

Waitaki Water Supply Bylaw 2021



PREFACE

Purpose of the bylaw

The bylaw has been developed to ensure the district's water supplies are managed and regulated in a way that meets the needs of all consumers. Its main functions are to:

- Ensure all consumers are protected from contamination of the water supply
- Ensure that the water supply system is not damaged or tampered with
- Outline the manner in which water is supplied
- Determine how applications to connect to the water the supply or change existing use will be managed
- Provide a regime for cost recovery
- Identify breaches and offences against the bylaw
- Set out the actions Council will take in the event of a breach or offence against the bylaw

Although the bylaw seeks to regulate and protect water supplies to ensure safe and reliable access to water for current consumers, Council is also committed to supplying water to new consumers and for growth wherever possible to support its vision of 'Growing Waitaki'. Therefore, the bylaw also aims to ensure water supplies are effectively managed and protected so that capacity for supporting growth is maximised.

Terminology

Terminology used in the bylaw is generally consistent with that used in the Model General Bylaw. This includes use of the terms 'ordinary' and 'extraordinary' to differentiate the two general categories of water use and assist in determining the appropriate type of supply to be provided, and whether or not metering may be applied, based on the volume likely to be used.

Many of the uses listed as 'extraordinary' are associated with productive use of water – including commercial, business, horticultural and agricultural use. Because of the important role productive water use plays in helping Council achieve its vision of being a "Prosperous District" that is "attractive to new opportunities", it is crucial that this water is appropriately protected and allocated. Inclusion of productive types of water use under the bylaw's 'extraordinary' category affords it this greater degree of protection, which is generally achieved through the provision of a restricted flow supply (although metering may also be used, where appropriate).

Historic context

Town supply

Oamaru's urban (township) water supply had its genesis in the late 1860s when the town was growing fast on the wealth of its role as a shipping port which serviced the gold-rich hinterlands of Otago. After the gold came local sheep rearing for wool, and after that, grain and frozen meat. As Oamaru grew, its demand for water reached the point where roof collection and the polluted water extracted from Oamaru Creek were collectively insufficient - shortages were frequent and diseases rife.

Because Waitaki has a generally dry climate, there were no reliable local water sources for a supply that met the residents' health and fire-fighting needs. The Oamaru Municipal Council of 1874 therefore set the town on a course of action to build what would turn out to be New Zealand's most ambitious and expensive water supply system of the period.

Drawing water from the Waitaki River just downstream from Duntroon, the 'Borough Race' as it became known, comprised nearly 50km of open water channel and was designed by the Borough's Engineer, Donald McLeod. The design included six tunnels and seven large timber trestle aqueducts along with a massive intake structure.

The water was screened but not filtered or sanitised and by today's standards it was poor quality. However, in 1882 it was a miracle and a huge asset to the town. To cross some poor ground encountered during construction, and to rectify washouts and changes in topography, a total of nineteen aqueducts of one type or another, including timber fluming at ground level, were in place until the water supply [race only] was replaced by a pumped supply from the Lower Waitaki Irrigation Scheme in 1983.

The original Oamaru supply was unique in New Zealand and rare in the world, as McLeod's design incorporated a specification for the system to provide all the water needed for fire-fighting and domestic use, plus 300 spare horsepower. Councillors envisaged that the water supply would be a source of hydraulic energy for the town's industry. This specific requirement was satisfied by the reservoir at Ardgowan, to which the water flowed under gravity, being just on 300 feet (100 metres) above sea level and the falling mains that bring the water into town being of an extraordinary size for such a small town, which had a population of just 4000 people in 1880 when the system was turned on.

Vast quantities of piped water were consumed by industrial devices such as turbines and water engines of many types. These were used to power flour mills, manufactories of wire goods and spun wool products, grain warehouse lifts, elevators, and printing presses. Piped water at pressure was also ideal for generating electricity and one of Oamaru's defining characteristics was its very early use of electricity for lighting and industrial uses. The industrial use of water was metered. The use of the water supply for motive power of all types pretty much ceased in the 1920s when reticulated electricity became available.

A number of components of the system are, or shortly will be, protected heritage places in the District Plan and the whole of the supply works of 1880 have been recognised by the New Zealand Institution of Professional Engineers (IPENZ) as a civil engineering work of national significance.

Most of the cast iron pipes laid between 1879 and 1882 are still in use today. The falling mains [cast iron pipes made in Glasgow and shipped here by sailing ship] still bring water from the 1880 reservoir, down the hill to Eden Street and into Oamaru.

Waitaki District Council has an ongoing interest in the reservoir and all the piped reticulation as this part of the 1880 system is still the source of water for Oamaru and a vast rural area surrounding the town

Rural supply

Rural areas of Waitaki District are also served by water supply systems of considerable historic interest and value.

In the decades preceding the development of schemes for rural water supply, the district's dry climate meant that reliable water supply for stock grazing and household use was rare. In 1965, a survey on 62 separate farms around Enfield showed that the creeks, springs, wells and dams on these farms gave reliable water to only 35% of the 800 separate paddocks and 40% had no water at all. Rational pasture management was rendered impossible by the need for stock to pass through too many gates and cross too many paddocks (otherwise suitable for cropping of drought tolerant feed crops) to get to water.

In the very early 1900s, a petrol engine-pumped small-area supply had been built around Elderslie Estate and an electrically pumped supply in the same area was initiated in 1925. By the 1950s it became apparent that the three rivers of the inland basin between the Waitaki and the Kakanui Mountains would be the sources of

permanent water and that intensive mechanisation would be required to supply this. Once electricity was widely available in rural areas, the reliable and automatic mechanical supply of water to these areas became feasible.

It was the Waiareka Creek which was first tapped into to supply the Windsor area, conceived in 1954 by a number of residents of the area as a township water supply. The value of the supply to the adjacent rural area was immediately identified and the concept gradually evolved to include stock water supplies for adjacent lands. This scheme was the precursor to all other such in New Zealand and is comprehensively told in C K McDonald's book '*That flocks and men may live*'.

While the initial intention was for the supplies to be locally owned and operated, it was discovered that by involving the local authority, Crown grant money would be available and would fund half of the supply construction. The loans were made under the Local Authorities Loans Act of 1956 and this was of paramount importance to the ownership of water supply assets and determined who the ultimate owners of these supplies were.

While the grants schemes and guarantees played a key role in supply development, it was the foresight and determination of the local men and women that provided the impetus and drive to initiate the supplies. Local benefactors also willingly and extensively provided labour for scheme construction. Without this, costs for developing the supplies would have been beyond what was affordable.

For this reason, the very hard work of concreting the reservoirs and digging in and laying the hundreds of kilometres of pipes that provide water to thousands of people and tens of thousands of stock across the district, dominates memory of the systems' genesis.

Attaining Crown grant money was a complex process and could only be achieved under the proviso that the water was to a standard acceptable to the Medical Officer of Health, and this caveat on the grants saw the installation of water treatment on most supplies, ensuring the health of the communities served was adequately protected.

While originally developed as rural water supply schemes that operated independently of one another, changing demands, quality standards and an increasing need for improved reliability have resulted in much integration and amalgamation of these water supplies. However, most of the historic infrastructure on these supplies dating from the 1960s or 70s is, unlike the Borough Race, still in use.

Supply to rural areas is typically by way of pumping the water to one or more elevated reservoirs and then by gravity through a tree-like network of single end-fed pipes to the consumer. Early systems were automated by float valves and a combination of timers that dictated when pumps were active. Many are now sophisticated systems with telemetry and computerised management. Consumers have restrictor systems on their properties

- small devices which limit the daily water volume and ensure fair distribution in units, which are still based on the 400 imperial gallons/per day that was settled on at the concept stage.

A memorial built into the front wall of Totara Estate, nine kilometres south of Oamaru on State Highway 1, reflects the District's appreciation of the benefits made possible by the ingenious use of the restricted flow device that makes the reliable supply of water to rural areas possible. Nearly all rural water supply in New Zealand follow the pattern and concept of the revolution initiated by the Windsor scheme and others in Waitaki.

Waitaki District Council is well aware of the community pride in past and continuing personal contributions to the creation and development of the water supply to rural areas.

Council is committed to making its infrastructure work properly and fairly for all citizens. This bylaw is just one of the tools required to help us meet our statutory obligations to provide potable water and distribute it in the fairest way across the Waitaki District.

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REFERENCED DOCUMENTS

Reference is made in this document to the following:

New Zealand Standards

NZS 4503:2005 Hand operated fire-fighting equipment
NZS 4515:2009 Fire sprinkler systems for life safety in sleeping occupancies (up to 2000 m²)
NZS 4517:2010 Fire sprinkler systems for houses
NZS 4541:2020 Automatic fire sprinkler systems
NZS 9201:2007 Model general bylaws Part 7 – Water Supply

New Zealand Publicly Available Specification

SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice

International Publications

ISO 4064-1:2014/OIML R 49-1:2013 Water meters for cold potable water and hot water Part 1 Metrological and technical requirements.
ISO 4064-2:2014/OIML R 49-2:2013 Water meters for cold potable water and hot water Part 2 Test methods.
ISO 4064-3:2014/OIML R 49-3:2013 Water meters for cold potable water and hot water Part 3 Test report format.

