

**CLUTHA DISTRICT COUNCIL**  
**WATER AND SANITARY SERVICES BYLAWS**  
**PART 1**  
**WATER SUPPLY**

**1 TITLE**

A Bylaw of the Clutha 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 Clutha District Council Water Supply Bylaw 2008.

**2 COMMENCEMENT**

This Bylaw shall come into force on the 19<sup>th</sup> day of June 2008.

**3 REPEAL**

As from the day this Bylaw comes into force, any previous bylaw or parts of any bylaw and their amendments in force in the Clutha District (including the former local authorities that now comprise the Clutha District Council) shall be repealed.

**4 APPLICATION OF BYLAW**

This Bylaw shall apply to the Clutha District Council and customers supplied by Clutha District Council water schemes both within and outside the Clutha District.

**5 SCOPE**

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

- (a) Statutory Acts and Regulations
  - (i) Building Act 2004
  - (ii) Fire Service Act 1975
  - (iii) Health Act 1956
  - (iv) The Health (Drinking Water) Amendment Act 2007
  - (v) Local Government Act 2002
  - (vi) Local Government (Rating) Act 2002
  - (vii) Resource Management Act 1991
  - (viii) Water Supplies Protection Regulations 1961 (possibly subject to repeal); and
- (b) Relevant Codes and Standards
  - (i) Drinking Water Standards for New Zealand 2005
  - (ii) BS EN 14154-3:2005 Water meters. Test methods and equipment
  - (iii) SNZ PAS 4509:2003 New Zealand Fire Service fire fighting water supplies code of practice
  - (iv) NZWWA Backflow Code of Practice 2006
  - (v) NZWWA Water Meter Code of Practice 2003
  - (vi) Clutha District Council Policy on Damage by Trees to Water Pipelines
  - (vii) Clutha District Council Policy on Consultation Around Pipelines
  - (viii) Clutha District Council Policy on Rural Water Schemes

- (ix) Clutha District Council Policy on Cost Recovery for Damage to Utilities Services by Third Parties
- (x) Clutha District Council Policy on Construction around Pipelines.

This Bylaw shall apply to all water supplies under the care, control and management of the Clutha District Council as stipulated in the Water Supply Activity Management Plan.

## 6 INTERPRETATION

When interpreting this Bylaw use the definitions set out in section 7 unless the context requires otherwise. Any reference to a repealed enactment should be read as a reference to its replacement.

For the purpose of this Bylaw, unless the context requires otherwise, the word 'shall' refers to practices that are mandatory for compliance with this Bylaw, while the word 'should' refers to practices that are advised or recommended.

## 7 DEFINITIONS

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

<b>Approved</b>	Approved in writing by Council, either by resolution of the Council or by any authorised officer of Council.
<b>Backflow</b>	The unplanned reversal of flow of water or mixtures of water and contaminants into the water supply system.
<b>Council</b>	The Clutha District Council or any officer authorised to exercise the authority of the Council.
<b>Customer</b>	A person who uses, or has obtained the right to use or direct the manner of use of, water supplied by the Council.
<b>Detector check valve</b>	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.
<b>Extraordinary supply</b>	A category of on demand supply including all purposes for which water is supplied other than ordinary supply and which may be subject to specific conditions and limitations.
<b>Fees and charges</b>	The list of items, terms, and prices for services associated with supply of water as adopted by the Council in accordance with the LGA 2002 and the Local Government (Rating) Act 2002.
<b>Level of service</b>	The measurable performance standards on which the Council undertakes to supply water to its customers.
<b>On demand supply</b>	A supply which is available on demand directly from the point of supply subject to the agreed level of service.

<b>Ordinary supply</b>	A category of on demand supply used solely for domestic purposes.
<b>Person</b>	A natural person, corporation sole or a body of persons whether corporate or otherwise.
<b>Point of supply</b>	The point on the water pipe leading from the water main to the premises, which marks the boundary of responsibility between the customer and Council, irrespective of property boundaries.
<b>Potable</b>	As defined in s69G of the Health Act 1956 (see the Health (Drinking Water) Amendment Act 2007).
<b>Premises</b>	<p>Include the following:</p> <ul style="list-style-type: none"> <li>(a) A property or allotment which is held under a separate certificate of title or for which a separate certificate of title may be issued and in respect to which a building consent has been or may be issued; or</li> <li>(b) A building or part of a building that has been defined as an individual unit by a cross-lease, unit title or company lease and for which a certificate of title is available; or</li> <li>(c) Land held in public ownership (e.g. reserve) for a particular purpose.</li> </ul>
<b>Public notice</b>	As defined in the Local Government Act 2002.
<b>Restricted flow supply</b>	A type of water supply connection where a small flow is supplied through a flow control device, and storage is provided by the customer to cater for the customer's demand fluctuations.
<b>Restrictor</b>	A flow control device fitted to the service pipe to limit the flow rate of water to a customer's premises.
<b>Reticulation</b>	Those pipes, which are part of the water supply undertaking and connect any intake, pumping station, water treatment works, and/or reservoir to each other, or any point of supply.
<b>Roading Authority</b>	A territorial authority or Transit New Zealand.
<b>Rural water supply area</b>	An area formally designated by a water supply authority as an area serviced by a reticulated water supply system that is intended to supply water for specified purposes via restricted flow supplies and/or on demand supplies but not necessarily with a firefighting capability.
<b>Service pipe</b>	The section of water pipe between a water main and the point of supply.
<b>Service valve</b>	The valve at the customer end of the service pipe.

