any restrictor be found to be tampered with or interfered with, the Council shall be entitled to estimate and charge for the additional water allowed to pass and recover any associated costs of repairs and restoring the service.

Restrictors may be tested by measuring the time required for 10 litres of water to pass through the restrictor. A copy of the certification of the test result shall be made available to the customer on request.

## **29 Prohibition or restriction on use of public water supply**

- (1) The Council may restrict or prohibit the use of the public water supply because of drought, emergency or any operational reason. Such restrictions or prohibitions may apply to all or any part of the District, to the use of water for any specified purpose, and for any specified period.
- (2) Such restrictions or prohibitions under clause 29(1) may include, but are not limited to:

- a) a notice to conserve water wherever possible; or
  - b) a notice that the restrictions and prohibitions applicable to a phase described in Appendix B are in force, and must be complied with, until such notice is amended or revoked.
- (3) The Council may amend or revoke a restriction or prohibition made by the Council under clause 29(1) of this Bylaw.
  - (4) The Council may at any time, by resolution, prescribe or amend the protocols under Appendix B for the purposes of determining reductions in water usage.
  - (5) No person shall use the public water supply contrary to a restriction or prohibition on the use of the public water supply that is issued by the Council or the Council's Community Infrastructure Manager.
  - (6) Restrictions and prohibitions on use of the public water supply shall be advised by public notice.
  - (7) Notwithstanding clause 29(1) above, any restriction or prohibition shall not compromise the Council's obligations (if any) to provide water for essential health needs. The Council may also have specific arrangements with individual users to maintain a public water supply during times of water restrictions.

*Note: The reader is referred to Sections 30.2 and 31.1 of the Tasman Resource Management Plan for further discussion on equitable water allocation, community water supply water rationing, and limiting allocations.*

- (8) The Council has the power to issue a notice restricting or prohibiting the use of the public water supply in accordance with clauses 29(1) and 29(2) of this Bylaw for all phases, and to amend or revoke such notice.
- (9) The Council has the power to issue a notice restricting or prohibiting the use of the public water supply in accordance with clauses 29(1) and 29(2) of this Bylaw for phases A to D, and to amend or revoke such notice.

### **30 Fire protection connection and use**

- (1) Any connection for fire protection shall be subject to an application and approval in writing by the Council. If a connection is approved, it shall be subject to the terms and conditions specified by the Council.
- (2) It is the responsibility of the customer to provide the required flow and pressure information to operate their intended fire protection system. Should the Council need to complete a modelling assessment of the hydraulic capacity of the public water supply network to process the application, this shall be at the customer's expense.
- (3) Any unmetered fire protection connection shall not be used for any purpose other than firefighting and testing of the fire protection system.
- (4) Where the supply of water to a premises is metered, the Council may allow the supply of water for the purposes of firefighting to be made in a manner which bypasses the meter provided that a backflow prevention device is fitted on the bypass with a detector check meter.

- (5) Where the supply of water to any premises is metered, fire hose reels shall be connected only to the metered supply, not to the fire protection system.
- (6) Where the fire protection connection is metered and water has been used for firefighting purposes, the Council may estimate the quantity of water used, and make a corresponding credit to the customer's account.
- (7) All fire protection systems must have a Council approved backflow prevention device fitted.
- (8) Water supplied from fire hydrants on the public water supply network conform to the level of service set out in the Council's Long-Term Plan.

## **31 Customer responsibility**

- (1) It is the customer's responsibility to prevent backflow.
- (2) It is the customer's responsibility to advise the Council of any change of use as described in 25.1(2).
- (3) Customers must not allow water to run to waste, including allowing wasteful amounts of water to flow from hoses or irrigation equipment, allow the condition of plumbing within the premises to deteriorate to the point where leakage or waste occurs, overflowing of water storage tanks or allow leaks to continue unchecked or unrepaired.
- (4) Where a customer ignores a request from the Council to repair an on-going leak, the Council may repair the leak and charge the customer all associated costs.
- (5) A customer shall not use water or water pressure directly from the public water supply for driving lifts, machinery, generators, or any other similar device, unless specifically approved by the Council.
- (6) Pumps, hydraulically driven equipment, quick closing valves of any kind or any other equipment which may cause pressure surges to be transmitted or compromise the ability for the Council to maintain the public water supply, shall not be connected directly to the supply pipe. Connections which have been identified in causing pressure surges will require modification of the connection to reduce the effect of the pressure surges in the water reticulation. Council may seek to recover costs associated with these modifications.
- (7) The customer shall maintain the area in and around the point of supply keeping it free of soil, growth, or other matter or obstruction which prevents, or is likely to prevent convenient access.
- (8) Where a meter or restrictor is located on private property, the customer shall grant reasonable access to the Council's authorised agent. Where access has not been possible or arranged, (for example locked gates and/or unrestrained dogs), the Council may after written notice and a period of 14 days move the point of supply to a position outside the premises.
- (9) Where clause 31(8) applies, the customer will then become responsible for maintenance of the existing pipework downstream of the new point of supply.
- (10) For a restricted flow supply, it is the customer's responsibility to monitor inflow of water into the storage tank regularly and immediately advise the Council if water is not being supplied

or has a significantly reduced flow. It is too late to advise Council once the tank is out of water as the Council does not supply tankered water (refer clause 20 and 27(2)b).