British Standard

BS EN 14154-4:2014 Water meters. Test methods and equipment

Other Publications

Drinking Water Standards for New Zealand, 2005 (revised 2018)
Water NZ Boundary Backflow Prevention for Drinking Water Code of Practice, 2019
Water NZ Water Meter Code of Practice, 2003

New Zealand Legislation

Health (Drinking Water) Amendment Act 2007
Building Act 2004
Building Regulations 1992 Schedule 1 (New Zealand Building Code)
Fire Service Act 1975
Health Act 1956
Local Government Act 2002
Local Government (Rating) Act 2002
Resource Management Act 1991
Resource Management (National Environmental Standards for Sources of Human Drinking) Regulations 2007
Summary Proceedings Act 1957
Wildlife Act 1953
Utilities Access Act 2010
Civil Defence Emergency Management Amendment Act 2016
Animal Welfare Act 1999

RELATED DOCUMENTS

AS/NZS 4020:2018 Testing of products for use in contact with drinking water
NZUAG National Code of Practice for Utility Operators' Access to Transport Corridors

DRAFT WATER SUPPLY BYLAW 2021

1.0 TITLE

A Bylaw of the Waitaki District Council by way of Special Order pursuant to the provisions of the Local Government Act 2002 and all other Acts, powers and authorities enabling it in that behalf to make a Bylaw to be known as the Waitaki District Council Water Supply Bylaw 2021.

2.0 COMMENCEMENT

This Bylaw shall come into force once resolved by Council following public consultation process.

3.0 REPEAL

The Waitaki District Council Water Supply Bylaw 2014 is repealed.

4.0 APPLICATION OF BYLAW

This Bylaw applies to Waitaki District Council Community Water Supplies under the care, control and management of the Waitaki District Council, as named in Schedule 1.

The Bylaw shall also apply to any premises outside the Waitaki District supplied with water from a Waitaki District Council Community Water Supply and shall also apply to any other Waitaki District Council community water supply which may hereinafter be constituted by the Council.

5.0 SCOPE

This Bylaw is made under the authority of the Local Government Act 2002 for the supply of water to its consumers by the Waitaki District Council. The supply and sale of water by the Waitaki District Council is subject to:

(a) Statutory Acts and Regulations

- (i) Building Act 2004
- (ii) Fire Service Act 1975
- (iii) Health Act 1956
- (iv) Health (Drinking Water) Amendment Act 2007
- (iv) Local Government Act 2002
- (v) Local Government (Rating) Act 2002
- (vi) Resource Management Act 1991
- (vii) Utilities Access Act 2010
- (viii) Civil Defence Emergency Management Amendment Act 2016

(b) Takes consideration of the Relevant Codes and Standards

- (i) Drinking Water Standards for New Zealand 2005 (revised 2018)
- (ii) BS EN 14154-4:2014 Water meters. Test methods and equipment.
- (iii) SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice
- (iv) Water NZ Boundary Backflow Prevention for Drinking Water Code of Practice 2019
- (v) Water NZ Water Meter Code of Practice 2003
- (vi) Waitaki District Council Bylaws & Codes of Practice

(c) Other relevant Acts, Regulations, Codes and Standards passed or introduced subsequent to the date that this Bylaw comes into force, in replacement of or in addition to those set out in clause 5(a) and (b).

6.0 INTERPRETATION

References to a repealed enactment include its replacement.

For the purpose of this Bylaw, the word “shall” refers to practises that are mandatory for compliance with this Bylaw, while the word “should” refers to practises that are advised or recommended.

7.0 DEFINITIONS

For the purpose of this Bylaw, unless inconsistent with the context, the following definitions apply:

Air gap separation	A minimum vertical air gap between the outlet of the water supply fitting which fills a storage tank, and the highest overflow water level of that storage tank
Approved agent	An employee, contractor or nominated party engaged to carry out the undertakings of the Council
Approved	Approved in writing by the Council, either by resolution of the Council or by any officer of the Council authorised for that purpose
Backflow	The unplanned flow of water, or mixtures of water and contaminants, in a reverse direction to the normal water supply flow
Council	The Waitaki District Council or any officer or approved agent authorised to exercise the authority of the Council under this Bylaw
Consumer	A person who uses, or has obtained the right to use or direct the manner of use of, water supplied by the Council
Detector check valve	A check (non-return) valve which has a positive closing pressure and a metered bypass to measure flows typically associated with leakage or unauthorised use on a dedicated fire supply
Domestic and food preparation use	<p>In relation to water, means use for any of the following purposes:</p> <ul style="list-style-type: none"> a) human consumption b) preparing food or drink for human consumption c) preparing or processing products ultimately intended for human consumption d) washing utensils used for preparing, storing, or serving food or drink for human consumption e) washing utensils used by people for eating or drinking f) human oral hygiene <p>(Being the same meaning as defined in the Health (Drinking Water) Amendment Act 2007)</p>
Drinking water standards	<p>Are the:</p> <ul style="list-style-type: none"> a) standards issued or adopted under section 69O of the Health (drinking water) Amendment Act 2007); or

b) if section 14(5) of the Health (Drinking Water) Amendment Act 2007 applies, the Drinking-Water Standards for New Zealand 2005 (revised 2018)

(being the same meaning as defined in the Health (Drinking Water) Amendment Act 2007)

Extraordinary use	When the water supplied is used for all purposes for which water is supplied other than ordinary use and which may be subject to specific conditions and limitations
Fees, charges and/or rates	The list of items, terms, and prices for services associated with the supply of water as prescribed by the Council from time to time in accordance with the LGA 2002 and the Local Government (Rating) Act 2002
Filter	A porous device for removing solid particles from flowing water which prevents those particles entering fixtures, fittings and accessories on the water supply system
Level of service	The measurable performance standards on which the Council undertakes to supply water to its consumers as stated in the Long Term Plan for the current period
Limited reticulation capacity	Where a part of the water supply network has hydraulic limitations and/or low pressure
Long Term Plan	Is the Council's plan for the next 10 consecutive financial years adopted in accordance with Section 93 of the Local Government Act 2002
Manager	The manager, or his or her appointed deputy, responsible within the Waitaki District Council for the delivery of water supply services
Notice	Is written notice
On demand supply	A method of supply which delivers the consumer a volume of water directly from the point of supply
Ordinary use	When a supply is used solely for domestic purposes, but excluding filling a spa or swimming pool, a decorative or functional pond, or other water storage in excess of 10m ³ in capacity, or any other use defined as extraordinary
Owner	Means the person owning the premises to which the water is supplied
Over-delivering	When a restricted flow device delivers a greater volume of water to the point of supply than is intended
Over-reading	When a water meter is reading or recording a volume greater than the volume actually delivered to the point of supply
Person	A natural person, corporation or a body of persons whether corporate or otherwise

Point of supply	The point on the water pipe leading from the water main to the premises, which marks the boundary of responsibility between the consumer and the Council, irrespective of property boundaries
Potable	Drinking water that does not contain or exhibit any determinands to any extent that exceeds the maximum acceptable values (other than aesthetic guideline values) specified in the drinking-water standards (being the same meaning as defined in section 69G of the Health Act 1956 (and its amendments))
Premises	Includes the following: <ul style="list-style-type: none">a) A property or allotment which is held under a separate certificate of title or for which a separate certificate of title may be issued and in respect to which a building consent has been or may be issued; orb) A building or part of a building that has been defined as an individual unit by a cross-lease, unit title or company lease and for which a certificate of title is available; orc) Land held in public ownership (e.g. reserve) for a particular purpose; ord) A property or collection of allotments held under common ownership and common rates assessment reference, and operated as a single entity
Public notice	Includes the following: <ul style="list-style-type: none">a) A notice published in—<ul style="list-style-type: none">(i) 1 or more daily newspapers circulating in the region or district of the local authority; or(ii) 1 or more other newspapers that have at least an equivalent circulation in that region or district to the daily newspapers circulating in that region or district; andb) Includes any other public notice that the local authority thinks desirable in the circumstances <p>(being the same meaning as defined in section 5 of the Local Government Act 2002)</p>
Reserve storage (or stock valve)	The volume of water contained within the <i>restricted flow storage</i> which can only be accessed by opening the reserve storage access valve
Reserve storage access valve	The valve that is normally closed and is opened only when the restricted flow storage has been consumed to such a point that water cannot be accessed by the normal off-take
Restricted flow	The volume of water supplied to a consumer on a restricted flow supply. Expressed as m ³ /day. From time to time, and solely for convenience, restricted flow volumes may be expressed as units per day, points per day or crib units per day