<b>Storage tank</b>	Any tank having a free water surface.
<b>Supply pipe</b>	The section of pipe between the point of supply and the customer's premises through which water is conveyed to the premises.
<b>Urban water supply area</b>	An area formally designated by Council as an area serviced by a reticulated water supply system with a firefighting capacity, that is intended to supply water to customers.
<b>Termination</b>	The physical cutting off of the supply to a premises.
<b>Water supply authority</b>	The operational unit of the Council responsible for the supply of water, including its authorised agents.
<b>Water supply system</b>	All those components of the 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 and tobies.
<b>Water unit</b>	The basis of measurement for a restricted flow supply and equal to a volume of 365m <sup>3</sup> per annum, delivered at the rate of 1.0m <sup>3</sup> /day.

## **8 PROTECTION OF WATER SUPPLY**

### **8.1 Water supply system**

#### **8.1.1 Access to system**

No person other than authorised agents of Council shall have access to any part of the water supply system, except to connect to the point of supply, subject to 9.1, and to operate the service valve.

#### **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.

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

#### **8.1.4 Other uses**

The right to gain access to, and draw water from the water supply for uses other than firefighting (for example, flow testing or pipe flushing) shall be restricted to:

- (a) The Council or authorised agents of Council;
- (b) Permit holders, being those persons who after having submitted an application to Council, are subsequently approved to draw water from fire hydrants or tanker filling 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, and assess and recover the value of water drawn without authorisation and any other associated costs.

#### **8.1.5 Working around buried services**

Refer to Council's 'Policy on construction around pipelines' (policy reference 03-01-004) for information on locating buried services and the costs involved.

At least five days notice in writing shall be given to the Council of an intention to excavate in the vicinity of its water services.

Reticulation pipes in Rural Supply Schemes generally have 600mm cover, and where mole ploughing, cultivating, or tile laying at a depth shallower than 600mm is proposed, notice and marking out of the reticulation pipe will not be required. This does not remove responsibility to protect other water services such as valves etc that may be shallower.

When excavating and working around buried services, due care shall be taken to ensure the water services are not damaged, and that bedding and backfill are reinstated in accordance with the appropriate Council specification.

Any damage that occurs to a Council water service shall be reported to Council immediately. The person causing the damage shall reimburse the Council with all costs associated with repairing the damaged service, and any other costs Council incurs as a result of the incident.

NOTE - Excavation within roadways is also subject to the permit process of the appropriate roading authority.

### **8.2 Protection of source water**

#### **8.2.1 Catchment classes**

Surface water and groundwater catchment areas from which untreated water is drawn for the purposes of water supply may be designated as:

- (a) Controlled;
- (b) Restricted; or
- (c) Open.

#### **8.2.2 Controlled catchments**

The following conditions apply:

- (a) *Entry*

Catchment areas which are designated as controlled, or any area held by the Council as a water reserve, shall not be entered by any person except those specifically authorised or permitted in writing by Council. Within such areas, unless provided for by Council, no person shall:

- (i) Camp
- (ii) Take or allow to stray any livestock
- (iii) Bathe or wash anything
- (iv) Deposit any dirt, rubbish, or foul material of any kind
- (v) Defecate

*(b) Permits*

Entry permits shall forbid, regulate or control the following activities:

- (i) Hunting, trapping, shooting, or fishing
- (ii) Lighting or maintaining any fire
- (iii) Taking any dog or other animal
- (iv) Damaging or destroying any trees, shrubs, or other existing cover, or interference with any property
- (v) Carrying of any firearm or weapon of any kind, any trap or any fishing gear which may be used for the hunting or catching of birds, fish or animals
- (vi) Use of any pesticide or toxic substance for any purposes whatsoever.

A person may be required to present a medical clearance before an entry permit will be issued.

*(c) Permits to be presented*

Unless Council permits:

- (i) No person to whom any permit has been issued shall enter or leave any controlled catchment area or land held by Council as a water reserve without presenting such a permit for inspection by the Council officer and notifying an authorised officer of Council of their intention of entering or leaving such an area as the case may be.
- (ii) Every person on any controlled catchment area or land held by the local authority as a water reserve shall upon demand produce any such permit for inspection by an authorised officer of Council.
- (iii) No permit issued shall be capable of being transferred.
- (iv) Council may at any time, by notice in writing delivered to the holder, revoke or suspend any such permit for such time as shall be stated in such a notice.

*(d) Interference and obstruction*

In any controlled catchment area or any land held by Council as a water reserve:

- (i) Every person shall upon the request of Council or an authorised officer of Council immediately leave the controlled catchment area or land held by Council as a water reserve, but shall nevertheless be liable also to be prosecuted for the breach of any of the provisions of this Bylaw, and the failure so to leave shall constitute a further offence.
- (ii) No person shall obstruct or hinder any authorised officer of Council in the exercise of any powers vested in that officer under the provisions of this Bylaw.

### **8.2.3 Restricted catchments**

Catchment areas which are designated as restricted shall allow for certain activities, but shall be as for controlled catchments for other activities. Those activities may include unrestricted entry for:

- (a) Tramping;
- (b) Hunting;
- (c) Trapping;
- (d) Shooting;
- (e) Fishing.