## PART D – Enforcement

### 32 Offences and Penalties

- (1) Every person who fails to comply with this Bylaw commits an offence under section 239 of the Act and is liable to enforcement action by the Council and the penalties set out in the Act.
- (2) Breaches of this Bylaw include but are not limited to:
  - a) taking water from a fire hydrant without the required authority;
  - b) misuse of or interference with the public water supply or the public water supply network, including accidental or intentional damage;
  - c) any illegal connection to the public water supply network;
  - d) failure by the customer or permit holder to comply with the conditions of supply or customer responsibilities;
  - e) failure to prevent backflow;
  - f) failure to pay the appropriate fees and charges;
  - g) failure to comply with water use restrictions or prohibitions imposed by the Council;
- (3) If a person fails to comply with this Bylaw, the Council may (without prejudice to any other powers) restrict the water supply to that person's land or building in accordance with section 193 of the Act and section 25(7) of the Water Services Act 2021.

### 33 Removal of works and recovery of costs

- (1) The Council may:
  - a) remove or alter a work or thing that is, or has been, constructed in breach of this Bylaw; and
  - b) recover on demand the costs of removal or alteration from the person who committed the breach.
- (2) If any person defaults in undertaking any action required under this Bylaw the Council may at its discretion, upon giving notice to that person, undertake that action and recover on demand from them the full cost of undertaking that action from that person.

### 34 Council Resolution

This Bylaw was made by Tasman District Council at a meeting of the Council on 28 November 2024.

The common seal of the Tasman District Council is attached in the presence of:



