

Notice is given that a Public Water Supply Bylaw Hearing and Deliberations meeting will be held on:

Date: Tuesday 15 October 2024
Time: 9.30 am
Meeting Room: Tasman Council Chamber
Venue: 189 Queen Street, Richmond

Zoom conference link: <https://us02web.zoom.us/j/86076808743?pwd=E35hCrfDM9pbyMFcq1hFMG12blQEge.1>

Meeting ID: 860 7680 8743
Meeting Passcode: 498599

Public Water Supply Bylaw Hearing and Deliberations

AGENDA

MEMBERSHIP

Chairperson Councillor C Hill
Members Deputy Mayor S Bryant
Councillor B Dowler
Councillor J Ellis
Councillor M Kininmonth

(Quorum 3 members)

Contact Telephone: 03 543 8400
Email: tdc.governance@tasman.govt.nz
Website: www.tasman.govt.nz

AGENDA

1 OPENING, WELCOME, KARAKIA

2 APOLOGIES AND LEAVE OF ABSENCE

Recommendation

That the apology from Councillor Maling be accepted.

3 REPORTS

3.1 Draft Public Water Supply Bylaw Submissions Hearing and Deliberations..... 4

4 HEARING OF SUBMISSIONS

5 CONFIDENTIAL SESSION

Nil

6 CLOSING KARAKIA

3 REPORTS

3.1 DRAFT PUBLIC WATER SUPPLY BYLAW SUBMISSIONS HEARING AND DELIBERATIONS

Decision Required

Report To:	Submissions Hearing
Meeting Date:	15 October 2024
Report Author:	Cat Budai, Community Policy Advisor; Kim Arnold, Senior Infrastructure Planning Advisor
Report Authorisers:	Dwayne Fletcher, Strategic Policy Manager; Richard Kirby, Group Manager - Community Infrastructure
Report Number:	RSH24-10-1

1. Purpose of the Report / Te Take mō te Pūrongo

- 1.1 The purpose of this report is to:
 - 1.1.1 accept and hear the submissions received during consultation on the draft Public Water Supply Bylaw (“the bylaw”);
 - 1.1.2 summarise the feedback received on the bylaw and provide staff advice on the issues raised;
 - 1.1.3 provide the Public Water Supply Bylaw Hearing and Deliberations Panel (“the Panel”) with an opportunity to discuss this feedback;
 - 1.1.4 seek decisions on any amendments to the bylaw; and
 - 1.1.5 seek a recommendation from the Panel on whether the bylaw should be adopted.
- 1.2 The final Bylaw is scheduled to be presented to the Council on 28 November 2024, with the Panel’s recommendation on whether the bylaw should be adopted.

2. Summary / Te Tuhinga Whakarāpototo

- 2.1 This report is to enable the Panel to accept and hear the submissions on the draft bylaw and summarises public feedback from the consultation process.
- 2.2 The consultation period for the Draft Public Water Supply Bylaw was open between 26 July 2024 and 27 August 2024. The Council received eight submissions.
- 2.3 There were no late submissions received between 27 August 2024 and 1 October 2024.
- 2.4 There is one submitter who wishes to be heard.
- 2.5 Staff ask the Panel to consider the feedback received and deliberate on the changes it would like to make to the bylaw, before making a recommendation to the Council on whether the final bylaw should be adopted.

- 2.6 A copy of all submissions has been circulated to the Panel on LGHub. These are also available for viewing by the public on the Council's [website](#).
- 2.7 Feedback included the following suggestions:
- 2.7.1 ensuring consistency across sections in the bylaw, particularly in referencing clauses and terminology;
 - 2.7.2 adding clearer definitions, such as for "Bulk Water Supply," and clarifying where backflow prevention devices should be installed; and
 - 2.7.3 aligning the bylaw more closely with other legislation, including the Building Act and Water Services Act.
- 2.8 Staff are recommending a series of minor amendments. These can be seen in a marked up version of the draft Bylaw (**Attachment 1**).
- 2.9 Staff have prepared a summary of the submissions received during consultation on the bylaw (see section 5). Staff advice on the issues raised in the feedback and recommended changes to the bylaw are set out in tables in **Attachment 2**.
- 2.10 Staff will incorporate the changes that the Panel request and prepare the final bylaw for consideration by the Council at its 28 November 2024 meeting.

<p>3. Recommendation/s / Ngā Tūtohunga</p>

That the Public Water Supply Bylaw Hearing and Deliberations Panel

1. receives the Draft Public Water Supply Bylaw Submissions Hearing and Deliberations report RSH24-10-1; and
2. receives and considers all [eight submissions](#) on the Draft Public Water Supply Bylaw received by 16 September 2024; and
3. declines to accept any late Draft Public Water Supply Bylaw submissions received after 5.00 pm on 16 September 2024; and
4. agrees to changes set out in 'Table 1: Changes proposed in response to feedback in submissions' of Attachment 2 to the agenda report for the following clauses:
 - a. 4(1) (Revocation)
 - b. 6 (Interpretation; adds definitions for bulk water supply and cross-connection hazard)
 - c. 15(1) & (2) (Backflow Prevention)
 - d. 17(6) (Working near the public water supply network)
 - e. 20(2) (Continuity of supply and pressure)
 - f. 26(4) (On demand supply)
 - g. 27(3) (Restricted Flow Supply)
 - h. 29 (1), (2), (3), (7), (8) & (9) (Prohibition or restriction on use of public water supply)
 - i. 30(4) (Fire protection connection and use)

- j. **31(2), (3), (4), (9) & (10) (Customer responsibility)**
 - k. **32(3) (Offences and penalties)**
5. **agrees to changes set out in ‘Table 2: Other changes proposed by staff’ of Attachment 2 to the agenda report relating to the following:**
- a. **replace Title page text ‘The Public Water Supply Bylaw 2024 is an amended Water Supply Bylaw 2016 (Amended 2019)’ with Table 1 on the following page documenting the bylaw’s review history;**
 - b. **2(1) (Title), clarifying this is an amended version of the 2016 bylaw rather than an entirely new bylaw; and**
6. **for the reasons set out in Table 3: Suggested changes from submitters that staff do not recommend’ of Attachment 2 to the agenda report declines to amend wording in the following clauses:**
- a. **15 (2) & (3) (Backflow Prevention)**
 - b. **17 (Working near the public water supply network)**
 - c. **19 (1) (Interference by trees and shrubs)**
 - d. **20 (Continuity of supply and pressure)**
 - e. **21 (Connection)**
 - f. **28 (Meters and restrictors)**
 - g. **29 (2) (Prohibition or restriction on use of public water supply)**
 - h. **30 (8) (Fire Protection connection and use)**
 - i. **Part D – Enforcement**
7. **in accordance with section 155 of the Local Government Act 2002:**
- 7.1 **agrees that the draft Public Water Supply Bylaw (as amended by changes in resolutions 4-5 above) is the most appropriate form of bylaw for managing public water supply matters; and**
 - 7.2 **notes that the draft Public Water Supply Bylaw (as amended by changes in resolutions 4-5 above) does not give rise to any implications under the New Zealand Bill of Rights Act 1990; and**
8. **agrees that the amended Public Water Supply Bylaw 2016 and the Public Water Supply Bylaw Hearing and Deliberations Panel’s recommendations be presented to the Full Council for consideration and adoption on 28 November 2024; and**
9. **delegates authority to Public Water Supply Bylaw Hearing and Deliberations Panel Chair and the Chief Executive Officer to approve any minor changes or minor editorial changes to the amended Public Water Supply Bylaw 2016, prior to being submitted to Tasman District Council.**