### **8.2.4 Open catchments**

In open catchment areas whether designated or not, there will generally be no restriction on activities other than any provisions of the Otago Regional Water Plan or Clutha District Council District Plan and the Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007.

### **8.2.5 Spillages and adverse events**

In the event of a spillage, or other event which may compromise the water supply, the person responsible for the event shall advise Council with due urgency. This requirement shall be in addition to those other notification procedures which are required for other authorities.

## **9 TERMS AND CONDITIONS FOR SUPPLY**

The terms and conditions for supply detail for all customers the terms on which water is supplied and means by which all installations shall be installed and maintained within the Clutha District.

Any person being supplied, or making an application to be supplied, with water by Council is deemed to accept the following conditions for supply. This includes any person, property or premise outside the Clutha District Council boundary being supplied water from a Council scheme.

### **9.1 Application for supply**

#### **9.1.1 Initial application**

Every application for a supply of water shall be made in writing on Council's Water Connection Application Form (Appendix B) accompanied by any fees and charges as prescribed in Council's schedule of fees and charges. The applicant shall provide all the details required by Council, which in some cases may include a report prepared by a suitably experienced professional engineer on the changes required to be made to the supply system to provide the water being applied for.

On receipt of an application Council 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 the reasons for refusal.

For the agreed level of service to the applicant, Council should determine the sizes of all pipes, fittings and any other equipment, up to the point of supply. The applicant shall pay all costs for the supply and installation of the service pipe up to the point of supply, and may employ the Council contractor or an alternative contractor approved by Council to lay the service pipe to Council standards.

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

An approved application for supply which has not been actioned by the applicant within six months of the date of application will lapse unless a time extension has been approved. Any installation quotation for supply that has not been actioned within two months of the date of the quotation will also lapse unless otherwise approved. Any refund of fees and charges shall be at the discretion of Council.

### **9.1.2 Change of use**

Where a customer seeks a change in the level of service or end use of water supplied to premises, and/or the supply changes from an ordinary to an extraordinary type (see 9.4) or vice versa, a new application for supply shall be submitted by the customer.

### **9.1.3 Prescribed charges**

Charges applicable at the time of connection may include:

- (a) Costs as outlined in the Clutha District Council's Schedule of Fees and Charges

And, where applicable:

- (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.

## **9.2 Point of supply**

### **9.2.1 Responsibility for maintenance**

Council shall own and maintain the service pipe and fittings up to the point of supply. The customer shall own and maintain the supply pipe beyond the point of supply.

### **9.2.2 Single ownership**

For individual customers in urban on demand and restricted schemes the point of supply shall be located as shown in Figure 1 of Appendix A, or as close as possible where fences, walls, or other permanent structures make it difficult to locate it at the required position. Other positions shall require specific approval.

For each individual customer there shall be only one point of supply, unless otherwise approved.

The typical urban point of supply layout is shown in figure 2 and the typical rural point of supply layout is shown in figure 3 of Appendix A.

Council gives no guarantee of the serviceability of the valve located on the service pipe. Where there is no customer stopcock, or where maintenance is required between the service valve and the customer stopcock, the customer may use the service valve to isolate the supply. However Council reserves the right to charge for maintenance of this valve if damaged by such customer use.

### **9.2.3 Multiple ownership**

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

- (a) For Company Share/ Block Scheme (Body Corporate) – as for single ownership;
- (b) For Leasehold/ Tenancy in Common Scheme (Cross Lease), Strata Title, Unit Title (Body Corporate) and any other form of multiple ownership – each customer shall have an individual supply with the point of supply determined by agreement with Council. In specific cases other arrangements may be acceptable, subject to individual approval.

For a multiple ownership supply which was in existence prior to the coming into effect of this Bylaw, the point of supply shall be the arrangement existing at that time, or as determined by agreement with Council for any individual case.

## **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 customer shall allow Council access to, and about the point of supply between 7.30am and 6pm on any day for urban supplies, and at any time for rural supplies, for:

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

Outside these hours (such as for night time leak detection) Council shall give notice to the customer.

Where access is not made available for any of the above times and a return visit is required by Council, a rate may be charged as for 'Meter reading by appointment'.

Under emergency conditions the customer shall allow Council free access to, and about the point of supply at any hour.

### **9.3.2 Maintenance of access**

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.

## **9.4 Types of supply**

### **9.4.1 General**

Supplies shall be classified as either 'on demand' or 'restricted flow' and the use of water from the supply shall be either 'ordinary' or 'extraordinary'.

#### **9.4.2 On demand supplies**

Every premises shall be entitled to an ordinary supply of water subject to the following conditions:

- (a) The premises lying within an urban water supply area if such an area has been constituted by Council.
- (b) The premises lying within an On Demand zone set by the Council
- (c) The exclusion of its use for garden watering under any restrictions made by Council under 9.7.3;
- (d) Payment of the appropriate charges in respect of that property;
- (e) Any other charges or costs associated with subdivisional development; and
- (f) Any other relevant conditions in section 9 of this Bylaw.
- (g) There being sufficient capacity and pressure to adequately supply the water

Council shall be under no obligation to provide an extraordinary supply of water (see also the provisions of 9.7 and 9.9.2).

#### **9.4.3 Restricted flow supply**

The principle of design for a restricted water supply system is that for supplies with only limited source of water or for economy in pipe size, pump capacity, public storage capacity, and where the total water demand is limited, the flow to the customer is spread as far as practically possible over the whole 24 hour day.