Restricted flow storage	The volume of storage required on-site for premises on each restricted supply. Expressed as m ³ or number of days of restricted flow volume
Restricted flow supply	A method of supply which delivers a specific allocation of water to the consumer through a flow control device (restrictor) over a 24-hour period. Storage is provided by the consumer to cater for the consumer's demand fluctuations. Volume and delivery is subject to the specified level of service.
Restrictor	A flow control device fitted to the service pipe to limit the flow rate of water to a consumer's premises
Roading authority	A territorial authority or the New Zealand Transport Agency
Service pipe	The section of water pipe between a water main and the point of supply
Service valve (toby)	The Council valve at the consumer's end of the service pipe which allows their supply to be isolated from the main Council supply
Storage tank	Any tank having a free water surface under atmospheric pressure to which water is supplied across an air gap separation
Supply pipe	The section of pipe between the point of supply and the consumer's premises through which water is conveyed to the premises
Subsistence jetting	Fitting of a restricted flow device at the point of supply where such restricted flow is set to deliver a water volume sufficient solely for the purpose of maintaining sanitary conditions
Tank supply	A method of supply delivery which provides the consumer with a volume of water delivered solely to a storage tank from the point of supply, subject to the level of service
The Act	Local Government Act 2002
Under-reading	When a water meter is reading or recording a volume lesser than the volume actually delivered
Under-delivering	When a restricted flow device is delivering a lesser volume of water than is intended through the <i>restricted flow device</i>
Water supply system	All the components of the water supply network between the point of abstraction from the natural environment and the point of supply. This includes but is not limited to: wells, infiltration galleries, intake structures, open raw water storage ponds/lakes, falling mains, treatment plants, treated water reservoirs, trunk mains, service mains, rider mains, pump stations and pumps, valves, hydrants, scour lines, service pipes, boundary assemblies, meters, backflow prevention devices, restricted flow units and service valves (tobies)
Wear and tear	Damage that naturally and inevitably occurs as a result of normal wear or aging

8.0 PROTECTION OF WATER SUPPLY

8.1 Water Supply System

8.1.1 Access to system

No person other than the Council and its approved agents may access any part of the Council water supply system, except to:

- (a) operate the service valve
- (b) clear a restricted flow supply filter
- (c) lag or protect the water supply system from damage
- (d) connect to the point of supply when such connection is authorised by the Council

8.1.2 No person to connect to, or interfere with a water supply system

Except as set out in 8.1.1, 8.1.3 and 8.1.4, no person shall make any connection to, or otherwise interfere with, any part of the water supply system.

8.1.3 Fire hydrants

Only the attending Fire Service/s shall gain access to, and draw water from fire hydrants for the purpose of fighting fires, training, and testing.

8.1.4 Other uses

The right to gain access to, and draw water from the water supply for uses other than fire-fighting shall be restricted to:

- (a) The Council or its approved agents
- (b) Permit holders, being those persons who, after having submitted an application to the Council, are subsequently approved to draw water from the fire hydrants or tanker fill points. Such permits shall be valid only so long as the permit holder complies with the conditions endorsed on the permit. Without prejudice to other remedies available, the Council may remove and hold any equipment used by an offender to gain access to, or draw water from a fire hydrant or any other appurtenance or fixture, and access and recover the value of the water drawn without authorisation and any other associated costs.

8.1.5 Working around buried services

Any person proposing to carry out excavation work shall, prior to undertaking such work, establish whether any part of the water supply system is located in the vicinity of the proposed excavation work, and notify the Council in writing of an intention to excavate in the vicinity of the water supply system at least five working days prior to commencing such work. No such work may be undertaken until approval in writing is obtained from the Council.

The Council keeps records ('as-builts') of the location of its buried services. This information is available for inspection at no cost. Charges may be levied to cover the costs of providing copies of this information.

On approval, the Council may impose such restrictions on excavation work as it considers necessary to protect the water supply system. When the Council considers it appropriate, the Council or its approved agent will mark out the ground to indicate the location of the water supply system to within ± 0.5 m in Residential areas and to within ± 2.5 m in Rural areas. The Council may impose a charge for this service.

Such location markings shall not be inferred to be an exact representation of the service location, and where doubt exists the person carrying out the works shall, by hand excavation, locate and confirm the position of the service.

Any person excavating and working around the water supply system shall exercise care not to damage the system, and shall reinstate bedding and backfill in accordance with the Council's specification.

Any damage to the water supply system shall be reported to the Council immediately. If the damage is found to be caused through negligence of the person causing the damage, they shall be required to reimburse the Council for all costs associated with repairs, and any other costs incurred by the Council as a result of the damage. The Council will not impose costs where the damage is found to have been the result of normal wear and tear.

8.2 Protection of Source Water

8.2.1 Open catchments

In open catchment areas, whether designated or not, there will generally be no restriction on activities other than any provisions of the regional or district plan and the National Environmental Standard.

8.2.2 Spillages and adverse events

In the event of a spillage, or any event which may have an adverse effect on the water supply, the person responsible shall advise the Council immediately. This requirement is in addition to any other notification required to be given.

9.0 CONDITIONS OF SUPPLY

9.1 Application for Supply

9.1.1 Initial application

Every application for a supply of water shall be made in writing on the standard Council form accompanied by the prescribed application charges. The applicant shall provide all the details required by the Council.

On receipt of the application the Council or its approved agent shall, after consideration of the matters in 9.4 and 9.5, either:

- a) Approve the application and inform the applicant of the type of supply, the level of service, the size of the connection, and any particular conditions applicable; or
- b) Refuse the application and notify the applicant of the decision giving reasons for refusal.

For the agreed level of service to the applicant, the Council or its approved agent should determine the sizes of all pipes, fittings and any other equipment, up to the point of supply.

The Council or its approved agent shall supply and install the service pipe up to the point of supply at the applicant's cost, or may allow the supply and installation of the service pipe to be carried out by approved contractors at the applicant's cost.

Installations shall be in strict accordance with the design and instructions approved by the Manager.

The applicant shall have the authority to act on behalf of the owner of the premises for which supply is sought, and shall produce written evidence of this if required.

An approved application for supply which has not been accepted by the applicant and paid for within 30 days of the date of approval shall lapse unless a time extension has been approved. Any refund of application fees and charges shall be at the discretion of the Manager.

9.1.2 Change of use

Where a consumer seeks a change in the level of service or end use of water supplied to the premises, and/or changes from ordinary to extraordinary use of supply, or vice versa, a new application for supply shall be submitted by the consumer.

9.1.3 Subdivisions and building alterations

Any subdivision, land use consent or land use change, separation of underlying land parcel, building consent or building alteration affecting the premises shall constitute a change in use and may require an application for supply for the premise or any new premises created, including the parent premise or part thereof.

Where any of the subsequently created premises, including the parent premise or part thereof, require extraordinary use of the supply, they shall be subject to the requirements as apply to extraordinary use.

9.1.4 Prescribed fees and charges

Fees and charges applicable at the time of application may include:

- (a) The application processing fee
- (b) Officer time taken in the processing, liaison, research and determination of the application

Charges applicable at the time of connection may include:

- (a) Payment to the Council for the cost of the physical works and the administration and management of same, or any set fee to cover such costs, as are required to provide the connection
- (b) A development contribution charge determined in accordance with the Local Government Act 2002
- (c) A financial contribution charge determined in accordance with the Resource Management Act 1991
- (d) Officer time for processing, liaison, research, design and design review, co-ordination, supervision and record-taking associated with the connection

9.2 Point of Supply

9.2.1 Responsibility for maintenance

The Council owns, and is responsible for maintenance of the service pipe and fittings up to and including the service valve and (where fitted) filter, restrictor or water meter at the point of supply.

The consumer owns, and is responsible for maintenance of, the supply pipe, fittings, storage tanks, associated accessories and the like beyond the point of supply.

9.2.2 Responsibility for frost protection

The consumer is responsible for the provision and maintenance of suitable frost protection of the service valve and, where fitted, the filter, restrictor and water meter at the point of supply.

Where inadequate frost protection has contributed to frost damage, the cost of repairs may be charged to the consumer.

9.2.3 Responsibility for protection from accidental damage

The consumer is responsible for the protection from accidental damage of the service valve and, where fitted, filter, restrictor and water meter at the point of supply.

Where inadequate protection has contributed to any accidental damage, the cost of repairs may be charged to the consumer.

9.2.4 Identification of point of supply

- a) *On-demand supply* - The point of supply shall be up to and include the outlet from the service valve or water meter (where fitted), whichever occurs furthest downstream. In cases where a water meter is fitted within the premises' end of a supply pipe, the point of supply shall be up to and include the outlet from the service valve only.
- b) *Restricted flow supply* - The point of supply shall be up to and include the outlet from the restrictor.
- c) *Tank supply* - The point of supply shall be up to and include the outlet from the service valve.

9.2.5 Change to location of point of supply

A change to the location of a point of supply on a premises will be treated as a new supply connection. As such, a consumer intending to move the point of supply to another location on their premises, or to any adjoining premises, shall make an application to the Council in accordance with the conditions set out in 9.1 and shall be liable for any prescribed application charges.

9.2.6 Serviceability

The Council gives no guarantee of the serviceability of the service valve (to be) located on the service pipe. Where there is no consumer stopcock, or where maintenance is required between the service valve and the consumer stopcock, the consumer may use the service valve to isolate the supply. However, the Council may charge for the repair of this valve if it is damaged by such consumer use.