Recommendation to Tasman District Council

That the Tasman District Council:

- 1. **notes that a review of the Public Water Supply Bylaw 2016 has been undertaken; and**

2. **in accordance with sections 155, 159, and 160 of the Local Government Act 2002:**
 - 2.1 **agrees that the amended Public Water Supply Bylaw 2016 is the most appropriate form of bylaw for the regulation of Council managed water supplies; and**
 - 2.2 **notes that the amended Public Water Supply Bylaw 2016 does not give rise to any implications under the New Zealand Bill of Rights Act 1990; and**
3. **pursuant to sections 156 and 160 of the Local Government Act 2002, adopts the amended Public Water Supply Bylaw 2016 (Attachment 1 to the agenda report) with effect from 1 January 2025; and**
4. **authorises staff to publicly notify the amended Public Water Supply Bylaw 2016 and the date it is has effect from; and**
5. **notes that the Water Supply Bylaw 2016 will need to be reviewed before 28 November 2034; and**
6. **confirms the minutes of the 15 October 2024 Public Water Supply Bylaw Hearing and Deliberations Panel meeting as a true and correct record.**

4. Background / Horopaki

- 4.1 The Council can make water bylaws under section 146 of the Local Government Act 2002 (LGA). A bylaw will provide the Council the regulatory authority to exercise control over the management and regulation of its water supply networks to:
 - 4.1.1 regulate how customers connect to and use the water supply systems; and
 - 4.1.2 prescribe a fair means to recover costs for certain activities.
- 4.2 The bylaw can contain details of the requirements for connecting to the public water supply network, ensuring consistency and safety, as well as specific guidelines on the permissible use of water, including restrictions during droughts or emergencies.
- 4.3 The Water Supply Bylaw 2016 is a current bylaw that is being reviewed and amended in accordance with the procedures set out in sections 155 -160 of the LGA.
- 4.4 There have been recent changes to the legalisation affecting the water supply service and staff recommended a review of the bylaw to align with the new legislation. Additionally, the review provided an opportunity to address issues with clarity in previous clauses to ensure the continued effective management of the public water supply.
- 4.5 As part of the consultation process for the Draft Public Water Supply Bylaw submitters have the option of presenting their views to the Council verbally.
- 4.6 The Council asked submitters whether they would like to present their views verbally on the submission form. One submitter wishes to be heard verbally.
- 4.7 Staff have organised for the submitter to present their views to the Hearing Panel at today's meeting.
- 4.8 At the Environment and Regulatory Committee meeting on 18 July 2024, the Committee appointed a Hearings Panel consisting of Councillors Hill, Dowler, Ellis, Bryant and Kininmonth. The Hearings Panel Chair is Councillor Hill.
- 4.9 The purpose of the hearing panel is to:

- 4.9.1 consider the views of submitters;
- 4.9.2 decide on changes that may need to be made to the Draft Public Water Supply Bylaw; and
- 4.9.3 recommend a Public Water Supply Bylaw for adoption by the Council.

5. Analysis and Advice / Tātaritanga me ngā tohutohu

The hearing process

- 5.1 The submitter has been allowed a maximum of five minutes to speak to their submission. This time includes any points of clarification from the Hearing Panel.

Summary of feedback

- 5.2 We received eight submissions.
- 5.3 Submitters were asked if they supported what was in the proposed bylaw and provided an opportunity to give free text feedback or include an attachment.
- 5.4 Three submitters responded 'yes', one submitter responded 'partially' and one submitter responded 'no'. Two submitters (Health New Zealand and Tasman Democracy Inc) did not respond to this question but provided a detailed submission with specific comments on particular clauses of the draft. One submitter requested that their emailed comment regarding the Council's overreach be included as a submission on all consultations.
- 5.5 The submitter who did not support the bylaw did not provide a free text answer.
- 5.6 One of the submitters who answered 'yes' indicated general support in the free text field, while the other did not provide a free text answer.
- 5.7 The submitter who partially supported the bylaw expressed strong concerns about water pollution caused by farming practices, particularly the use of artificial nitrogen, inadequate cattle management, and overstocking during winter grazing. They criticised the Council's perceived leniency towards farmers who violate water protection regulations, advocating for stricter enforcement and penalties to address these issues rather than relying on water treatment methods like piping and chlorination.
- 5.8 **Attachment 2** includes specific changes recommended by staff in response to submissions received.
- 5.9 Multiple changes focus on ensuring consistency across sections, particularly in referencing correct clauses and terminology (e.g., section numbers in restriction clauses). Staff have also tried to make it clearer that this is a review that changes the current bylaw rather than establishing an entirely new bylaw.
- 5.10 Definitions and explanations are added or refined to improve clarity, such as introducing a definition for "Bulk Water Supply" and clarifying where backflow prevention devices should be installed. This reduces ambiguity for both staff and the public.
- 5.11 Amendments ensure the bylaw aligns with other legislative requirements, such as distinguishing between Building Act/Code provisions and integrating sections of the Water Services Act.