Peak demands are met by high rate draw off from the customer's tank storage and this is later replenished by the controlled in-flow from the public water supply via the installed restrictor.

For restricted supplies the customer shall be responsible for the supply, installation and maintenance of a sound tank with a secure lid capable of holding a minimum of 2,000 litres per unit delivered.

In every case all water must pass through a service valve, filter, restrictor jet or flow regulating device before connection to the customers supply pipe (see Appendix A - figure 3).

Delivery into a tank through a ballcock shall be so arranged that when the tank is filled to a fixed level the ballcock closes off the flow from the service pipe. The fixed level within the tank will be such that there is a minimum gap of 50 mm below the orifice of the ballcock to prevent contamination by backflow, if overflowing should occur. It is the responsibility of each customer to install and maintain adequate insulation to protect the pipe rising to their storage tank against damage including damage from frost.

In no case shall any high pressure supply, direct from the service pipe or public main, be available to any customer of a restricted supply. In certain circumstances Council may at its discretion and upon such conditions as it considers necessary, allow the installation of high pressure fire fighting hoses.

Restricted flow supply shall be available to premises within a designated area only, or under special conditions set by Council.

The water supply shall be restricted so as to deliver the agreed number of water units at a steady flow rate.

Council shall charge for the restricted flow supply according to either:

- (a) The volume passing through a meter; or
- (b) The agreed number of water units.

#### **9.4.4 Ordinary use**

Ordinary use is for domestic purposes (which may include use in a fire sprinkler system to NZS 4517) and shall include:

- (a) Washing down a car, boat, or similar;
- (b) Garden watering by hand;
- (c) Garden watering by a portable sprinkler (subject to the provisions of 9.7.3);

NOTE – For use from a fire protection system to NZS 4517 to be classified as an ordinary use, the customer should comply with the conditions set under 9.9.1.

#### **9.4.5 Extraordinary use**

Extraordinary use includes:

- (a) Domestic -spa or swimming pool in excess of 10m<sup>3</sup> capacity, fixed garden irrigation systems;
- (b) Commercial and business;
- (c) Industrial
- (d) Agricultural;
- (e) Horticultural;
- (f) Viticultural;
- (g) Lifestyle blocks (peri-urban or small rural residential);
- (h) Fire protection systems other than sprinkler systems installed to comply with NZS 4517;
- (i) Out of district (supply to, or within another local authority);
- (j) Temporary supply;
- (k) Multiple dwelling units e.g. flats and motels
- (l) Schools
- (m) Any premises using more than 366 m<sup>3</sup> of water per annum.

The Council shall be under no obligation to provide an extraordinary supply of water.

#### **9.4.6 Urban Supply Scheme**

The supply of one unit of water to a premises supplied by an Urban Water Supply Scheme, which is for ordinary use in the dwelling unit.

#### **9.4.7 Rural Supply Scheme**

The supply of multiple units (minimum of 2) to a property supplied by a Rural Water Supply Scheme which may be used for either domestic or extraordinary use.

#### **9.4.8 Stock Water Supply Scheme**

The supply of multiple units (minimum of 2) to a property supplied by a Stock Water Supply Scheme which is not intended for human consumption.

### **9.5 Metering**

Except for the Stirling Township scheme, an ordinary use of water shall not normally be metered (subject to Council reserving the right to fit a meter and charge where it considers

water use is excessive, or for a meter to be fitted at the customer's request), and the cost of such use shall be prescribed in the Local Government (Rating) Act 2002, sections 9, 15 to 19, and sections 101 to 103.

An extraordinary use shall normally be metered and charged for in accordance with 9.15, although Council reserves the right to charge without metering at a rate determined in agreement with the Customer. Where the extraordinary use is for fire protection only, this supply shall not normally be metered.

## **9.6 Level of service**

The Clutha District Council shall provide water in accordance with the level of service contained in Council's Long Term Plan. For those periods where the level of service allows non-compliance with the specified value(s), Council should make every reasonable attempt to achieve the specified values.

## **9.7 Continuity of supply**

### **9.7.1 Supply**

Due to practical and physical limitations Council cannot guarantee an uninterrupted or constant supply of water in all circumstances, or the continuous maintenance of any particular pressure, but shall do its best to meet the continuity of supply levels of 9.6, subject to the exemptions contained in 9.7.3 and 9.7.4.

### **9.7.2 Uninterrupted service**

If a customer has a particular requirement for an uninterrupted level of service (flow, pressure, or quality), it shall be the responsibility of that customer to provide any storage, back-up facilities, or equipment necessary to provide that level of service.

### **9.7.3 Demand management**

The customer shall comply with any water restrictions which may be approved by Council to manage high seasonal or other demands. Such restrictions shall be advised by public notice.

Even when such restrictions apply Council shall take all practicable steps to ensure that an adequate supply for domestic purposes is provided to each point of supply.

### **9.7.4 Emergency restrictions**

Natural hazards (such as floods, droughts or earthquakes), fires, or accidents which result in disruptions to the supply of water shall be deemed an emergency and shall be exempted from the Levels of Service requirements contained in 9.6.

During an emergency Council may restrict or prohibit the use of water for any specified purpose, for any specified period, and for any or all of its customers. Such restrictions shall be advised by public notice. Council may enact penalties over and above those contained in these conditions and to enforce these restrictions. The decision to make and lift restrictions, is delegated to the Chief Executive.