9.2.7 Supply across premises

No supply shall extend beyond the boundaries of the premises supplied nor supply any fixture or water to any other premises without the express approval of the Council.

9.2.8 Single ownership

For individual consumers, the point of supply is located generally in accordance with Figure 2, Figure 3 and Figure 4 (whichever is applicable – see following pages) or as close as possible to that point if other permanent structures present an obstruction.

There shall be only one point of supply for each consumer, unless otherwise approved by the Council.

Figure 1: Typical point of supply outside premises – On-Demand Supply

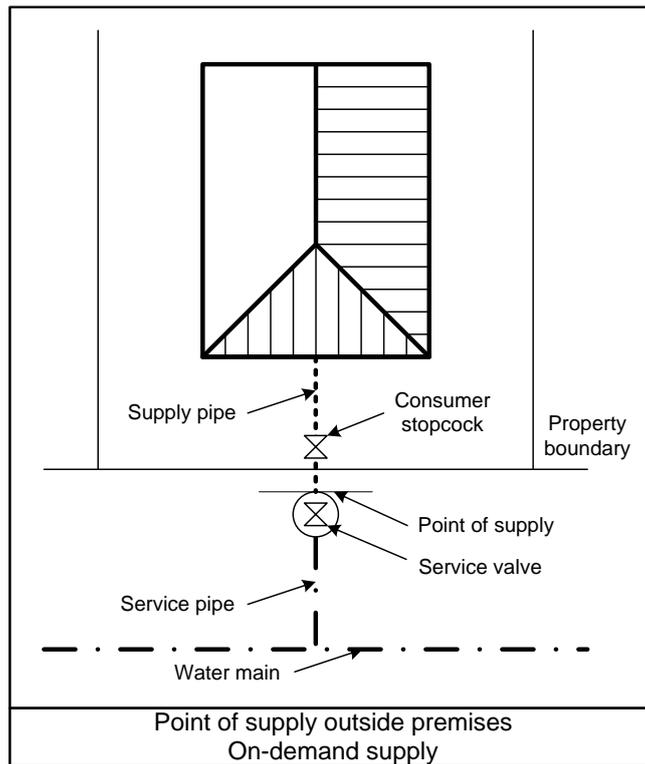


Figure 2: Typical point of supply outside premises – Restricted flow Supply

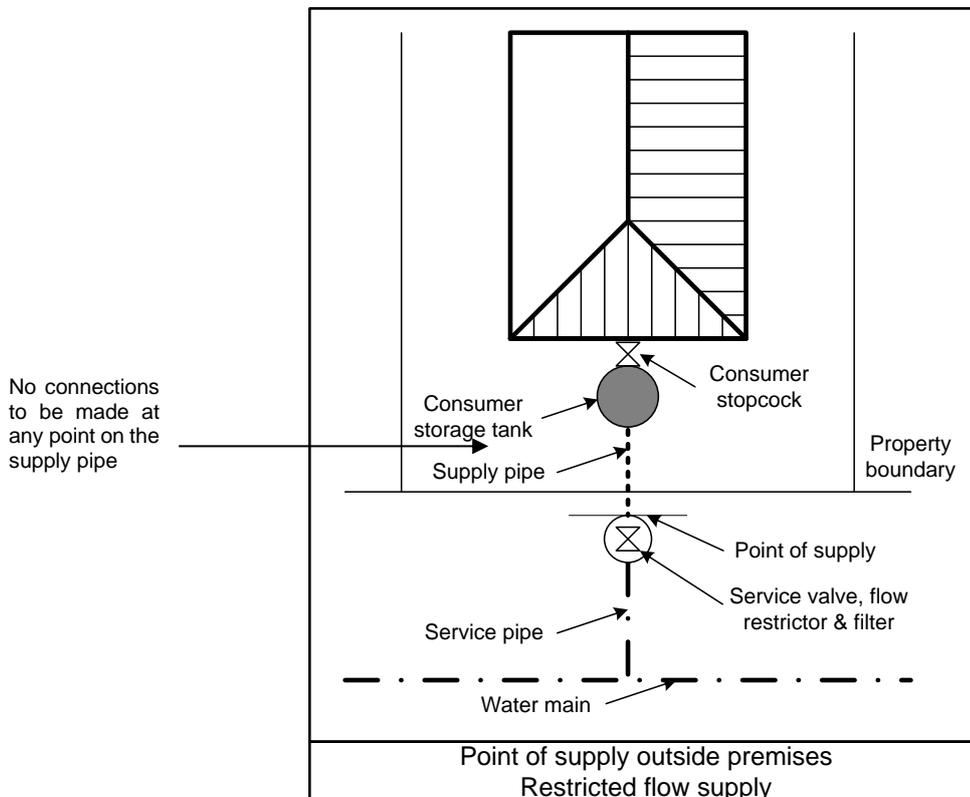


Figure 3: Typical point of supply inside premises – Restricted flow Supply

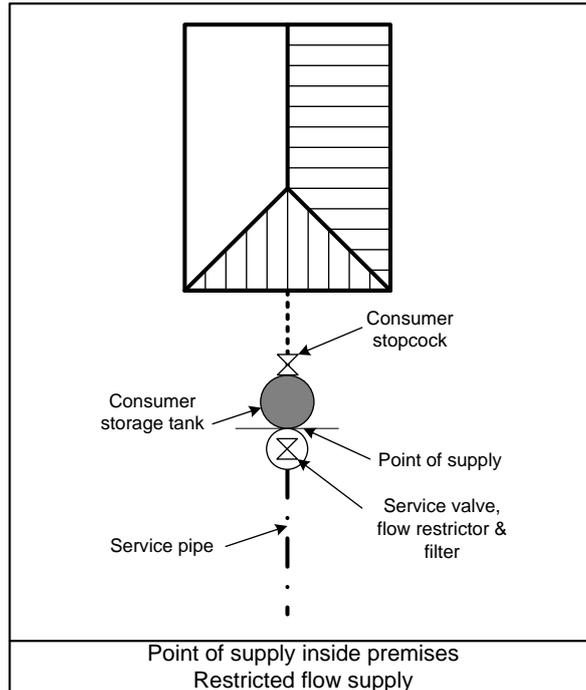
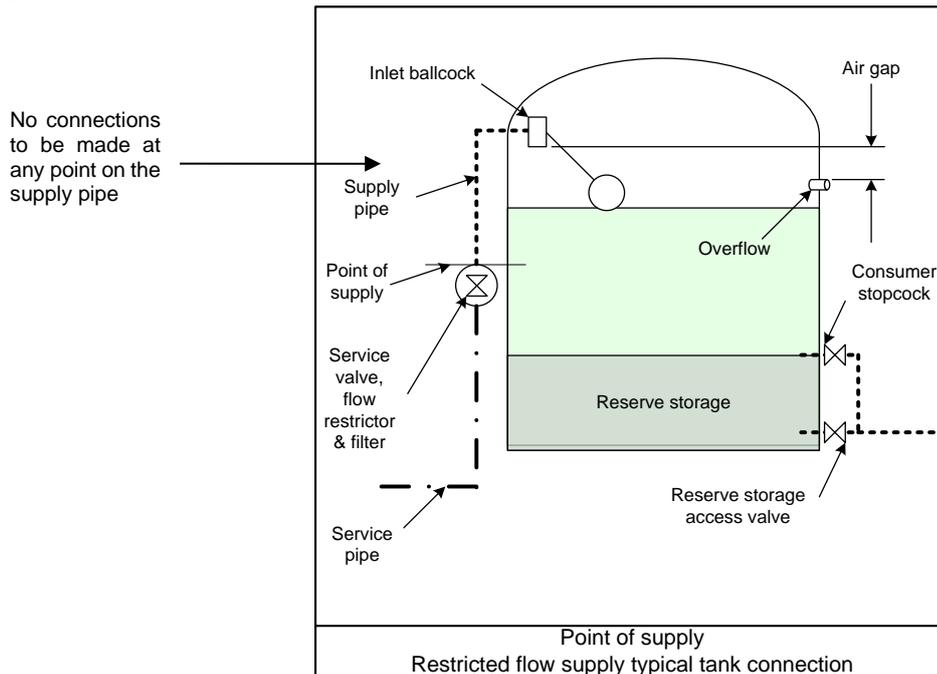