Mayor



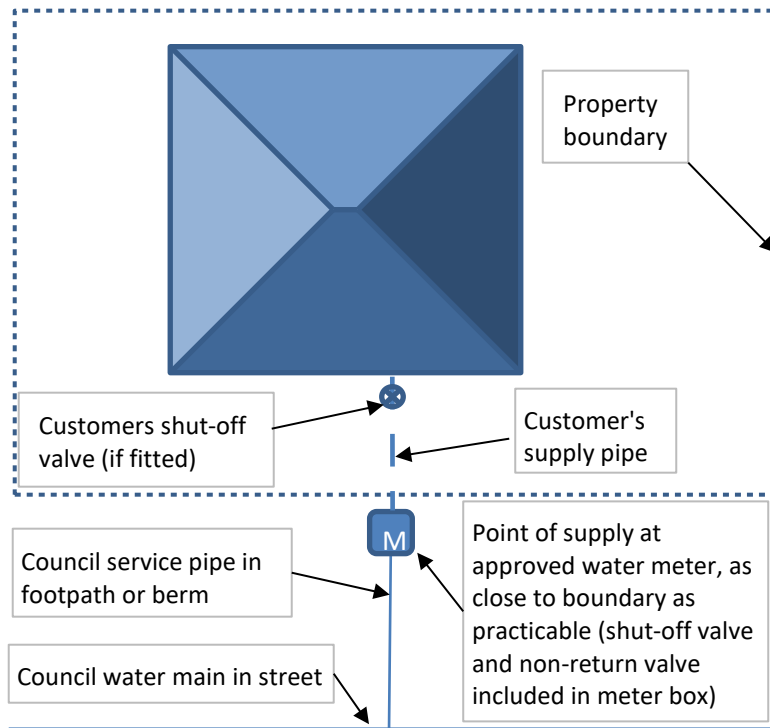
Chief Executive



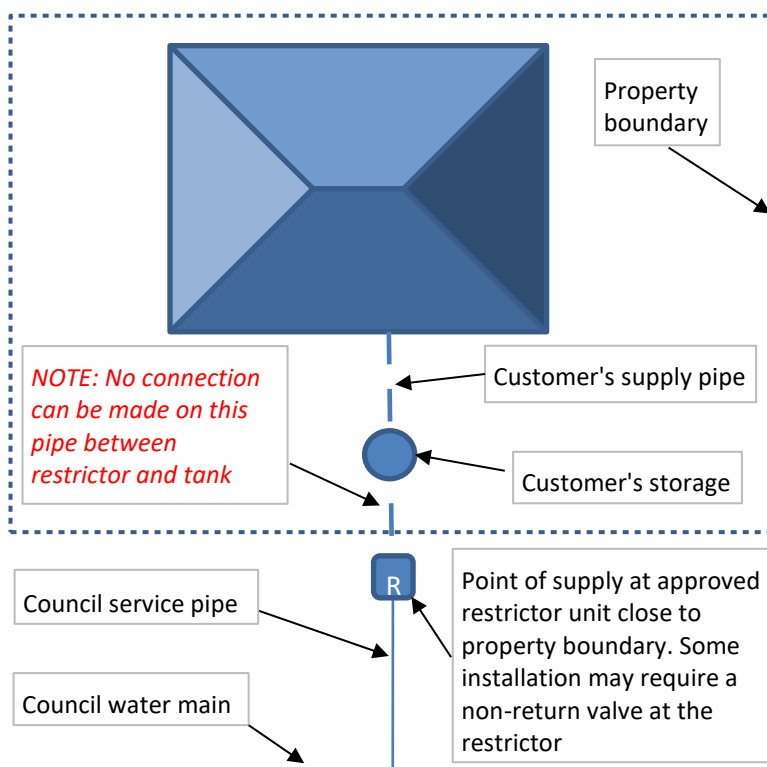


## Appendix A – Point of Supply Diagrams

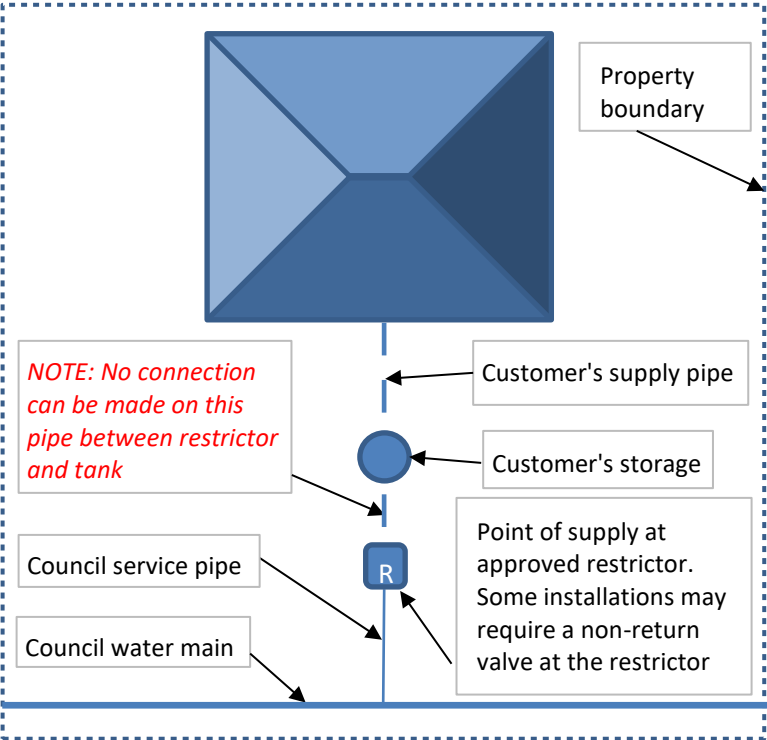
**Figure 1:** Typical Point of Supply -On Demand Supply-Outside Premises