### **9.7.5 Maintenance and repair**

Whenever practical Council shall make every reasonable attempt to notify the customer of a scheduled maintenance shutdown of the supply before the work commences. Where immediate action is required and notification is not practical, Council may shut down the supply without notice.

## **9.8 Liability**

Council shall endeavour to meet the level of service requirements of 9.6, but shall not be liable for any loss, damage or inconvenience which the customer (or any person using the supply) may sustain as a result of deficiencies in, or interruptions to, the water supply.

Council may, under certain circumstances and at its sole discretion, make payments for damage caused to equipment, appliances, processes, and materials as a direct result of variation in the water supply, provided that any such equipment or appliances have been designed to cater for reasonable variations in the flow, pressure, and quality of the water supply.

## **9.9 Fire protection connection**

### **9.9.1 Connection application**

Any proposed connection for fire protection shall be the subject of a specific application (on the standard form attached at Appendix B) made to Council for approval. Any such connection shall be subject to the conditions specified by Council.

### **9.9.2 Design**

Fire protection systems shall be designed and located to ensure that water cannot be drawn from the system for any purpose other than firefighting.

It shall be the customer's responsibility to ascertain in discussion with Council and monitor whether the supply available is adequate for the intended purpose. Council shall be under no obligation to provide a fire protection supply at any particular flow or pressure within the property.

### **9.9.3 Fire protection connection metering**

Where the supply of water to any premises is metered 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) The drawing of water is only in connection with the sounding of an automatic fire alarm or the automatic notification of the fire brigade; or
- (b) Council approved detector check valve that has been fitted on the meter bypass.

Any unmetered connection provided to supply water to a fire protection system shall not be used for any purpose other than firefighting and testing the fire protection system unless the fire protection system is installed in accordance with NZS 4517.

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

#### **9.9.4 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.

#### **9.9.5 Charges**

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

#### **9.9.6 Ongoing testing and monitoring**

Customers intending to test fire protection systems in a manner that requires a draw-off of water shall obtain the approval of Council beforehand. 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 Council.

### **9.10 Backflow prevention**

#### **9.10.1 Customer responsibility**

It is the customer's responsibility (under the Health Act 1956, and the Building Act 2004) to take all necessary measures on the customer's side of the point of supply to prevent water which has been drawn from Council's water supply from returning to that supply.

These 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 Council's water supply 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 non-potable 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 Council's normal minimal operating pressure.

#### **9.10.2 Unmanaged risk**

Notwithstanding 9.10.1, where the customer cannot demonstrate that the risk of backflow is adequately managed, Council may fit a backflow prevention device on the Council side of the point of supply at the customer's cost.

## **9.11 Council equipment and inspection**

### **9.11.1 Care of water supply system**

The customer 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.

### **9.11.2 Inspection**

Subject to the provisions of the Local Government Act 2002, the customer shall allow Council with or without equipment, access to any area of the premises for the purposes of determining compliance with these conditions.

## **9.12 Meters and flow restrictors**

### **9.12.1 Installation**

Meters for on demand supplies, and restrictors for restricted flow supplies, shall be supplied and installed by Council at the customer's expense, but the cost of ongoing normal maintenance and repairs will be met by Council. Meters and flow restrictors shall remain the property of Council.

Where on demand supplies are not universally metered, Council where it considers water use is unusually high, reserves the right to fit a meter at the customer's cost, and charge accordingly.

### **9.12.2 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, (see figure 1).

### **9.12.3 Accuracy**

Meters and restrictors shall be tested and reported on as and when required by Council's contractors as to relevant standards, and as prescribed in the contract.

Any customer who disputes the accuracy of a meter or restrictor may apply to Council for it to be tested provided that it is not within three months of the last test. If the test shows non-compliance with the relevant accuracy requirement the customer shall not be charged for the test. If the test shows compliance, the customer shall pay a fee in accordance with Council's current schedule of fees and charges.

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

### **9.12.4 Adjustment**

Where any restrictor or flow regulating device be found to pass less water than its rating, no adjustment to water charges will be made. Council will replace the restrictor free of charge. Any restrictor allowing 10% or more water by volume pass than its rating will be replaced by Council free of charge provided it has not been tampered with.

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

Where a meter is under-reading by more than 20% or has stopped, 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, Council shall make appropriate adjustments to the customer's invoice(s), based on a period of similar use and backdated to when it is agreed the over-reading is likely to have occurred.

#### **9.12.5 Estimating consumption**

Should any meter be out of repair or cease to register, or be removed, Council shall 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 customer) and the customer 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, Council may take into account other evidence for the purpose of arriving at a reasonable estimate, and the customer shall pay according to such an estimate.

If metering indicates a significant increase in consumption to a premises, and the increase is established as being caused by a previously unknown leak, Council may estimate consumption as provided above, providing that the customer repairs the leak with due diligence.

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

#### **9.12.6 Incorrect accounts**

Where a situation occurs, other than as provided for in 9.12.5, where the recorded consumption does not accurately represent the actual consumption on a property, the account shall be adjusted using the best information available to 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, in favour of Council or the customer, this shall not be backdated more than 12 months from the date the error was detected.

### **9.13 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 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 Council.

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

#### **9.14 Prevention of waste**

The customer 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 property to deteriorate to the point where leakage or wastage occurs.