- 5.12 Revisions simplify authority delegation by moving certain operational powers (e.g., issuing notices) to the Council, with delegation details recorded separately to keep the bylaw streamlined.
- 5.13 Staff recommend including a table summarising the bylaw's key dates and amendment history to provide a clear and accessible overview of the bylaw's legislative timeline. This table provides a concise reference for the public, staff, and elected members to easily track when the bylaw was adopted, reviewed, or amended without needing to find specific clauses. By clearly displaying review and expiry dates, it also helps ensure that staff and stakeholders are aware of upcoming review deadlines, supporting timely updates to the bylaw. By making these changes, it is also clearer that the bylaw continues in an amended form rather than being a new bylaw. This was an inadvertent drafting error but does not change the substance of the bylaw in any way.
- 5.14 Many suggestions involved adding references or links to external documents, such as Water NZ Code of Practice or greywater re-use guidelines. Staff recommended against these changes, emphasising the importance of keeping the bylaw self-contained. This ensures stability, avoids conflicts if external documents are updated, and maintains clarity for users.
- 5.15 A submitter suggested expanding the bylaw's scope to include topics like groundwater protection zones, water conservation, or Taumata Arowai's emergency powers. Staff rejected these proposals, considering them outside the bylaw's purpose and already covered by other legislation (e.g., Resource Management Act, Water Services Act). The focus was kept on practical, enforceable aspects directly tied to the bylaw.
- 5.16 Proposals to unify language (e.g., "vested in Council" vs. "owned by Council") were declined where staff believed the distinct terms served specific purposes, such as differentiating infrastructure ownership origins.
- 5.17 Some suggested changes, like concerns about enforcement of pollution from farming or clarifying statutory obligations on water chlorination, were considered operational matters rather than bylaw content. These were either passed to relevant teams or deemed unnecessary for inclusion in the bylaw text.
- 5.18 Suggestions to include educational material (e.g., water-saving tips or compliance guidance) or links to Council guidelines are not recommended. Staff viewed the bylaw as a regulatory document, not a platform for education, and consider this information is best communicated through other channels to ensure the bylaw remains focused and authoritative.
- 5.19 Staff acknowledge the concerns raised by the submitter regarding the closed workshops during the preparation of the draft Public Water Supply Bylaw, particularly the request for these workshops to be open to the public.
- 5.20 The draft bylaw relates to an existing bylaw, and the changes proposed were relatively minor. Given this, early engagement was not deemed necessary. However, staff ensured that the Special Consultative Procedure, as required under the LGA, was followed. This process provided the public with an opportunity to have their say, and all submissions received during the consultation were carefully considered.
- 5.21 In terms of the workshops, these are a standard forum used by the Council to explore and refine complex issues before decisions are made in formal meetings. While workshops are not decision-making forums, they provide the Mayor and Councillors with the opportunity to better understand and explore the technical aspects of bylaws. The public's right to

participate is maintained through the formal consultation process, which includes opportunities to make submissions and speak at hearings.

6. Options / Kōwhiringa

6.1 The substantive decision the Panel must make is how to respond to submissions on the draft bylaw. The primary options available to the Panel are to accept staff recommendations on these, make other changes, or make no changes.

Option		Advantage	Disadvantage
1.	Accept staff recommendations to matters raised in submissions and in relation to other changes	Staff have considered the submissions and have made recommendations on changes to make to the bylaw	
2.	Make changes to the staff recommendations on the other matters raised in submissions.	The Panel demonstrate they have exercised their governance responsibilities by critically assessing staff recommendations. Other advantages will depend on the changes the Panel makes.	The disadvantages will depend on the change the Panel makes.
3.	Do not make any changes to the draft bylaw	Administrative ease and no challenges in communicating proposed changes.	The views of submitters following consultation may not have been adequately addressed.

6.2 Option one is recommended.

7. Legal / Ngā ture

- 7.1 To ensure due process, it is important that the Hearing Panel receives and considers submissions with an open mind.
- 7.2 At its meeting on 18 July 2024, the Environment and Regulatory Committee (the Committee) determined to consult on the Draft Public Water Supply Bylaw.
- 7.3 In the case of a significant decision, the Council must ensure that the decision is made in accordance with the provisions of sections 77, 78, 80, 81 and 82 of the LGA. In summary, the Council must:
 - 7.3.1 identify and assess the reasonably practicable options;
 - 7.3.2 consider the views of interested and affected parties; and
 - 7.3.3 establish processes for Māori to participate in decision-making.

- 7.4 The Council must also ensure that the principles of consultation are met. This means that people who will or may be affected or have an interest have reasonable access to relevant information, including about the purpose and scope of the decisions, and are encouraged to present their views. The Council must ensure that:
- 7.4.1 submitters can present their views in a manner and format appropriate to their preferences;
 - 7.4.2 the views presented are received with an open mind; and
 - 7.4.3 submitters have access to a clear record and explanation of the relevant decisions made by the Council.
- 7.5 At its meeting on 18 July 2024 the Committee decided to hold a submission hearing on the Draft Public Water Supply Bylaw so that the public can present their views verbally.
- 7.6 At the same meeting the Council adopted the Statement of Proposal (including the draft bylaw) and Summary of Information. The bylaw process must follow the Special Consultative Procedure under the LGA, which means the Council is required to offer the opportunity for submitters to present their views verbally.
- 7.7 Section 156 of the LGA sets out the consultation requirements when making a new bylaw. Public consultation on the bylaw was carried out under the SCP, which satisfies the LGA requirements.
- 7.8 Section 155(1) of the LGA requires the Council to determine whether a bylaw is the most appropriate way of addressing a perceived problem.
- 7.9 Section 155(2)(b) requires the Council to determine whether the proposed bylaw is the most appropriate form of bylaw and gives rise to any implications under the New Zealand Bill of Rights Act (NZ BORA) 1990.
- 7.10 Staff have considered the proposed changes and remain confident that the bylaw is in the most appropriate form. Staff advise that the bylaw does not give rise to any implications or inconsistencies under the NZ BORA 1990 and are reasonable and justifiable means to address the identified problems related to the management of the public water supply in Tasman District.

8. Iwi Engagement / Whakawhitiwhiti ā-Hapori Māori

- 8.1 Iwi were informed of the consultation via the Council's Iwi Engagement Portal and encouraged to make a submission. Iwi that indicated they would like to be involved in this project were also emailed directly and invited to make a submission.

9. Significance and Engagement / Hiranga me te Whakawhitiwhiti ā-Hapori Whānui

- 9.1 At the Environment and Regulatory Committee meeting on 18 July 2024 it was determined that the provisions of the bylaw would be of low to moderate interest for the general public. While the public water supply is a critical service, most residents expect regulations to ensure its safety and reliability.
- 9.2 It was planned to undertake a special consultative procedure in accordance with section 83 and as required by Section 156 of the LGA.

- 9.3 The decision for the Panel to consider in this report is whether to make any changes to the draft bylaw as a result of public feedback or staff recommendation, and to recommend to the Council that it adopts the Public Water Supply Bylaw at its meeting on 28 November 2024.
- 9.4 The decisions have been consulted on through an appropriate process and the deliberations at this meeting are in response to that consultation. The changes recommended by staff are not a substantial departure from what was consulted on. Staff consider that the Panel can make the amendments without further consultation.