**Figure 2:** Typical Point of Supply-Restricted Flow-Outside Premises

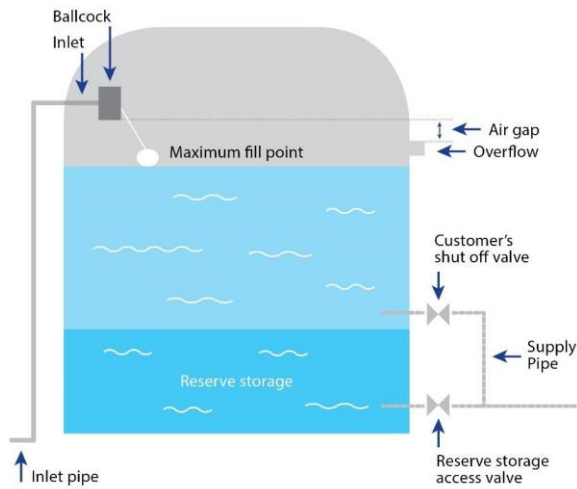


**Figure 3:** Typical Point of Supply-Restricted Flow-Inside Premises

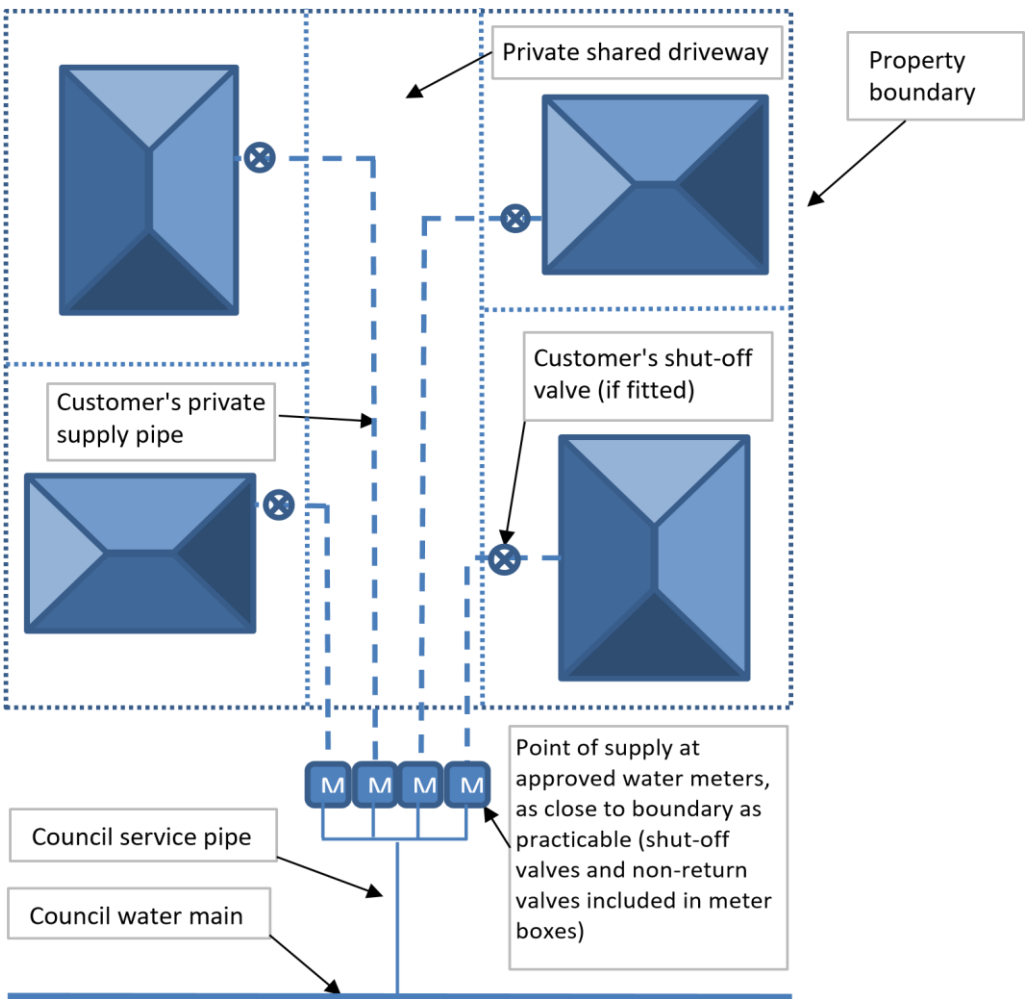




**Figure 4:** Typical Restricted Flow Supply Tank Connection

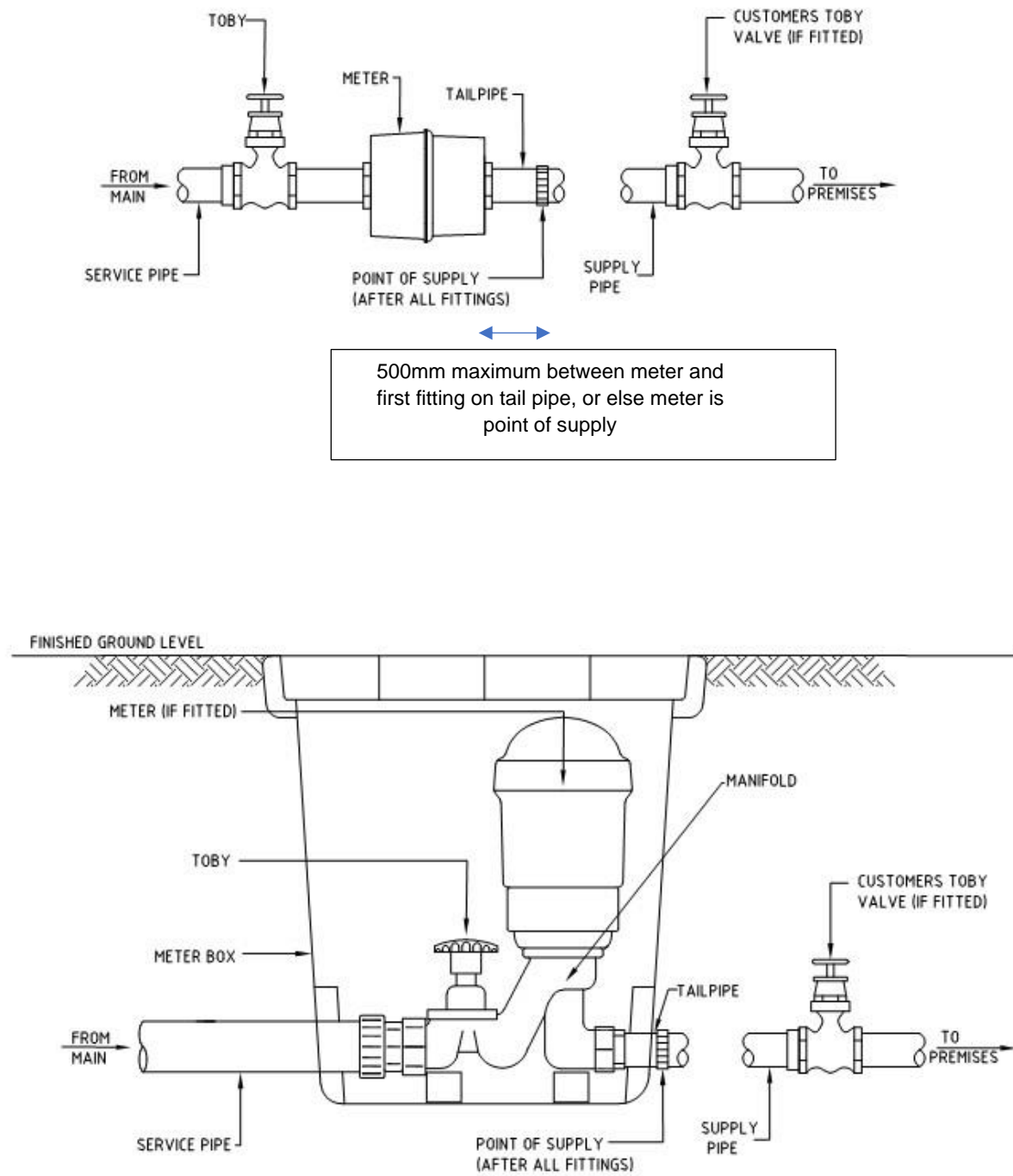


**Figure 5:** Typical Point of Supply-On Demand Supply-Multiple Premises (accessed by right of way, new connections)



**Figure 6:** Typical On Demand (Metered) Supplies

5



# Appendix B - Residential Water Restriction Protocol

The restrictions and prohibitions set out in this part apply to the use of the Public Water Supply at Residential Premises. Residential Premises means premises used principally as a place of residence and includes a dwelling, flat, hotel, motel, hostel, boarding house, camping ground, or retirement village (as defined in section 6 Retirement Villages Act 2003).

THESE ACTIVITIES ARE ALWAYS PERMITTED, EVEN WHEN RESTRICTIONS ARE IN PLACE, BUT PLEASE CONSERVE WATER WHEREVER POSSIBLE.



Water for human public health and safety, sanitation (laundry, fire-fighting showering/bathing)



Pools, spas, water features and water play activities	<b>PHASE A</b> Conserve water wherever possible for all activities. Restrictions in effect on outdoor water use.	<b>PHASE B</b> Conserve water wherever possible for all activities. Restrictions in effect on outdoor water use.	<b>PHASE C</b> Restrictions in effect on all water use. Water conservation is essential.	<b>PHASE D</b> Restrictions in effect on all water use. Water conservation is essential.	<b>PHASE E</b> Emergency: water use only permitted for human drinking water, sanitation, medical, health and safety, firefighting and livestock* purposes.	<b>PHASE F</b> Emergency: water use only permitted for human drinking water, sanitation, medical, health and safety and firefighting purposes.
	Filling a pool, spa or water feature is prohibited. Topping up a pool, spa or water feature is permitted. Using water for water play activities is permitted.	Filling and topping up a pool, spa or water feature is prohibited. Using water for water play activities is prohibited.	All water used for pools, spas, water features and water play activities is prohibited.	All water used for pools, spas, water features and water play activities is prohibited.	All water used for pools, spas, water features and water play activities is prohibited.	All water use prohibited except for human drinking water, sanitation, medical, health and safety and firefighting purposes. Water supply only from nominated key supply points. Use of water for livestock purposes is prohibited.