Figure 4: Typical point of supply– Restricted flow Supply tank connection



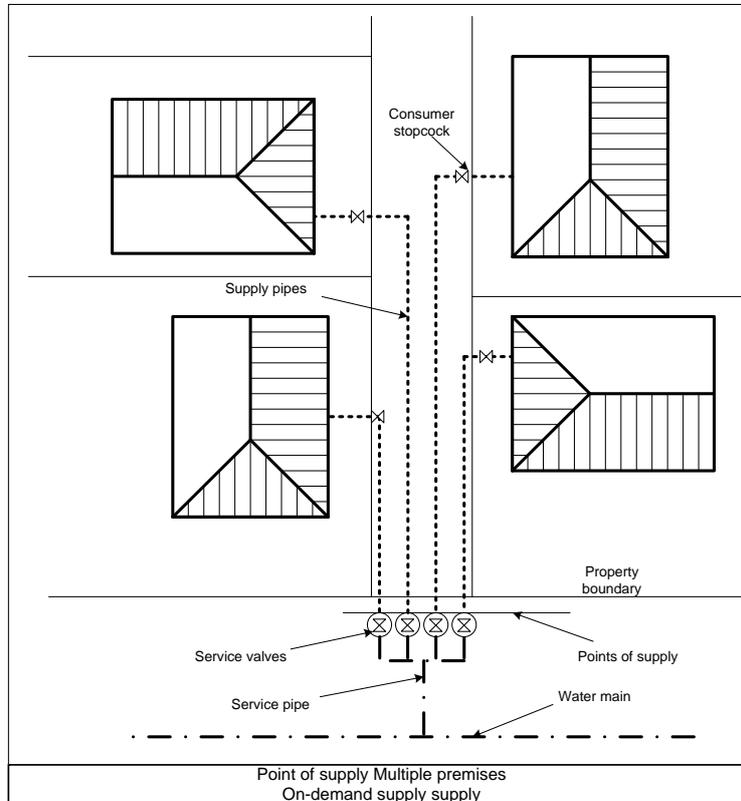
9.2.9 Multiple ownership

The point of supply for the different forms of multiple ownership of premises and/or land is:

- For properties that have multiple owners but only one valuation number – a single connection to the premises.
- For properties that have multiple owners and multiple valuation numbers – a single connection per valuation number.
- For properties that have multiple owners, where the supply was in existence prior to the commencement of this Bylaw, the point of supply is in accordance with the arrangement existing at that time, or as determined by agreement with the Manager for any individual case.

The typical layout at a point of supply where multiple ownership exists, is generally in accordance with Figure 5.

Figure 5: Typical point of supply– Multiple premises On-demand supply



9.3 Access to, and About, Point of Supply

9.3.1 Rights of access

Where the point of supply is on private property, the consumer shall allow the Council or its approved agent access to and about the point of supply between 7.30am and 6pm on any day for the purpose of:

- (a) Meter reading without notice; or
- (b) Checking, testing and maintenance work with notice being given whenever practicable.

Outside these hours (such as for night time leak detection) the Council will give notice to the consumer where possible. If a Council officer or an approved agent of the Council is prevented from having access to the premises at any of the above times and a return visit is required, the Council may charge an inspection fee for that visit as set out in the fees and charges section of the Council's Annual Plan.

Under emergency conditions, or where urgent repairs or maintenance are required, or for matters that relate to supply security, continuity and safety, the consumer shall allow the Council and/or its approved agents free and unimpeded access to, and about, the point of supply at any time.

9.3.2 Maintenance of access

The consumer shall maintain the area in and around the point of supply by keeping it free of soil, vegetation, or other matter which obstructs convenient access to the point of supply.

9.4 Types of Supply

9.4.1 General

Supply of water to consumers is classified by the method of delivery, being either:

- a) on demand supply;
- b) restricted flow supply; or
- c) tank supply

9.4.2 On-demand supply

An on-demand supply may be permitted where the premises are located within an area which typically has an on-demand supply (refer section 12.0 *Schedule of Water Supplies*), provided always that the provision of an on-demand supply is for ordinary use of water only (unless metered) and does not adversely affect the operation of the supply at any time.

9.4.3 Restricted flow supply

A restricted flow supply may be permitted where the premises are located within an area that typically has a restricted flow water supply (refer section 12.0 *Schedule of Water Supplies*), or within an area which typically has an on-demand water supply where use of the water supply by the consumer is extraordinary (refer 9.5.3), provided always that the provision of a restricted supply does not adversely affect the operation of the supply at any time.

9.4.4 Tank supply

Existing tank supplies are permitted where the premises are within either an area that typically has an on-demand water supply or a restricted flow water supply (refer section 12.0 *Schedule of Water Supplies*), provided always that the provision of a tank supply does not adversely affect the operation of the supply at any time. No new tank supplies shall be approved by the Council.

9.5 Use of Supply

9.5.1 Ordinary and extraordinary use

The use of any water supply by consumers set out in 9.4 may be deemed either ordinary or extraordinary and shall be at the discretion of the Manager.

The definition of water use as either ordinary or extraordinary is based solely on overall volumes likely to be required by the consumer. It clarifies the appropriate type of supply to be provided and assists in determining whether or not that supply should be subject to restricted flow or metering. This ensures allocated water can be effectively and reliably supplied to all current consumers on the supply network.

9.5.2 Ordinary use

Ordinary use of the water supply is for domestic purposes and shall include:

- (a) Single dwelling domestic household use
- (b) Washing down a car, boat or similar
- (c) Garden watering by hand
- (d) Garden watering by portable sprinkler
- (e) Lawn watering by hand
- (f) Lawn watering by portable domestic sprinkler

Ordinary use of the supply shall not exhibit any of the characteristics of extraordinary use and shall be subject to any restrictions as may from time to time be imposed by the Council.

The Council is under no obligation to provide a supply of water for ordinary use for any new connections.

9.5.3 Extraordinary use

Extraordinary use of the water supply includes any one or more of the following uses:

- (a) Swimming pool in excess of 50m³
- (b) Spa pool, water feature, pond or water storage in excess of 10m³ capacity
- (c) Commercial and business
- (d) Industrial
- (e) Agricultural (including stock water)
- (f) Horticultural
- (g) Viticultural
- (h) Lifestyle block
- (i) Fire protection systems
- (j) Out of District (supply to, or within another local authority)
- (k) Temporary supply
- (l) Premise exceeds 1 hectare
- (m) Lodging or accommodation houses
- (n) Multiple dwelling units
- (o) High instantaneous draw off rates
- (p) Any device or use requiring specific approval from the Council
- (q) Any premises where part or all of the premises is not zoned residential in the Council's operative or transitional District Plan
- (r) Daily usage assessed by the Manager as being in excess of 1m³
- (s) Any supply area defined by resolution of the Council

The Council is under no obligation to provide a supply of water for extraordinary use for any new connections.

The Council is under no obligation to provide an additional supply of water for extraordinary use to existing consumers over and above their current supply allocation.

9.5.4 Restricted supply for extraordinary use

Where, at any time, use of water supply is deemed by the Manager to be extraordinary, it shall be supplied to the consumer as a restricted flow supply only, unless specific approval for a metered supply is granted by the Manager.

9.5.5 Conditions of ordinary or extraordinary use

Every premise connected to the supply, whether for ordinary or extraordinary use, shall be subject to the following conditions:

- (a) Approval to connect to the supply in accordance with 9.1 has been granted
- (b) Adherence to the conditions of approval for connection to the supply

- (c) The provision of the supply does not deleteriously affect the use of the supply by other consumers, where deleteriously affect shall mean the lowering of the agreed level of service
- (d) The exclusion of its use for garden watering and other discretionary use under any restrictions made by the Council
- (e) Payment of the appropriate rates, fees, levies and charges in respect of that property has been made
- (f) No use of water shall constitute a nuisance nor be wasteful
- (g) No rapid acting device nor hydraulic machinery shall be connected or utilise the hydraulic power of the water supply
- (h) Payment of other fees or costs associated with subdivision or development has been made
- (i) Any other relevant conditions in this Bylaw have been adhered to.

Restricted flow supply

Additionally, where the supply is a restricted flow supply the following conditions shall apply:

- (j) The supply shall be restricted so that the restricted flow is supplied evenly across a full 24hour period
- (k) The consumer shall provide restricted flow storage of a volume equal to or greater than THREE times the daily restricted flow downstream from the point of supply
- (l) No connection shall be made between the point of supply and the storage tank (refer Figures 2 and 4)
- (m) Restricted flow storage shall be fitted with a vermin-proof overflow with a capacity not less than twice the incoming flow and located not less than 40mm below the level of the bottom of the inlet spout of the inlet ballcock
- (n) All new connections should have reserve storage provided within the restricted flow storage of not less than 33% of the restricted flow storage by the provision of a normal off-take set one third the distance from the bottom of the restricted flow storage and accessed by operating the reserve storage release valve (refer Figure 4)
- (o) No use or taking of water shall occur prior to the provision of restricted flow storage by the consumer
- (p) The service valve, filter, restrictor and piping shall be sufficiently protected from frost and accidental damage

Tank supply (existing only)

Additionally, where the supply is a tank supply the following shall apply:

- (q) Storage of a volume equal to or greater than 1,000 litres shall be provided downstream from the point of supply
- (r) No connection shall be made between the point of supply and the storage tank (refer Figure 4)
- (s) The storage tank shall be fitted with a vermin proof overflow with a capacity not less than twice the incoming flow and located not less than 40mm below the level of the bottom of the inlet spout of the inlet ballcock
- (t) Reserve storage shall be provided within the storage tank of not less than 33% of the Storage volume by the provision of a normal off-take set one third the distance from the bottom of the storage tank and accessed by operating the reserve storage release valve

9.5.6 Metering

Both ordinary and extraordinary use of a water supply may be metered. The Council reserves the right to fit a meter (in accordance with 9.13) and charge for water passing through the meter where it considers water use to be excessive, where supply equitability issues are raised or for any other reason whatsoever. The consumer shall pay all charges for meter installation and the supply of water as determined by Council.