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

The customer shall not use water for a single pass cooling system or to dilute trade waste prior to disposal, unless specifically approved. Single pass cooling systems in place at the coming into force of the bylaw are deemed approved.

#### **9.15 Payment**

The customer shall be liable to pay for the supply of water and related services in accordance with Council's current Annual Plan and schedule of fees and charges.

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

#### **9.16 Transfer of rights and responsibilities**

The customer shall not transfer to any other party the rights and responsibilities set out in this Bylaw.

A supply pipe shall serve only one customer, and shall not extend by hose or any other pipe beyond that customer's property.

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

#### **9.17 Change of ownership**

In the event of a premises changing ownership the Council shall record the new owner as being the customer at that premises. Where a premises is metered the outgoing customer shall give Council five working days notice to arrange a final meter reading.

#### **9.18 Disconnection or reduction of supply at the customer's request**

Customers on rural supplies may only reduce the units purchased or disconnect entirely from the supply with the approval of Council. Such approval may be withheld or granted entirely at the discretion of Council.

The customer shall give 20 working days notice in writing to Council of the request or requirement for disconnection of the supply. Disconnection or reduction of supply shall be at the customer's cost.

## **10. BREACHES AND INFRINGEMENT OFFENCES**

### **10.1 Breaches of the Bylaw**

The following are deemed breaches of the Bylaw:

- (a) An incorrect application for supply which fundamentally affects the conditions of supply (section 9);
- (b) Failure by the customer to meet and comply with the conditions of supply;
- (c) Failure to meet any obligation placed on the customer under all current Acts and Regulations specified in section 5(a);
- (d) Frustration of Council's ability to adequately and effectively carry out its obligations;
- (e) An act or omission including but not limited to any of the following:
  - (i) Failure to pay the appropriate charges by the due date
  - (ii) Failure to repair a leak, or in any way wilfully allowing water to run to waste, or to be misused
  - (iii) The fitting of 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 Council to maintain its stated levels of service (subject to 9.13)
  - (iv) Failure to prevent backflow (see 9.10)
  - (v) Failure to comply with water use restrictions or prohibitions introduced by Council for any specified purpose
  - (vi) Using water or water pressure directly from the supply for driving lifts, machinery, eductors, generators, or any other similar device, unless specifically approved by Council.
  - (vii) Using water for a single pass cooling or heating system, or to dilute trade waste prior to disposal, unless specifically approved
  - (viii) Extending by hose or any other pipe a private water supply beyond that customer's property
  - (ix) Providing water drawn from the Council's water supply to any other party without approval of Council.

In the event of a breach, Council shall serve notice on the customer advising the nature of the breach and the steps to be taken to remedy it. If, after one week, the customer persists in the breach, Council reserves the right to disconnect the supply or reduce the flow rate of water to the customer without notice. In such an event the full service of the supply shall be reestablished only after payment of the appropriate fee and remedy of the breach to the satisfaction of Council.

In addition, if the breach is such that Council is required to disconnect the supply for health or safety considerations, such disconnection should be carried out forthwith.

### **10.2 Interference with equipment**

Pursuant to section 232 of the Local Government Act 2002, any tampering or interfering with Council equipment, either directly or indirectly, shall constitute a breach. Without prejudice to its other rights and remedies, Council shall be entitled to estimate and charge for the additional water consumption not recorded or allowed to pass where a water pipe or fitting has been tampered with, and recover any costs incurred.

Where it cannot be clearly established who was directly responsible for any tampering or interfering with Council equipment, the costs being recovered by Council will be a charge on the land which was benefiting from the additional water.