Outdoor washing (vehicle washing, outdoor surfaces and windows)	Outdoor washing permitted when using a hand-held hose equipped with a trigger nozzle, high pressure cleaning unit, or bucket.	Outdoor washing permitted when using a hand-held hose equipped with a trigger nozzle, high pressure cleaning unit, or bucket.	Washing vehicles permitted when using recycled grey water only. Washing outdoor surfaces is permitted for safety reasons using a bucket only.	Washing vehicles permitted when using recycled grey water only. Washing outdoor surfaces is permitted for safety reasons using a bucket only.	All outdoor washing activities prohibited, except where cleaning is required for health and safety reasons, or other emergency.	
Grass area and lawns	Watering grass or lawns is prohibited.	Watering grass or lawns is prohibited.	Watering grass or lawns is prohibited.	Watering grass or lawns is prohibited.	Watering grass or lawns is prohibited.	
Amenity Planting (flower beds, planters, shrubs, trees)	Watering permitted when using a hand-held hose equipped with a trigger nozzle, time limited watering system (automatic, spray or dripper), or a bucket. Watering protected trees listed in the District Plan is permitted using this watering method.	Watering permitted on alternate days using a hand-held hose equipped with a trigger nozzle, time limited watering system (automatic, spray or dripper) or a bucket. Watering protected trees listed in the District Plan is permitted using this watering method.	Watering permitted on alternate days using a hand-held hose equipped with a trigger nozzle, time limited watering system (automatic, spray or dripper) or a bucket. Watering protected trees listed in the District Plan is permitted using this watering method.	Watering all amenity plants and trees is prohibited; except for protected trees listed in the District Plan. Watering protected trees is permitted on alternate days using a hand-held hose equipped with a trigger nozzle, time limited watering systems (automatic, spray or dripper) or a bucket.	Watering prohibited.	
Productive Gardens (fruits and vegetables for domestic use)	Watering permitted when using a hand-held hose equipped with a trigger nozzle, time limited watering system (automatic, spray or dripper) or a bucket.	Watering permitted when using a hand-held hose equipped with a trigger nozzle, time limited watering system (automatic, spray or dripper) or a bucket.	Watering permitted on alternate days using a hand-held hose equipped with a trigger nozzle, time limited watering system (automatic, spray or dripper) or a bucket.	Watering permitted on alternate days using a bucket only.	Watering prohibited.	