The Council may also install a meter for monitoring purposes.

9.6 Prohibition of Certain Uses

The Council may, for the purpose of maintaining supply continuity, improving water use efficiency, financial equitability or in response to Central Government policy direction, prohibit use of water which is deemed wasteful or inefficient, and shall do so without exposure to liability.

Uses likely to be prohibited include, but are not limited to:

- (a) Unlined or uncovered water features, ponds or water storage units
- (b) Fixed garden irrigation systems
- (c) Fixed lawn irrigation systems
- (d) Irrigation or watering by fixed or portable devices

The Council may prohibit uses ordinarily permitted where such use adversely affects neighbouring properties or consumers, such as excess watering causing run-off.

9.7 Level of Service

The Council will make every reasonable attempt to achieve the level of service specified for the provision of water in the Long Term Plan.

Where the provided level of service exceeds that specified in the Long Term Plan, the Council may, without reference to consumers or exposure to liability, reduce or adjust the level of service to, or approaching, that in the Long Term Plan.

9.8 Continuity of Supply

9.8.1 Supply

The Council cannot guarantee, nor has any burden to provide, an uninterrupted or constant supply of water, or the continuous maintenance of any particular supply pressure.

The maintenance of the satisfactory operation of accessories, equipment or facilities, including fire suppression systems which require water supply at volumes or pressures greater than the level of service specified for the provision of water in the Long Term Plan, shall be the sole responsibility of the consumer.

9.8.2 Uninterrupted service

If a consumer has a requirement for an uninterrupted level of service (flow, pressure, or quality) for any reason whatsoever (including fire suppression), which exceeds the normal level of service specified for the provision of

water in the Long Term Plan, it is the responsibility of that consumer to provide any storage, back-up facilities or equipment necessary to provide that level of service.

9.8.3 Demand management

The consumer shall comply with any restrictions imposed by the Council to manage high seasonal or other demands, or unforeseen events where restriction of the supply is deemed necessary by the Manager. Such restrictions shall, if practical, be advised by public notice.

When restrictions apply, the Council will take all practicable steps to ensure that an adequate supply for domestic purposes is provided to each point of supply.

9.8.4 Restrictions

The Council may, at any time, restrict or prohibit the use of water for any specified purpose, for any specified period, and for any or all consumers. Such restrictions shall, if practical, be advised by public notice.

The consumer must comply with any restrictions or prohibitions imposed by the Council under this Bylaw.

The Council may prescribe penalties over and above those contained in this Bylaw to enforce these restrictions. The decision to make and lift restrictions, and to enact additional penalties, shall be made by the Manager.

9.8.5 Maintenance, repair and other works

The Council may shutdown the supply for maintenance, repair or any other works. Wherever practicable, the Council shall make every reasonable attempt to notify the consumer of a scheduled shutdown of the supply before the work commences. Where immediate action is required and notification is not practical, the Council may shut down the supply without notice and no compensation shall be payable to the consumer affected.

9.9 Liability

The Council shall endeavour to meet the level of service requirements of 9.7, but shall not be liable for any loss, damage or inconvenience which the consumer (or any person using or benefiting from the supply) may sustain as a result of deficiencies in, or interruptions to, the water supply nor owing to the effects of damage arising from leakage, breakage or other events.

9.10 Fire Protection Connection

9.10.1 Connection application

Fire connections shall not normally be approved.

Where any such connection is approved or exists, the Council shall not be required to meet any particular service level.

Any proposed connection for fire protection shall be the subject of a specific application, submitted with all details and information as required by the Council, made to the Council for approval.

Any such application subsequently approved shall be subject to the conditions specified by the Council.

9.10.2 Design and performance

It is the consumer's responsibility to ascertain and monitor whether the supply available is adequate for the intended purpose.

It is the consumer's responsibility to confirm, in writing to the Council, the adequacy of the supply for the consumer's purpose.

The Council is under no obligation to provide fire protection supply at any particular flow or pressure, neither at time of approval (where approval is granted) nor any future time.

Failure of a fire connection to satisfy any particular design criteria shall be the sole responsibility of the consumer.

9.10.3 Use of fire protection connection

Fire protection connections shall not be used for any purpose other than fire protection, fire-fighting and testing of fire protection systems.

9.10.4 Fire protection connection metering

Fire protection connections shall not normally be metered.

Where the supply of water for fire protection, and ordinary or extraordinary use are combined, the supply shall be metered by a non-invasive measuring device such as an electromagnetic or ultra-sonic flow meter to the satisfaction of the Council.

In exceptional circumstances the Council may allow the supply of water for the purposes of fire protection to be made in a manner which bypasses the meter, provided that:

- (a) The drawing of water is possible only in connection with the sounding of an automatic fire alarm or the automatic notification of the fire brigade; or
- (b) A Council approved detector check valve has been fitted on the meter bypass.

Where a fire connection has been installed or located so that, in the opinion of the Manager, it is likely or possible that water may be drawn from it by a person for purposes other than fire-fighting, the Council may require the supply to be metered.

9.10.5 Fire hose reels

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. The water supply to fire hose reels shall comply with the requirements of NZS 4503.

9.10.6 Fees

Water used for the purpose of extinguishing fires is supplied free of charge. Where the fire protection connection is metered and water has been used for fire-fighting purposes, the Council may estimate the quantity of water used, and credit to the consumer's account an amount based on such an estimate.

9.10.7 Ongoing testing and monitoring

Consumers intending to test fire protection systems in a manner that requires a draw-off of water, shall obtain the approval of the Council prior to testing. Water used for routine flushing and flow testing does not constitute waste but the quantity of water used may be assessed and charged for by the Council.

9.11 Backflow Prevention

9.11.1 Consumer responsibility

The consumer shall (under the Health Act 1956 and its amendments, and the Building Act 2004) take all necessary steps on the consumer's side of the point of supply to prevent water which has been drawn from the water supply system from returning to the water supply system. These steps include:

- (a) Backflow prevention either by providing an adequate air gap, or by the use of an appropriate backflow prevention device;
- (b) The prohibition of any cross-connection between the Council water supply system and:
 - (i) Any other water supply (potable or non-potable)
 - (ii) Any other water source
 - (iii) Any storage tank
 - (iv) Any other pipe, fixture or equipment containing chemicals, liquids, gases, or other substances.

NOTE – Fire protection systems that include appropriate backflow prevention measures would generally not require additional backflow prevention, except in cases where the system is supplied by a non-potable source or a storage tank or fire pump that operates at a pressure in excess of the water supply system's normal minimum operating pressure.

9.11.2 Unmanaged risk

Notwithstanding 9.11.1 the Council may fit a backflow prevention device on the Council side of the point of supply if it considers it is desirable or necessary to do so where the consumer cannot demonstrate that the risk of backflow is adequately managed. The Council may charge the consumer for the installation, maintenance, operation and ongoing testing and certification of this backflow prevention device as set out in the fees and charges section of the Council's Annual Plan.

9.11.3 Annual Testing

The Council may undertake annual backflow testing on point of supply backflow prevention devices. The owner of the premises at which the backflow prevention device is installed may be charged for such testing as set out in the fees and charges section of the Council's Annual Plan. The Council shall keep appropriate records of testing.

9.12 Council Equipment and Inspection

9.12.1 Care of water supply system

The consumer, or any person contracted by the consumer, shall take due care not to damage any part of the water supply system, including, but not limited to pipework, valves, meters, restrictors, chambers, and backflow prevention devices.

Where damage has been caused to any part of the water supply system through negligence or by actions other than normal wear and tear, costs incurred by the Council for works undertaken to rectify any damage shall be charged to the consumer or owner of the premises where the damage has occurred, as set out in the fees and charges section of the Council's Annual Plan.

9.12.2 Inspection

Subject to the provisions of the Local Government Act 2002, the consumer shall allow the Council or its approved agents, with or without equipment, access to any area of the premises for the purpose of determining

compliance with the conditions of this Bylaw. An inspection fee may be charged to the consumer as set out in the fees and charges section of the Council's Draft Annual Plan.

9.13 Meters and Flow Restrictors

9.13.1 Installation

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.

Where on demand supplies are not universally metered, the Council, where it considers water use is unusually high, may install a meter at the consumer's cost and charge accordingly.

Subsequent demonstration that the water use is not unusually high shall not entitle the consumer to a refund of the meter installation cost.

9.13.2 Protection

The pipes, fittings and devices at the point of supply, whether situated above or below ground, or located at the boundary or at the restricted flow storage shall be suitably lagged and protected as to protect them from frost without compromising access for operation, maintenance, inspection, repair or replacement.

The pipes, fittings and devices at the point of supply, whether situated above or below ground, or located at the boundary or at the restricted flow storage shall be suitably secured, fenced, housed and protected as to protect them from stock and other damage without compromising access for operation, maintenance, inspection, repair or replacement. Where the Council deems the provided protection to be inadequate to protect the water supply the Council may charge for any remedial works required.