	Issue	Level of Significance	Explanation of Assessment
1.	Is there a high level of public interest, or is decision likely to be controversial?	Low - Moderate	While the public water supply is a critical service, most residents expect regulations to ensure its safety and reliability.
2.	Are there impacts on the social, economic, environmental or cultural aspects of well-being of the community in the present or future?	Low	The bylaw directly affects various aspects of community wellbeing, including public health (social), resource management (environmental), water-related costs (economic), and potentially cultural practices involving water use. However, the changes proposed as opposed to the status quo are not likely to have significant impacts on these aspects of wellbeing.
3.	Is there a significant impact arising from duration of the effects from the decision?	Moderate	The effects of the bylaw will be long-term, influencing how the water supply is managed and protected for the next 10 years. However, the proposed changes will have little bearing on most residents' day to day life.
4.	Does the decision relate to a strategic asset? (refer Significance and Engagement Policy for list of strategic assets)	High	The public water supply network is a strategic asset crucial to the community's daily functioning and overall health. Decisions regarding its regulation and management are inherently significant due to their strategic importance.
5.	Does the decision create a substantial change in the level of service provided by Council?	Nil	The bylaw provides for the continuation of the current process of water supply management and regulation that is currently in practice.

	Issue	Level of Significance	Explanation of Assessment
6.	Does the proposal, activity or decision substantially affect debt, rates or Council finances in any one year or more of the LTP?	Nil	
7.	Does the decision involve the sale of a substantial proportion or controlling interest in a CCO or CCTO?	Nil	
8.	Does the proposal or decision involve entry into a private sector partnership or contract to carry out the deliver on any Council group of activities?	Nil	
9.	Does the proposal or decision involve Council exiting from or entering into a group of activities?	Nil	
10.	Does the proposal require particular consideration of the obligations of Te Mana O Te Wai (TMOTW) relating to freshwater or particular consideration of current legislation relating to water supply, wastewater and stormwater infrastructure and services?	High	The bylaw must align with Te Mana O Te Wai principles, ensuring the health and wellbeing of freshwater ecosystems are prioritised. Additionally, it needs to comply with current legislation governing water supply, wastewater, and stormwater, making it essential to consider these obligations thoroughly to ensure legal compliance and uphold environmental stewardship.

10. Communication / Whakawhitiwhiti Kōrero

- 10.1 Public communication and consultation on the bylaw was carried out under the SCP, as set out in paragraph 5.2 of this report.
- 10.2 Stakeholders with an interest in the terms of the bylaw were identified and received an email notifying them of the consultation, encouraging them to make a submission.
- 10.3 If the bylaw is approved for adoption, a public notice will be issued in Newsline and on the Council's website that the bylaw has been adopted. This is sufficient to meet the public notification requirements for bylaws in section 157 of the LGA.

11. Financial or Budgetary Implications / Ngā Ritenga ā-Pūtea

- 11.1 This bylaw does not have any material financial or budgetary implications for the Council.

12. Risks / Ngā Tūraru

- 12.1 The key risks are reputational and litigation risks related to the decisions the Panel is being asked to make.
- 12.2 A range of community views were received on various provisions in the bylaw. The Panel's role is to consider the views of the community alongside other advice it received, to make decisions for the final bylaw.
- 12.3 Not making the necessary changes to the bylaw carries a moderate level of risk. Misalignment with new legislation can cause confusion and inefficiencies in the implementation and enforcement of water supply policies, disrupting service delivery.
- 12.4 The bylaw provides clarity and guidance for those using water from or connected to the Council's water supply networks, and the bylaw provides staff an approved framework for the decision-making process approving connections of properties to the public water supply network.

13. Climate Change Considerations / Whakaaro Whakaaweawe Āhuarangi

- 13.1 The bylaw is unlikely to have any impact on the Council or the Tasman District's carbon footprint.
- 13.2 Implementation of the bylaw is not likely to be impacted by the effects of climate change.
- 13.3 The bylaw neither aligns or detracts from the Council and Government's plans, policies and legal obligations relating to climate change.

14. Alignment with Policy and Strategic Plans / Te Hangai ki ngā aupapa Here me ngā Mahere Rautaki Tūraru

- 14.1 The bylaw has been revised to align with updated legislation from central government and the Nelson Tasman Land Development Manual and is intended to generally align with the Nelson City Council Water Supply Bylaw.

15. Conclusion / Kupu Whakatepe

- 15.1 The Public Water Supply Bylaw was recommended for early review by staff to address changes in legislation and to provide further clarification of previous clauses to ensure effective management of the public water supply. The updated bylaw aims to:
 - 15.1.1 prevent damage, misuse, and interference with the water supply network;
 - 15.1.2 ensure the health and safety of the public and users of the water supply; and
 - 15.1.3 provide clear and current instructions on water usage, especially during restrictions.
- 15.2 In response to submissions staff have recommended a number of changes be made to the bylaw for the Panel's consideration.
- 15.3 Staff will incorporate the changes that the Panel request and, if the Panel recommends, prepare the final bylaw for consideration by the Council at its meeting on 28 November 2024.
- 15.4 If the amended bylaw is adopted, it will be due for review again within ten years.

16. Next Steps and Timeline / Ngā Mahi Whai Ake

Date	Process
28 November 2024	Final Public Places Bylaw presented to the Council meeting for approval and adoption.
13 December 2024	Public notice in Newline and on the Council's website advising that the bylaw has been adopted.
1 January 2025	The amended bylaw comes into force

17. Attachments / Tuhinga tāpiri

1. ↓	Public Water Supply Bylaw - Deliberations Version (for approval changes tracked)	16
2. ↓	Public Water Supply Bylaw Deliberations Tables	48



Tasman District Council

Public Water Supply Bylaw 2016 (edition 3)

~~-
Made by Resolution of Council
on~~

~~-
XX XXX 2024~~

~~The Public Water Supply Bylaw 2024 is an amended Water Supply Bylaw 2016 (Amended 2019)~~

Table 1. Bylaw record.

Action	Approved	Reference	In force
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
Reviewed and amended (edition 3)	28/11/2024	Add new ref here	Add new date here
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~~24~~.

3 Commencement

- (1) This Bylaw ~~comes~~ into force on 28 October ~~XX-XXX~~-2016~~24~~.

4 RevocationReviews

- ~~(1) — The amended editions came into force as outlined in table 1. The Tasman District Council Public Water Supply Bylaw 2016 (Amended 2019) is revoked amended by this Bylaw.~~
- ~~(2) — The revocation of the Water Supply Bylaw 2016 (Amended 2019) does not affect liability for an offence or for a breach of the Water Supply Bylaw 2016 (Amended 2019) committed before the revocation of the 2016 (Amended 2019). The Water Supply Bylaw 2016 (Amended 2019) continues to have effect as if it had not been revoked for the purpose of:~~
- ~~a) — commencing or completing proceedings for the offence or breach; and~~
 - ~~b) — imposing a penalty for the offence or breach.~~

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.
- (3) If any provision of this Bylaw is inconsistent with the Tasman District Council Consolidated Bylaw: Chapter 1: Introductory Bylaw 2013, then the provisions of this Bylaw prevail.