THESE ACTIVITIES ARE ALWAYS PERMITTED, EVEN WHEN RESTRICTIONS ARE IN PLACE, BUT PLEASE CONSERVE WATER WHEREVER POSSIBLE.



Water for human public health purposes including drinking and sanitation (laundry, cleaning and showering/bathing)



Water for fire-fighting purposes



Water for health and safety purposes

	PHASE A Conserve water wherever possible for all activities. Restrictions in effect on outdoor water use.	PHASE B Conserve water wherever possible for all activities. Restrictions in effect on outdoor water use.	PHASE C Restrictions in effect on all water use. Water conservation is essential.	PHASE D Restrictions in effect on all water use. Water conservation is essential.	PHASE E Emergency: water use only permitted for human drinking water, sanitation, medical, health and safety, firefighting and livestock <sup>4</sup> purposes.	PHASE F Emergency: water use only permitted for human drinking water, sanitation, medical, health and safety and firefighting purposes.
ALL BUSINESS ACTIVITIES	Conserve water wherever possible.	Conserve water wherever possible.	Reduce usage by 10% – 30% of the baseline as notified by Council. <sup>2,3</sup>	Reduce usage by 31% – 50% of the baseline as notified by Council. <sup>2,3</sup>	All water use prohibited except for human drinking water, sanitation, medical, health and safety, firefighting, and livestock <sup>4</sup> purposes.	All water use prohibited except for human drinking water, sanitation, medical, health and safety and firefighting purposes. Water supply only from nominated key supply points. Use of water for livestock <sup>4</sup> purposes is prohibited.
OUTDOOR WASHING (vehicle washing, outdoor surfaces and windows)	Outdoor washing permitted when using a hand held hose equipped with a trigger nozzle, high pressure cleaning unit, or bucket.	Outdoor washing permitted when using a hand held hose equipped with a trigger nozzle, high pressure cleaning unit, or bucket.	Washing vehicles permitted when using recycled grey water only. Washing outdoor surfaces is permitted for safety reasons using a bucket only.	Washing vehicles permitted when using recycled grey water only. Washing outdoor surfaces is permitted for safety reasons using a bucket only.	All outdoor washing activities prohibited, except where cleaning is required for health and safety reasons, or other emergency.	
GRASS AREA AND LAWNS	Watering grass or lawns is prohibited.	Watering grass or lawns is prohibited.	Watering grass or lawns is prohibited.	Watering grass or lawns is prohibited.	Watering grass or lawns is prohibited.	
AMENITY PLANTING (flower beds, planters, shrubs, trees)	Watering permitted when using a hand held hose equipped with a trigger nozzle, time limited watering system (automatic, spray or dripper), or a bucket. Watering protected trees listed in the District Plan is permitted using this watering method.	Watering permitted on alternate days using a hand held hose equipped with a trigger nozzle, time limited watering system (automatic, spray or dripper) or a bucket. Watering protected trees listed in the District Plan is permitted using this watering method.	Watering permitted on alternate days using a hand held hose equipped with a trigger nozzle, time limited watering system (automatic, spray or dripper) or a bucket. Watering protected trees listed in the District Plan is permitted using this watering method.	Watering all amenity plants and trees is prohibited; except for protected trees listed in the District Plan. Watering protected trees is permitted on alternate days using a hand held hose equipped with a trigger nozzle, time limited watering systems (automatic, spray or dripper) or a bucket.	Watering prohibited.	
POOLS, SPAS, WATER FEATURES AND WATER PLAY ACTIVITIES <sup>5</sup>	Filling a pool, spa or water feature is prohibited. Topping up a pool, spa or water feature is permitted. Using water for water play activities is permitted.	Filling and topping up a pool, spa or water feature is prohibited. Using water for water play activities is prohibited.	All water use for pools, spas, water features and water play activities is prohibited.	All water use for pools, spas, water features and water play activities is prohibited.	All water use for pools, spas, water features and water play activities is prohibited.	