Any inspections, replacement meters or restrictors required as a result of inadequate protection or reasons other than normal wear and tear, shall be a cost payable by the consumer as set out in the fees and charges section in Council's Annual Plan.

Location

Meters and restrictors shall be located in a position where they are readily accessible for reading and maintenance, and if practicable immediately on the Council side of the point of supply.

9.13.3 Accuracy

Meters shall be tested as and when required or as prescribed in OIML R49. The maximum permissible error for the upper flow rate zone ($Q_2 < Q < Q_4$) is $\pm 2\%$, for temperatures from 0.3°C to 30°C and the maximum permissible error for the lower flow rate zone ($Q_1 < Q < Q_2$) is $\pm 5\%$. This accuracy shall be applied to all water meters with $Q_3 < 100 \text{ m}^3/\text{h}$ and may be applied to water meters with values of $Q_3 > 100 \text{ m}^3/\text{h}$. The flow restrictors shall be accurate to within $\pm 10\%$ of their rated capacity.

NOTE: Where Q is the flow rate:

Q1 is the minimum flow rate;

Q2 is the transitional flow rate;

Q3 is the permanent flow rate; and

Q4 is the overload flow rate as defined in OIML R49-1.

Any consumer may apply to the Council for the accuracy of a meter or restrictor to be tested provided at least three months has elapsed since the last test. If the test shows non-compliance with the accuracy above, the consumer shall not be charged for the test. If the test shows compliance with the accuracy above, the consumer shall pay a fee as set out in the fees and charges section in Council's Annual Plan.

Meters shall be tested as prescribed in OIML R 49-2 and the test report made available as prescribed in OIML R 49-3.

The variation in the error curve shall not exceed 3% for flow rates in the lower zone and 1.5% for flow rates in the upper zone. For the purpose of determining these requirements the mean values of the errors (of indication) at each flow rate, shall apply.

The curves shall not exceed a maximum error of $\pm 6\%$ for flow rates in the lower zones and $\pm 2.5\%$ for flow rates in the upper zones.

Restrictors shall be tested by measuring the quantity that flows through the restrictor in a period of not less than 1 hour at the expected minimum operating pressure

If the test shows non-compliance with the accuracy above, the consumer shall not be charged for the test. If the test shows compliance with the accuracy above, the consumer shall pay a fee in accordance with the council current fees and charges.

A copy of independent certification of the test result shall be made available to the consumer on request.

9.13.4 Adjustment

If any meter or flow restrictor, after being tested, is found to register or supply a greater or lesser consumption than the quantity of water actually passed through such a meter or flow restrictor, the Council shall make an adjustment in accordance with the results shown by such tests, backdated for a period at the discretion of the Manager but not exceeding 12 months, and the consumer shall pay a greater or lesser amount according to the adjustment.

Where a meter is under-reading by more than 20% or has stopped, the Council reserves the right to charge for the amount of water assessed as having been used over the past billing period, taking into account any seasonal variations in demand.

Where a meter is over-reading, the Council shall make appropriate adjustments to the consumer's invoice(s), based on a period of similar use and backdated for a period at the discretion of the Council but not exceeding 12 months.

Where a flow restrictor is over-delivering by more than 20%, the Council reserves the right to charge for the amount of water assessed as having been used over the past billing period, taking into account any seasonal variations in demand.

Where a flow restrictor is under-delivering, the Council shall make appropriate adjustments to the consumer's invoice(s), based on a period of similar use and backdated for a period at the discretion of the Manager but not exceeding 12 months.

9.13.5 Estimating consumption

Should any meter be out of repair, cease to register, or be removed, the Council may estimate the consumption for the period since the previous reading of such meter, (based on the average of the previous four billing periods charged to the consumer or any other reasonable assessment Council may devise) and the consumer shall pay according to such an estimate. Provided that when by reason of a large variation of consumption, due

to seasonal or other causes, the average of the previous four billing periods would be an unreasonable estimate of the consumption, the Council may take into consideration other evidence for the purpose of arriving at a reasonable estimate, and the consumer shall pay according to such an estimate.

The consumer is liable for the cost of water which passes through the meter regardless of whether this water is used or is wasted as the result of leakage.

Where the seal or dial of a meter is broken, the Council may declare the reading void and estimate consumption as described above.

9.13.6 Incorrect accounts

Where the recorded consumption does not accurately represent the actual consumption on a premises, the account may be adjusted using the best information available to the Council. Such situations include, but are not limited to, misreading of the meter, errors in data processing, meters assigned to the wrong account, and unauthorised supplies.

Where an adjustment is required, whether in favour of the Council or the consumer, this shall not be backdated more than 12 months from the date the error was detected.

9.14 Plumbing System

Quick-closing valves, pumps, or any other equipment which may cause pressure surges or fluctuations to be transmitted within the water supply system, or compromise the ability of the Council to maintain its stated levels of service, shall not be used on any piping beyond the point of supply. In special circumstances such equipment may be approved by the Council.

The installation and operation of any device utilising hydraulic power derived from the water supply shall be subject to specific approval of the Council.

In accordance with the Building Regulations 1992 the plumbing system shall be compatible with the water supply.

9.15 Prevention of waste

The consumer shall not intentionally allow water to run to waste from any pipe, tap, or other fitting, nor allow the condition of the plumbing within the premises to deteriorate to the point where leakage or wastage occurs.

The Council provides water for consumptive use not as an energy source. The consumer shall not use water or water pressure directly from the supply for driving lifts, machinery, eductors, generators, or any other similar device, unless specifically approved by the Council.

The consumer shall not use water for a single pass cooling system or to dilute trade waste prior to disposal, unless specifically approved by the Council.

The consumer should, as soon as practical, advise the Council of any leak or suspected leak they may encounter or observe.

9.16 Payment

The consumer is liable to pay for the supply of water and related services in accordance with the rates, fees and charges in the Council's Annual Plan.

New consumers, or current consumers who are allocated additional water from the supply, shall pay an apportioned charge based on the number of months connected to the supply in the initial financial year. Where the volume of water supplied, or level of service provided to the consumer exceeds any charges levied, the difference will be charged to the consumer.

The Council may recover all unpaid water fees and charges as prescribed in the Local Government (Rating) Act 2002, sections 57 to 82.

9.17 Transfer of rights and responsibilities

The consumer shall not transfer to any other party or premises (as defined under this Bylaw) the rights and responsibilities set out in this Bylaw.

A supply pipe may serve only one consumer unless the specific approval of the Council has been gained, and shall not extend by hose or any other pipe beyond that consumer's premises.

In particular, and not in limitation of any of the above, any water which the consumer draws from the Council supply shall not be provided to any other party without the approval of the Council.

9.18 Change of Ownership

Where a premise is metered the outgoing consumer shall give the Council five working days notice to arrange a final meter reading.

9.19 Permanent Disconnection at the Consumer's Request

The consumer shall give 20 working days notice in writing to the Council of the requirement for a permanent disconnection of the supply. Disconnection is at the consumer's cost.

A property subject to a permanent disconnection shall, in the event of requiring supply at some future date, be required to submit an application and pay all fees and charges as are prescribed in section 9.0 of this Bylaw.

9.20 Temporary Disconnection

The supply shall be temporarily disconnected where:

- a dwelling or building on a premises is being demolished or torn down
- a dwelling or building on a premises has been substantively damaged or condemned
- an activity on a premises exposes the water supply system to damage or contamination

Temporary disconnection shall involve severing the supply pipe and the plugging or capping of the service line at the point of supply to prevent damage to the Council's pipes and equipment on the Council side of the point of supply.

10.0 BREACHES AND INFRINGEMENT OFFENCES

10.1 Breaches of conditions of supply

The following are deemed breaches of the conditions to supply water:

- (a) Submissions of an incorrect application for supply which fundamentally affects the conditions of supply or decision to approve the application
- (b) Failure to meet and comply with the conditions of supply
- (c) Failure to pay the appropriate rates, fees and/or charges by the due date

- (d) Failure to repair a leak on premises, or failure to undertake repairs, on any pipe, tap or other fitting after having received notice from the Council to undertake such repairs
- (e) Wilfully allowing water to run to waste, or to be misused
- (f) Fitting any equipment which may cause pressure surges or fluctuations in the water supply system, or compromise the ability of the Council to maintain the levels of service stated in its Long Term Plan
- (g) Failure to prevent backflow on or from a premises
- (h) Failure to comply with water use restrictions or prohibitions imposed by the Council for any specified purpose
- (i) Use of water or water pressure directly from the supply for driving lifts, machinery, eductors, generators, or any other similar device, unless specifically approved by the Council
- (j) Use of water for a single pass cooling or heating system, or to dilute trade waste prior to disposal, unless specifically approved by the Council
- (k) Extending by hose or any other means a private water supply beyond the consumer's premises
- (l) Providing water drawn from the Council supply to any other party without approval of the Council
- (m) Making a connection to the public water supply without formal written approval from the Council
- (n) Using fire hydrants without formal written approval from the Council, except in an emergency
- (o) Failing to install required water conservation fittings (dual flush toilet, low flow shower heads etc) in accordance with those specified in the Council's water conservation policy
- (p) Bypassing or tampering with a Council water meter or flow restrictor
- (q) Interfering with the Council water supply system
- (r) Introducing any contaminant into the water supply system, headworks or water supply catchment
- (s) Wilfully giving the Council or its approved agents false information upon any matter pertaining to water supply
- (t) Impeding the Council or its approved agents from undertaking works or inspections necessary in the operation of the supply, or frustrating the Council's ability to carry out all its obligations adequately and effectively

10.1.1 In event of breach

In the event of a breach, the Council may serve notice on the consumer advising the nature of the breach and the steps that are to be taken by the consumer to remedy it. If, after the required time for remedying the breach has elapsed, the consumer persists in the breach, the Council may take steps to remedy the breach and/or reduce the flow rate of water to the consumer without further notice. The flow rate may not be reduced below that sufficient for domestic and food preparation use as defined in the Health [Drinking water] Amendment Act 2007.