# Appendix A – Point of Supply

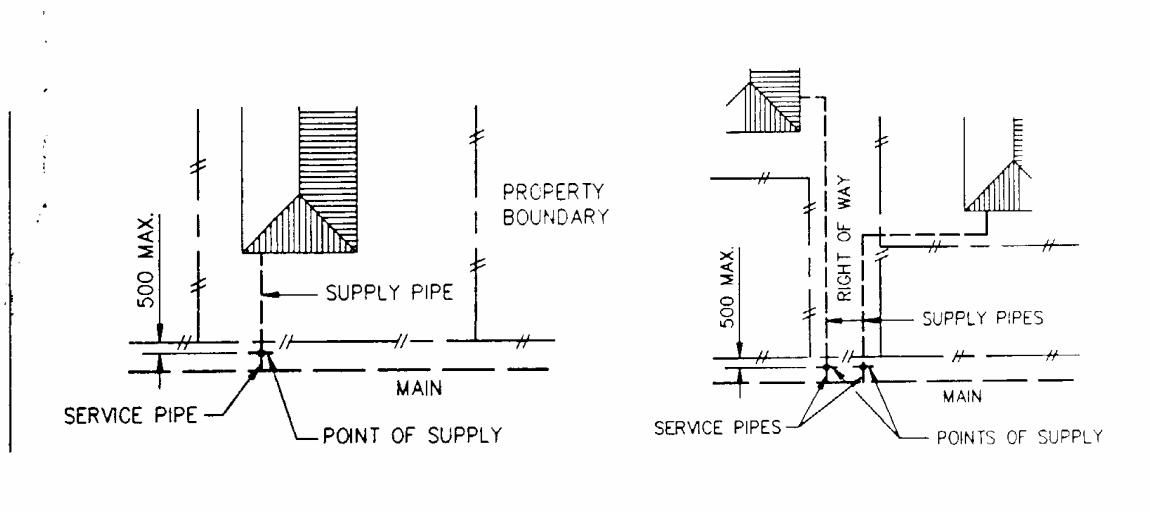


Figure 1 – Point of Supply

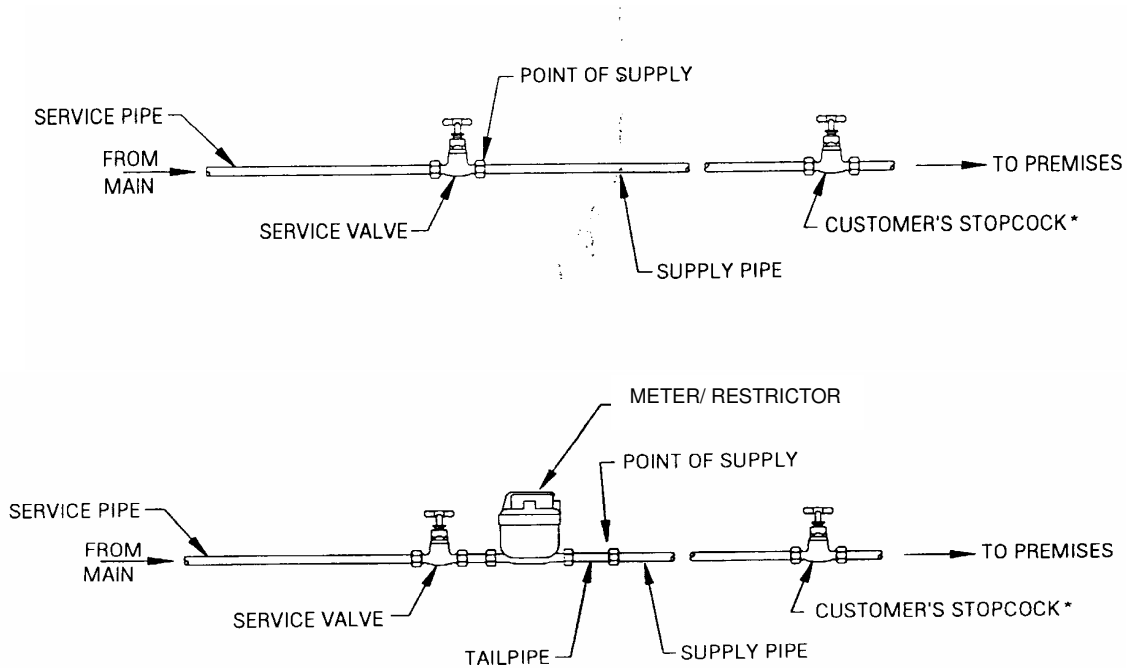
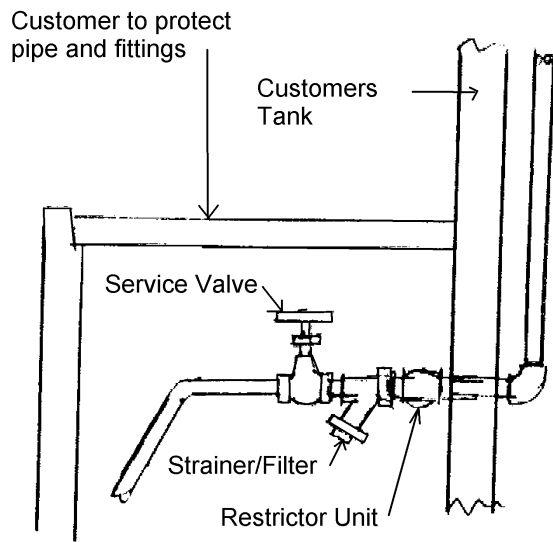
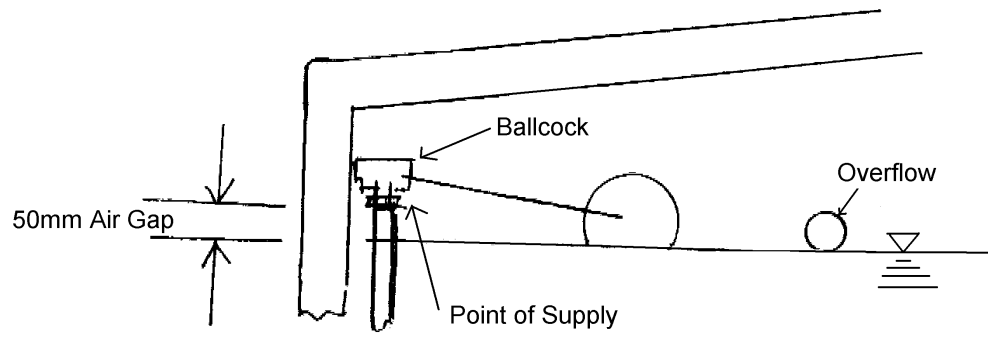