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 201624.

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 means [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~~24~~.

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

Isolation 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 (1m³) 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).

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. The customer shall be responsible for paying the cost of installing a backflow protection device. 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) 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.~~
- ~~(7)~~(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.
- ~~(8)~~(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) 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 m³ and it is strongly recommended that customers ~~with an allocation of over 3 units~~ 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.

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 clause 27](#) 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 **25m³**. 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 5m³ 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 clause 297](#) 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 297(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 297(1) of this Bylaw. ~~—General section at the start.~~
- (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 297(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 297(1) and 297(2) of this Bylaw for all phases, and to amend or revoke such notice.
- (9) The ~~Council Community Infrastructure Manager~~ has the power to issue a notice restricting or prohibiting the use of the public water supply in accordance with clauses 297(1) and 297(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 ~~it is only possible to draw water in connection with the sounding of automatic fire alarm and~~ 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(23).
- (3) Customers must not allow water to run to waste, including allowing wasteful amounts of water to flow from hoses or irrigation equipment~~the unattended operation of hoses~~, 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 advice 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),29(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)b5-2~~).

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 []

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

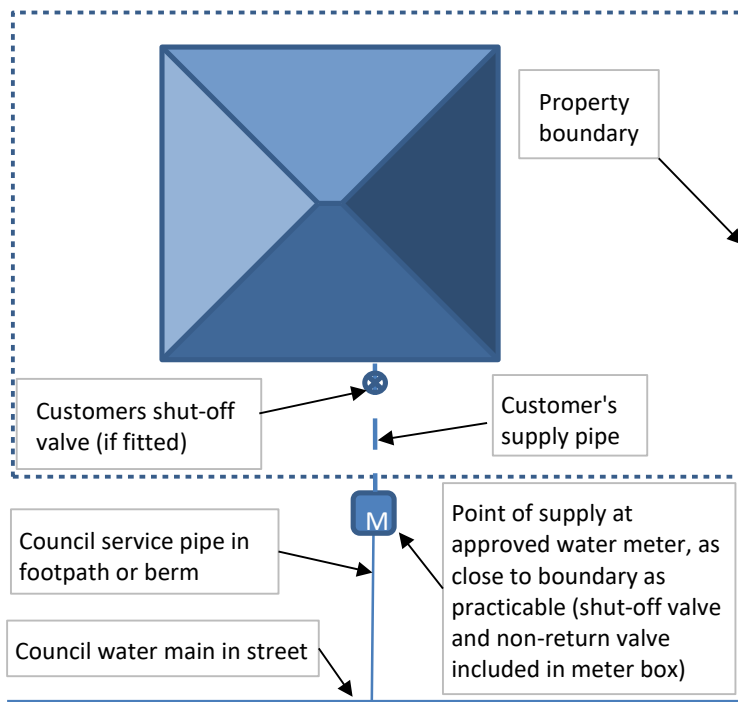


Figure 2: Typical Point of Supply-Restricted Flow-Outside Premises

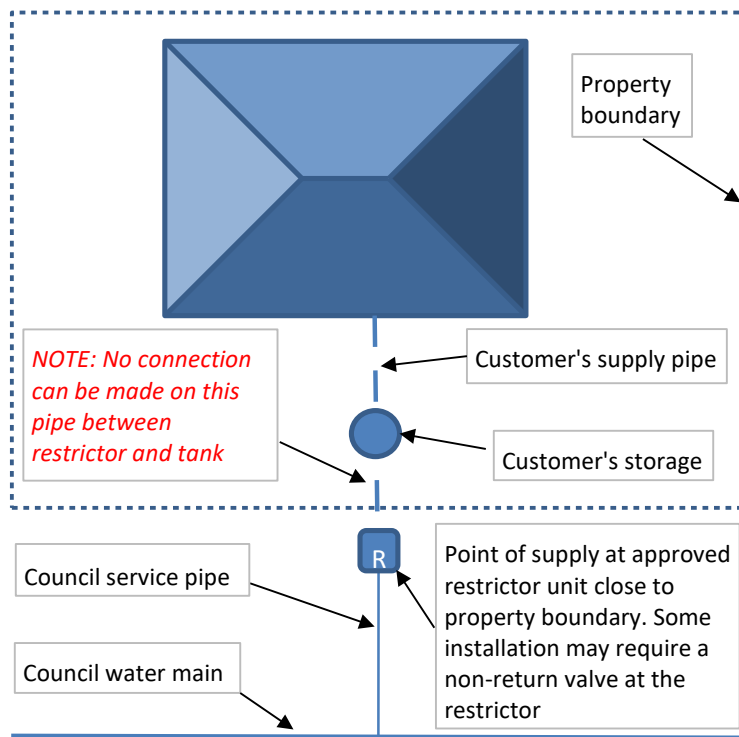


Figure 3: Typical Point of Supply-Restricted Flow-Inside Premises

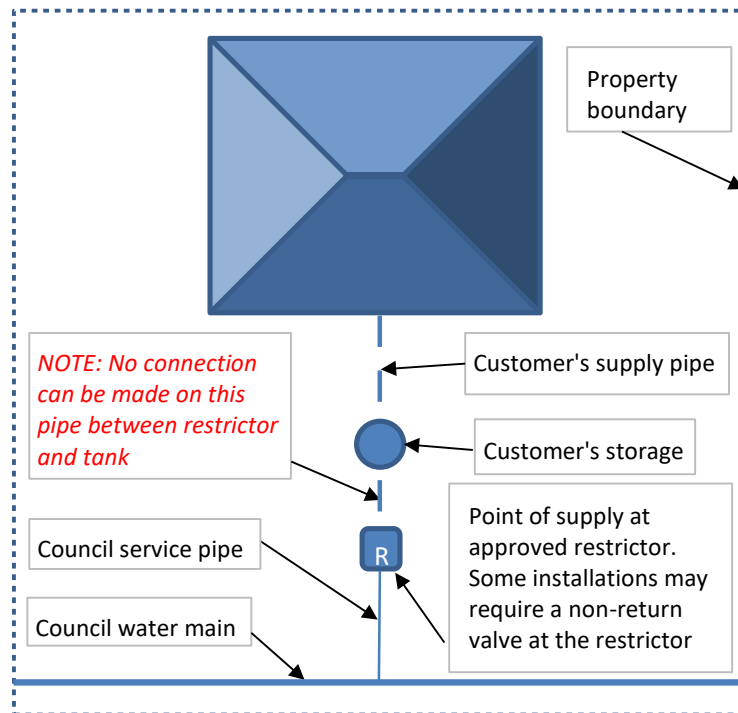


Figure 4: Typical Restricted Flow Supply Tank Connection

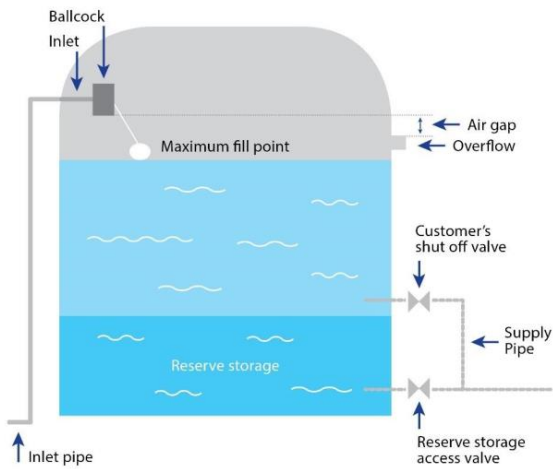


Figure 5: Typical Point of Supply-On Demand Supply-Multiple Premises (accessed by right of way, new connections)

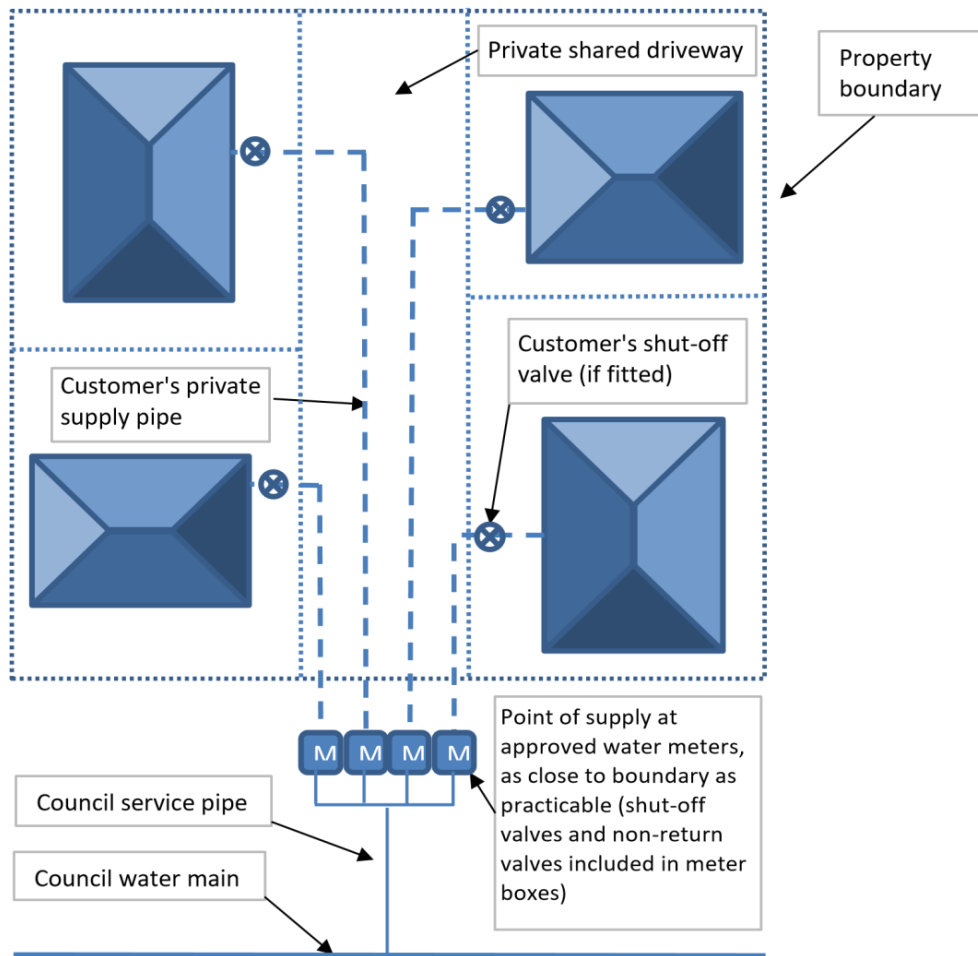
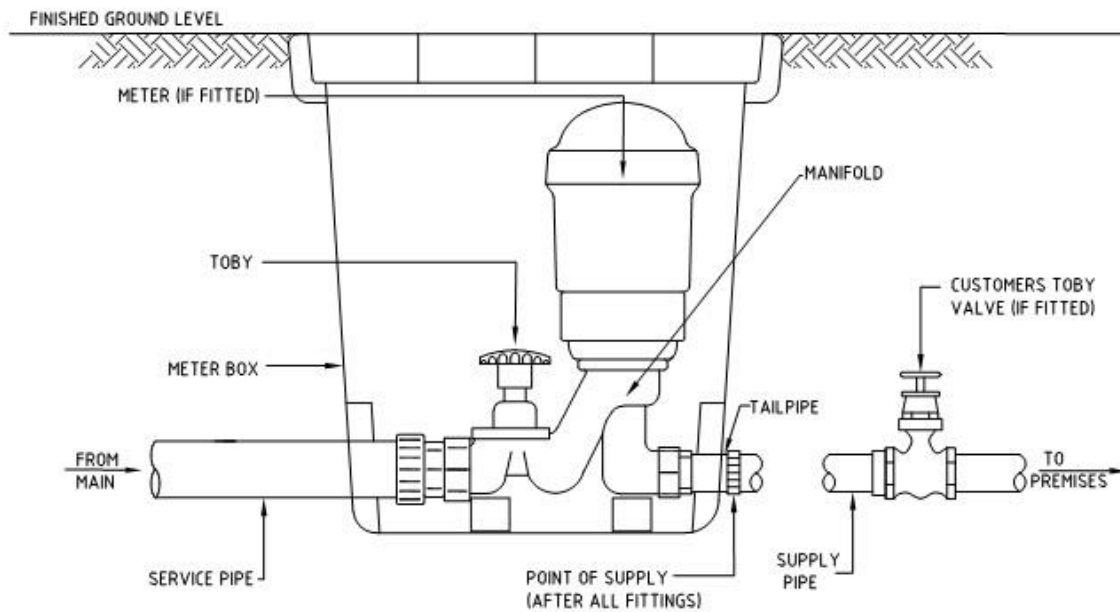
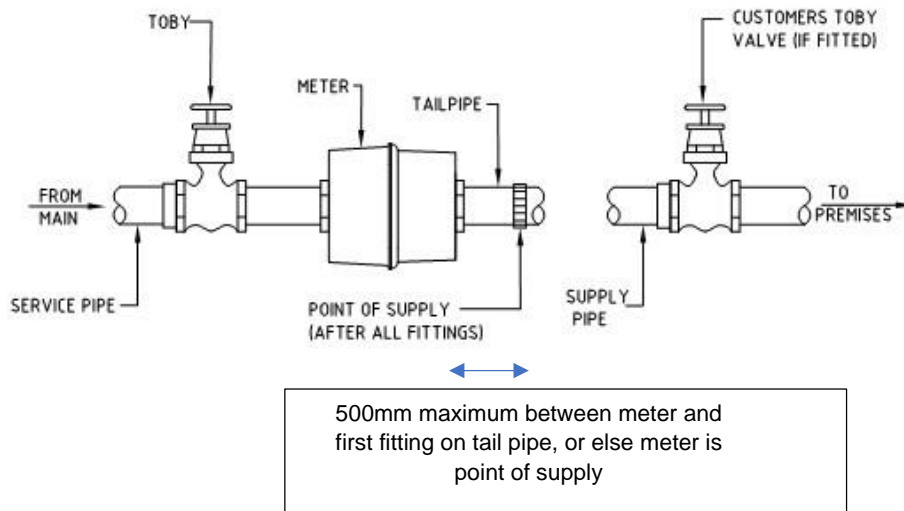