The full service of the supply shall be re-established only after payment of any appropriate fees and charges, and/or remedy of the breach to the satisfaction of the Council.

In the event of a breach where reducing flow to the consumer is required to rapidly restore the supply network in order to secure water supply for other consumers on the network, the Council may do so without notice.

10.1.2 In event of serious breach

A serious breach is any breach that may impact on the supply of water to other consumers on the supply, or create a risk to public health and safety, or to the environment. In the event of a serious breach, the Council shall take any immediate action necessary to remedy the breach. Without prejudice to its other rights and remedies, the Council shall be entitled to recover any costs incurred in remedying the breach.

10.1.3 Interference with equipment

Any tampering or interference with Council equipment, either directly or indirectly, shall constitute a breach of this Bylaw. Without prejudice to its other rights and remedies, the Council shall be entitled to estimate (in accordance with 9.13.5) and charge for the additional water consumption not recorded or allowed to pass where a meter or restrictor has been tampered or interfered with, and recover any costs incurred.

10.1.4 Unlawful connections to water supply

In the event of any connection made to the supply that has not been approved by the Council in accordance with 9.1, the Council may:

- a) Immediately remove the unlawful connection and take any action required to remedy damage caused by the unlawful connection. Without prejudice to its other rights and remedies, the Council shall be entitled to estimate (in accordance with 9.14.5) and charge for the additional water consumption not recorded where an unlawful connection has been made and recover any costs incurred in remedying the breach; or
- b) Serve notice on the consumer requesting an application be made in accordance with 9.1. If the time specified for making the application lapses without the application being made, the Council may take action as outlined in 10.4 (a) above; or
- c) Take any other action provided for under this Bylaw.

10.1.5 Notifying the Police

In cases where the Council suspects the supply has been directly tampered with and/or water theft has occurred, the Police will be notified. Without prejudice to its other rights and remedies, the Council may also elect to prosecute the consumer.

10.1.6 Recording breaches against premises

Where a customer breaches the conditions of supply relating to clauses 9.5.5 (k) and 9.5.5 (n) and does not subsequently rectify the breach, and where this may impact on successive owners of the premises, this information may be recorded on the premises' property file held at the Council's offices and made available for public inspection.

10.2 Offences

Every person who fails to comply with this Bylaw commits an offence and is liable on conviction to a fine not exceeding \$20,000 or as set out in section 242 of the Local Government Act 2002. A decision to prosecute does not prevent the Council from seeking an injunction under section 162 of the Local Government Act 2002 or otherwise restraining the person from committing a breach of this Bylaw.

Every person commits an offence who:

- a) fails to comply with any provision of this Bylaw
- b) breaches the conditions of supply granted pursuant to this Bylaw
- c) fails to comply with a notice served under this Bylaw

- d) takes water from a fire hydrant without the required authority
- e) misuses the Council's equipment (fire hydrant upstands, meters, restrictors)
- f) undertakes theft of water from the water supply network
- g) tampers with the water supply
- h) connects to the water supply network without the written approval from the Council, or
- i) contravenes any other provision of this Bylaw

11.0 BYLAW ADMINISTRATION

11.1 Revision of a decision

11.1.1 Notice requesting review

If any person is dissatisfied with any decision by the Council or an approved agent made under this Bylaw, that person may, by notice delivered to the Chief Executive of the Council not later than five working days after the decision by the Council or its approved agent is served upon that person, request the Chief Executive, Mayor (or Deputy Mayor) and one Councillor to review any such decision and the decision of any such review shall be final.

11.1.2 Review of reduced supply

Where the decision being reviewed under 11.1.1 above is a decision to reduce supply and a request for a review of the decision is received before the Council reduces the supply, the Council shall not reduce the supply until the Chief Executive has made a decision on the review. This does not apply to situations where health or safety concerns require the Council to proceed with immediate steps to reduce the supply.

Nothing in this clause shall affect any right of appeal or review available under the Act.

11.2 Charges and Payments

11.2.1 Charges

The Council may recover fees and charges in accordance with the Act.

11.2.2 Recovery of costs

In all cases the Council may recover costs under the Act relating to section 150 (fees) and section 151 (general provisions).

In all cases the Council may recover costs associated with damage to the water supply system in accordance with section 163 (recover for removal or alteration of an unlawful connection) and section 175 (recover for damage by wilful or negligent behaviour) of the Act.

Following prosecution and conviction for a breach of the Bylaw the Council may recover costs under section 176 (remedying damage arising from breach of Bylaw) of the Act, in addition to any other penalty for which the offender is liable.

In all cases, where payment of outstanding fees or charges is not made by the consumer within the period specified, and the Council incurs costs associated with recovering or attempting to recover any payments due, the Council may recover those full costs from the consumer in addition to the payments due.

11.2.3 Cease to supply

The consumer shall be deemed to be continuing to use the water supplied and shall be liable for all charges, until the final meter reading.

11.3 Council Officers and Approved Agents

All officers of the Council, approved agents or other persons authorised under section 174 or section 177 or paragraph 32 of Schedule 7 of the Act shall possess and produce on request warrants of authority and evidence of identity.

The extent and level of delegation to Council officers and approved agents will be in accordance with the Council's Register of Delegations and Warrants.

Authorisation for entry to premises is given under sections 171 – 173 and section 182 of the Act and entry will be in compliance with the health and safety policies of that particular site.

11.4 Service of Documents

11.4.1 Delivery or post

Any notice or other document required to be given, served or delivered under this Bylaw to the consumer may (in addition to any other method permitted by law) be given or served or delivered by being:

- (a) Sent by pre-paid ordinary mail, courier, facsimile, or email to the consumer at their last known place of residence or business
- (b) Where the consumer is a body corporate, sent by pre-paid ordinary mail, courier, facsimile, or email to, or left at its registered office, or
- (c) Personally served on the consumer

11.4.2 Service

If any notice or other document is:

- (a) Sent by post it will be deemed received on the first working day after posting;
- (b) Sent by facsimile or email and the sender's facsimile or email machine produces a transmission report indicating that the facsimile or email was sent to the addressee, the report will be prima facie evidence that the facsimile or email was received by the addressee in a legible form at the time indicated on that report; or
- (c) Sent by courier and the courier obtains a receipt or records delivery on a courier run sheet, the receipt or record of delivery on a courier run sheet will be prima facie evidence that the communication was received by the addressee at the time indicated on the receipt or courier run sheet, or left at a conspicuous place at the premises or is handed to a designated person(s) nominated by the consumer then that will be deemed to be service on, or delivery to the consumer at that time.

(NOTE – It should be verified that notice has been served on the correct person).

11.4.3 Signature

Any notice or document to be given, served or delivered shall be signed by an officer of Council or an approved agent.

11.4.4 Powers of the Chief Executive

The Chief Executive of the Council may determine and prescribe the manner or time in which:

- (a) Any forms are drafted or utilised, and
- (b) Flow measuring, monitoring, sampling or analysis is to be undertaken

12.0 SCHEDULE OF WATER SUPPLIES

12.1 Areas within the Waitaki District and types of water supply

Supply	Zone	Typical supply type
Awahokomo		Restricted
Awamoko		Restricted
Bushy Creek		Restricted
Dunroon		Restricted
Kauru Hill		Restricted
Kurow		On-demand metered (by resolution of the Council)*
Lake Ohau Village		Restricted
Lower Waitaki		Restricted
Oamaru	Central	On-demand*
	North End	On-demand*
	South Hill	On-demand*
	Tower	On-demand*
	Ardgowan	Restricted
	Kakanui	Restricted
	Hampden/Moeraki	Restricted
	Herbert/Waianakarua	Restricted
	Weston/Enfield	Restricted
Omarama		On-demand*
Otematata		On-demand*
Stoneburn		Restricted
Tokarahi		Restricted
Waihemo	Palmerston	On-demand*
	Dunback	Restricted
	Goodwood	Restricted
Windsor		Restricted

* for Ordinary use only. Supply for Extraordinary use shall be metered or restricted. Refer to Clause 9.5 Use of Supply.