Figure 2 – Typical Urban Point of Supply Layout



**Figure 3 – Typical Rural Point of Supply Layout**

## Appendix B – Water Connection Application Form

**Clutha**  
District Council



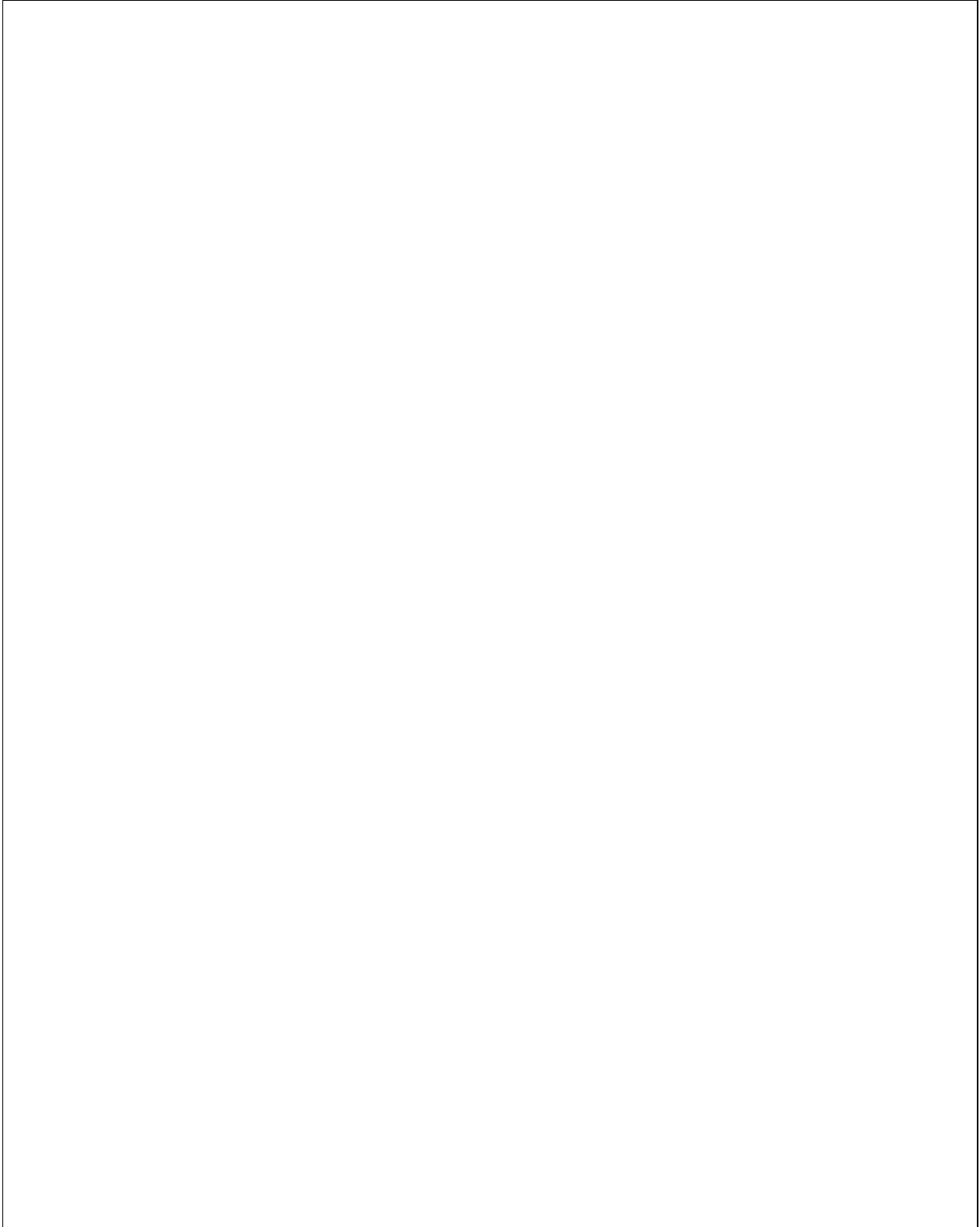
Applicant's name:			
Property owner:			
Contact name:			
Contact number:			
Postal address:			
Valuation number:		Area (Ha):	
Farm/Company name:			
Property address:			
Legal description:			
Name of water supply:			
Application details:			
Work required:	New connection <input type="checkbox"/>	Water meter <input type="checkbox"/>	Restrictor change <input type="checkbox"/>
Restricted supply:	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Number of units required (if restricted): <input type="text"/>
Tank number 1:			
Tank number 2:			
Tank number 3:			
Contractor's name:			
Contractor's address:			
<b><i>Please note this application is only complete on payment of the required fee</i></b>			
Signature:		Date:	

<b>Office use only</b>			
Application number:		Received by:	
		Date received:	
Payment received:	Application Fees Water \$ <input type="text"/>	Financial Contributions Fees Water \$ <input type="text"/>	Installation Costs \$ <input type="text"/>
Receipt number:		Received by:	
		Amount received:	\$ <input type="text"/>
Date service request sent to contractor:		Service request number:	
Date quotation sent to applicant:			
Copy to Rates Officer:		Date:	
Drawn on As-built plan:		Date:	

Clutha District Council, 1 Rosebank Terrace, PO Box 25, Balclutha  
P: 03 419 0200; F: 03 418 3185; E: [help.desk@cluthadc.govt.nz](mailto:help.desk@cluthadc.govt.nz)  
[www.cluthadc.govt.nz](http://www.cluthadc.govt.nz)

**Appendix B (continued)**

**DIAGRAM FOR WATER CONNECTION LOCATION**  
(Show distance from boundaries , driveways etc)



Clutha District Council, 1 Rosebank Terrace, PO Box 25, Balclutha  
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[www.cluthadc.govt.nz](http://www.cluthadc.govt.nz)