Figure 6: Typical On Demand (Metered) Supplies

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)



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



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 ⁴ 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. ^{2,3}	Reduce usage by 31% – 50% of the baseline as notified by Council. ^{2,3}	All water use prohibited except for human drinking water, sanitation, medical, health and safety, firefighting, and livestock ⁴ 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 ⁴ 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 ACTIVITIES⁵	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.¹



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 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 ⁴ purposes.	PHASE F 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, health 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.



Table 1: Changes proposed in response to feedback in submissions

Section	Draft Bylaw Text	Proposed Change	Reason For Change
4	Revocations The Tasman District Council Public Water Supply Bylaw 2016 (Amended 2019) is amended by this Bylaw....	Reviews The amended editions came into force as outlined in table 1.	Resolves discrepancy in previous text regarding whether the bylaw was revoked or amended. (34008)
6 Interpretation		“Bulk Water Supply means supplying large volumes of water through dedicated bulk water supply stations requiring a permit and swipe card to take water.”	Ensures clarity. Bulk Water Supply is referred to in the definition of “Permit” but not defined in the interpretations (33921)
		Cross-connection hazard means 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.	Ensures clarity to further support Section 15. (33921)
15 (1)	All connections to the public water supply network must have a backflow prevention device. The customer shall be responsible for paying the cost of installing a backflow protection device	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	Ensures clarity of the BFP device location and differentiates between the requirements of the Building Act/Code.

		Act/Code. The customer shall be responsible for paying the cost of installing a backflow prevention device.	(33921)
15(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.	New clause. Clarifies that a BFP device is chosen based on highest cross connection hazard. (33921)
17(6)	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.	Moved directly under 17 as part of the information section.	Information based. (33921)
20 (2)	Customers on a restricted flow supply shall have storage tanks with a minimum capacity of 25 m3 and it is strongly recommended that customers with an allocation	Customers on a restricted flow supply must have storage tanks with a minimum capacity of 25 m3 and it is strongly recommended that customers have a minimum	Ensures alignment with 27 (2) a. Shall has been changed to must for consistency with other parts of the bylaw.

	of over 3 units have a minimum of seven days' storage capacity.	of seven days' storage capacity.	(33921)
26(4)	An on demand supply shall be subject to the prohibition or restriction of supply provisions set out in clause 27 of this Bylaw.	An on demand supply shall be subject to the prohibition or restriction of supply provisions set out in section 29 of this Bylaw.	Edit to refer to correct section. (33921)
27 (3)	A restricted flow supply shall be subject to the prohibition or restriction of supply provisions set out in clause 27 of this Bylaw.	A restricted flow supply shall be subject to the prohibition or restriction of supply provisions set out in section 29 of this Bylaw.	Edit to refer to correct section. (33921)
29(1)	The Council may restrict or prohibit the use of the public water supply because of drought, emergency or any other reason.	The Council may restrict or prohibit the use of the public water supply because of drought, emergency or any operational reason.	Reflects that water would not be restricted or prohibited without undue cause. (34008)
29(2)	Such restrictions or prohibitions under clause 27(1) may include, but are not limited to:	Such restrictions or prohibitions under clause 29(1) may include, but are not limited to:	Edit to refer to correct section. (33921)
29(3)	The Council may amend or revoke a restriction or prohibition made by the Council under clause 27(1) of this Bylaw. - General section at the start.	The Council may amend or revoke a restriction or prohibition made by the Council under clause 29(1) of this Bylaw	Edit to refer to correct section. Removal of unintended notes. (33921)

29(7), (8), (9)	Notwithstanding clause 27(1) above... in accordance with clauses 27(1) and 27(2)... with clauses 27(1) and 27(2)	Notwithstanding clause 29(1) above... in accordance with clauses 29(1) and 29(2)... with clauses 29(1) and 29(2)	Edit to refer to correct section. (33921)
29(9)	The Community Infrastructure Manager has the power to issue a notice....	The Council has the power to issue a notice	The delegation to the Community Infrastructure Manager will be recorded in the delegations register instead of the bylaw. (34008)
30(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 backflow prevention device is fitted on the bypass.	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.	Edit clarifies the type of alarm that would be used. (33921)
31(2)	use as described in 25.1(3).	use as described in 25.1(2).	Edit to refer to correct section. (34008) (33921)
31(3)	Customers must not allow water to run to waste, including the unattended operation of hoses, allow the condition of plumbing within the premises to deteriorate	Customers must not allow water to run to waste, including allowing wasteful amounts of water to flow from hoses or irrigation equipment, allow the	Provides further clarity of intent. (34008)

	to the point where leakage or waste occurs, overflowing of water storage tanks or allow leaks to continue unchecked or unrepaired.	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.	
31(4)	Where a customer ignores advice from the Council to repair an on-going leak, the Council may repair the leak and charge the customer all associated costs.	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.	The change from advice to request provides more clarity to the customer. (34008)
31(9)	Where clause 29(8) applies, the customer will then become responsible for maintenance of the existing pipework downstream of the new point of supply.	Where clause 31(8) applies, the customer will then become responsible for maintenance of the existing pipework downstream of the new point of supply.	Edit to refer to correct section.
31(10)	(refer clause 20 and 25.2)	(refer clause 20 and 27(2)b)	Edit to refer to correct section. (33921)
32(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.	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)	This section allows Council to restrict supply for unpaid accounts and bypasses the now obsolete section 69S of the Health Act that the LGA still refers to.