- 1

Business premises includes the Richmond Aquatic Centre and premises used principally for a farming, agricultural or horticultural business.
- 2

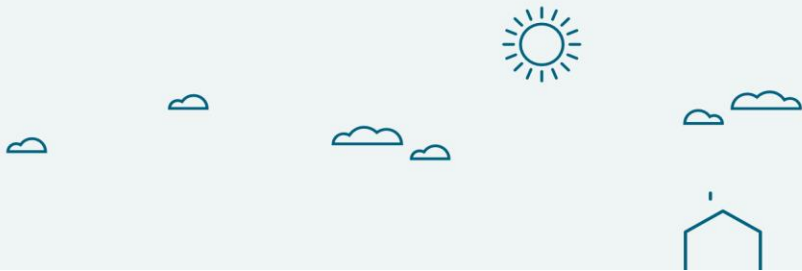
When water restrictions are in force under this phase, the restrictions and prohibitions on water use applicable during this phase are in addition to the obligation to reduce use of the Public Water Supply by the percentage specified for ‘all business activities’. Savings that are made through compliance with the restrictions and prohibitions applicable during this phase will count towards, and may exceed, the required percentage savings. Regardless of the water savings made due to restrictions and prohibitions applicable during this phase, users may need to reduce their water use in other areas in order to achieve the required percentage savings.
- 3

The Council may exempt the owner or occupier of any new business from the requirement to reduce water usage at a Business Premises by the percentage specified if the owner or occupier of the new business has applied in writing for the exemption and the Council is satisfied that the new business has not previously operated from that Business Premises. Any such exemption granted by the Council shall be in writing and shall expire on the Expiry Date. Where the Council issues a water invoice to the exemption holder on a monthly basis the Expiry Date is the date of the twelfth water invoice issued by the Council in respect of the new Business Premises. For all other exemption holders the Expiry Date is the date of the second water invoice issued by the Council to the exemption holder in respect of the new Business Premises. An exemption granted under this clause shall not exempt any Person from the obligation to comply with the other restrictions or prohibitions on water use at the Business Premises, which are set out above.
- 4

Livestock means cattle, sheep, horses, swine, alpacas, llamas, goats, deer, poultry, bees, fish, rabbits and other animals kept on the premises for business purposes.
- 5

When Phase A, B, C, or D water restrictions are in force, the Richmond Aquatic Centre is exempt from the restrictions and prohibitions on use of water for pools, spas, water features and water play activities in this table.
- 6

The Council may grant an exemption upon application to comply with restrictions outlined during Phase A,B,C,D and E for water used for animal welfare purposes.



# BUSINESS WATER RESTRICTION PROTOCOL



The restrictions and prohibitions set out in this part apply to the use of the Public Water Supply at Business Premises. Business Premises means Premises used principally for any profession, trade, manufacture or undertaking carried on for gain or reward, but excludes Public / Institutional Premises.<sup>1</sup>



# Public / Institutional Water Restricted Protocol

The restrictions and prohibitions set out in this part apply to the use of the Public Water Supply at Public / Institutional Premises. Public / Institutional Premises means Premises used principally for the purposes of:

- a. not-for-profit organisations, whether incorporated or non-incorporated;

THESE ACTIVITIES ARE ALWAYS PERMITTED, EVEN WHEN RESTRICTIONS ARE IN PLACE, BUT PLEASE CONSERVE WATER WHEREVER POSSIBLE. Cleaning and



for human public health purposes Water for drinking and sanitation (laundry, fire-fighting showering/bathing purposes) safety purposes



Water for health and



- b. local government, central government or Departments of State;
- c. utility operators as defined in section 4 Utilities Access Act 2010;
- d. childcare centres and kindergartens, whether public or private;
- e. hospitals, whether public or private;
- f. medical and dental surgeries, and medical and other primary health care centres;
- g. educational institutions, including public and private primary, intermediate, and secondary schools, universities, polytechnics, and other tertiary institutions;
- h. public libraries, public museums, and public art galleries;
- i. police stations;
- j. fire stations;

- k. community halls and community recreation centres;
- l. public parks, sports grounds;
- m. courthouses;
- n. churches and chapels;
- o. probation and detention centres;
- p. road as defined in section 315 Local Government Act 1974, or state highway as defined in section 5 Land Transport Management Act 2003, but does not include fire hydrants.