		of the Water Services Act 2021.	(33921)
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Table 2: Other changes proposed by staff

Section	Draft Bylaw Text	Proposed Change	Reason For Change
Title Page	The Public Water Supply Bylaw 2024 is an amended Water Supply Bylaw 2016 (amended 2019)	Include a table summarising the bylaws key dates and amendment history.	Staff recommend including a table summarising the bylaw's key dates and amendment history to provide a clear and accessible overview of the bylaw's legislative timeline. This table provides a concise reference for the public, staff, and Councillors to easily track when the bylaw was adopted, reviewed, or amended without needing to find specific clauses. By clearly displaying review and expiry dates, it helps ensure that staff and stakeholders are aware of upcoming review deadlines, supporting timely updates to the bylaw. The table shows when and how the bylaw has evolved, fostering greater

			understanding of its progression and helping stakeholders see the rationale behind updates and amendments.
2(1)	The title of this Bylaw is the Tasman District Council Public Water Supply Bylaw 2024.	The title of this Bylaw is the Tasman District Council Public Water Supply Bylaw 2016.	Change to reflect when the original bylaw was made as this is a review and amendment, not a new bylaw.
3(1)	This Bylaw comes into force on XX XXX 2024.	This Bylaw came into force on 28 October 2016.	Staff recommend change to reflect that this is a review and amendment of a pre-existing bylaw.

Table 3: Suggested changes from submitters that staff do not recommend

Suggested Change	Reason for not making the change
Section 15: Consider if reference to the Water NZ Code of Practice is helpful. (33921)	Staff consider it unnecessary to replicate other legislation in the bylaw. Including reference to other documents has the potential to cause a conflict of the external document is updated or revoked.
15 (2) &(3): Subclause (2) uses the words “vested in Council” and sub clause (3) uses “owned by Council”. Use the same words for consistency. (33921)	The two phrases have different meanings to support determining the origin of the infrastructure. Staff recommend retaining draft bylaw terminology.
Section 17: Catchments (surface and groundwater) and their management e.g. Groundwater Protection Zones (GPZ), are	Adding source water to section 14(2) and/or section 17 will widen the scope of the bylaw too much. Source water

<p>not mentioned as parts to protect the public water supply for public health. Include reference to GPZ’s, catchments and their management. Alternatively expand the definition of Public Water Supply Network in clause 6 to include such components. (33921)</p>	<p>protection is already covered by RMA and Water Services Act.</p>
<p>Section 19(1) “likely to interfere” and 19(2) “in the opinion of the Council are likely to interfere” lack specificity. We would like to see that section 19 “Interference by trees and shrubs” provides clearer guidance, especially that the cost of complying with a notice under this section is expected to be met by the owner of the premises. (34008)</p>	<p>Being too specific can limit Council authority if a situation arises that has not been explicitly laid out by the bylaw, but still clearly causes interference with the public water supply. Staff recommend retaining current wording to allow for some discretion, however, the water supply team will consider publishing some guidance around this point, separate to the bylaw.</p>
<p>Section 20: Council is able to restrict supply due to unpaid rates (as highlighted in clause 32(3)). Is it appropriate to mention this in section 20? (33921)</p>	<p>Staff consider these to be referring to two separate circumstances; one being operational and the other related to enforcement. Section 20 already covers the need to restrict water supply.</p>
<p>Section 21: In the Note the reader is referred to the Council’s Water Allocation Guidelines. Insert a link to that document. Section 28: Consider it helpful to refer to the Water Meter Code of Practice 2003. Section 29: Both Council and Taumata Arowai provide advice on managing water in emergencies. Consider providing links. In the Note the reader is referred to Sections 30.2 and 31.1 of the Tasman Resource Management Plan (TRMP). Provide a link to those sections. Water quality and compliance: Consider links to Council scheme information and compliance. Greywater re-use: Health NZ Te Whatu Ora has recently published guidance for domestic greywater. Consider including links to greywater re-use.</p>	<p>Staff advise to keep the bylaw as a self-contained document without external links. This approach ensures the bylaw remains a stable and enduring reference point. External documents, such as the Water Allocation Guidelines, may be subject to revisions or updates, which could lead to confusion or misalignment with the bylaw’s provisions over time. By keeping the bylaw self-contained, the Council ensures clarity and consistency for its readers, avoiding the risk that linked documents may change or become outdated.</p>

(33921)	
Section 29 (2) refers to water conservation and restrictions implemented by Appendix B. Consider providing links to water saving tips. Also consider updating the Purpose and Application to include water conservation. (33921)	While the bylaw addresses the need to restrict water during certain events such as droughts, water conservation is not the purpose of the bylaw. This is considered out of scope by staff. The bylaw is also not considered an appropriate place for education.
Section 29: Taumata Arowai has powers to declare emergencies under the Water Services Act 2021. Consider making reference to that legislation or those powers. (33921)	Taumata Arowai's powers are considered outside the scope of this bylaw.
Section 30(8): Submitter queries whether this clause is better suited to Section 23. (33921)	This clause ensures that while connection for fire protection may be granted, this will not be done in a manner that compromises Council's ability to maintain this level of service. Staff consider this the appropriate location for the clause.
Part D – Enforcement: The Ministry of Health has historically given guidance on the minimum amount of drinking water per day at a particular flow rate to achieve sufficient quantity for drinking water and sanitary needs while being restricted for unpaid accounts. Check if Taumata Arowai gives updated advice. (33921)	Taumata Arowai has not provided updated advice.
Submission 33785 summary: The submitter expresses concern over pollution from farming practices, including the use of artificial nitrogen, inadequate cattle management, and overstocking during winter grazing. They believe Council sympathizes with farmers, ignoring breaches of Clause 14.2, which aims to protect water from pollution. The submitter feels Council has failed to properly enforce regulations, preferring to issue warnings rather than fines. They argue that the solution is not to pipe and chlorinate water but to hold offending farmers accountable. They urge Council to	This is considered an operational matter regarding the enforcement of the bylaw. This feedback has been passed on to the Fresh Water team.

take stronger action, citing broader national issues of water pollution and corporate greenwashing.	
Submission 33980 (GBCB): The Board supports the proposals as presented. There could be greater clarification of what statutory obligations the Council have, in areas such as the chlorination and filtration of the water supply.	Staff consider this to be an operational matter or potentially an information piece and do not advise inclusion of this in the bylaw.