	PHASE A	PHASE B	PHASE C	PHASE D	PHASE E	PHASE F
	Conserve water wherever possible for all activities. Restrictions in effect on outdoor water use.	Conserve water wherever possible for all activities. Restrictions in effect on outdoor water use.	Restrictions in effect on all water use. Water conservation is essential.	Restrictions in effect on all water use. Water conservation is essential.	Emergency: water use only permitted for human drinking water, sanitation, medical, health and safety, firefighting and livestock* purposes.	Emergency: water use only permitted for human drinking water, sanitation, medical, health and safety and firefighting purposes.
Water play activities (water slides etc.)	Using water for water play activities is permitted.	Using water for water play activities is prohibited.	Using water for water play activities is prohibited.	Using water for water play activities is prohibited.	Using water for water play activities is prohibited.	All water use prohibited except for human drinking water, sanitation, medical, and safety and firefighting purposes. Water supply only from nominated key supply points.
Council's water supply maintenance activities (flushing hydrants and pipes)	Conserve water wherever possible.	Conserve water wherever possible.	All activities using water prohibited, except with Engineering Manager's approval.	All activities using water prohibited, except with Engineering Manager's approval.	All activities using water prohibited, except with Engineering Manager's approval.	
Outdoor washing (vehicle washing, outdoor surfaces and windows)	Outdoor washing permitted when using a hand-held hose equipped with a trigger nozzle, high pressure cleaning unit, or bucket.	Outdoor washing permitted when using a hand-held hose equipped with a trigger nozzle, high pressure cleaning unit, or bucket.	Washing vehicles permitted when using recycled grey water only. Washing outdoor surfaces is permitted for safety reasons using a bucket only.	Washing vehicles permitted when using recycled grey water only. Washing outdoor surfaces is permitted for safety reasons using a bucket only.	All outdoor washing activities prohibited, except where cleaning is required for health and safety reasons, or other emergency.	
Grass areas and lawns (parks/reserves/cemeteries, schools and sports fields)	Watering grass or lawns is prohibited except for the watering of bowling greens, croquet greens, golf greens, grass cricket pitches and grass tennis courts.	Watering grass or lawns is prohibited except for the watering of bowling greens, croquet greens, golf greens, grass cricket pitches and grass tennis courts.	Watering grass or lawns is prohibited.	Watering grass or lawns is prohibited.	Watering grass or lawns is prohibited.	
Amenity planting (flower beds, planters, shrubs, trees)	Watering permitted when using a hand-held hose equipped with a trigger nozzle, time limited watering system (automatic, spray or dripper), or a bucket. Watering protected trees listed in the District Plan is permitted using this watering method.	Watering permitted on alternate days using a hand-held hose equipped with a trigger nozzle, time limited watering system (automatic, spray or dripper) or a bucket. Watering protected trees listed in the District Plan is permitted using this watering method.	Watering permitted on alternate days using a hand-held hose equipped with a trigger nozzle, time limited watering system (automatic, spray or dripper) or a bucket. Watering protected trees listed in the District Plan is permitted using this watering method.	Watering all amenity plants and trees is prohibited; except for protected trees listed in the District Plan. Watering protected trees is permitted on alternate days using a hand-held hose equipped with a trigger nozzle, time limited watering systems (automatic, spray or dripper) or a bucket.	Watering prohibited.	
Community food gardens (productive gardens growing fruits and vegetables for personal/community use)	Watering permitted when using a hand-held hose equipped with a trigger nozzle, time limited watering system (automatic, spray or dripper) or a bucket.	Watering permitted when using a hand-held hose equipped with a trigger nozzle, time limited watering system (automatic, spray or dripper) or a bucket.	Watering permitted on alternate days using a hand-held hose equipped with a trigger nozzle, time limited watering system (automatic, spray or dripper) or a bucket.	Watering permitted on alternate days using a bucket only.	Watering prohibited.	



Public/school pools (water used for the operation of community pools/spas and school pools)	Conserve water wherever possible.	Conserve water wherever possible.	Filling a pool is prohibited. Topping up is permitted.	Filling and topping up a pool is prohibited.	Filling and topping up a pool is prohibited.	
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# PROTOCOL NOTES

## Definition of baseline for the purposes of the Business Water Restriction Protocol

- For each Business Premises the baseline (measured in cubic metres) in any month is the monthly mean average of the quantity of water supplied by the Council to the Business Premises calculated in accordance with section 1 below. Upon application the Council's Engineering Services Manager may agree in writing in any particular case to calculate the baseline using the statistical median rather than the mean if that better represents normal usage.

### SECTION 1 Six monthly billing customers

**Monthly baseline mean =  $(A+B+C) / 18$**

For the period commencing (date the Bylaw is adopted) to 30 June 2023, A, B, and C are the six-monthly water supply figures for each of the billing periods that included the same month in the 3 years from 1 July 2015 to 30 June 2018 respectively.

From 1 July 2023, A, B, and C are the six-monthly water supply figures for each of the billing periods that included the same month in the previous 3 years respectively.

### Monthly billing customers

**Monthly baseline mean =  $(A+B+C) / 3$**

For the period commencing (date the Bylaw is adopted) to 30 June 2023, A, B, and C are the monthly water supply figures for the same month in the three years from 1 July 2015 to 30 June 2018 respectively.

From 1 July 2023, A, B, and C are the monthly water supply figures for the same month in the previous 3 years respectively.

- **B** In this definition month means a calendar month.
- **C** The definition may be amended from time to time by resolution of the Council pursuant to clause 27(4) of this Bylaw.
- **D** During Phase C and D, a business's monthly water allocation will be prorated when translating into weekly limits, unless otherwise agreed by the Engineering Services Manager.

