

Clutha District Council

Water and Sanitary Services Bylaw 2018

Part 1 Water Supply

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Bylaw Details

1. Title

Clutha District Council Water and Sanitary Services Bylaw 2018 Part 1 Water Supply.

2. Authority

This bylaw is made under the authority of the Local Government Act 2002.

3. Commencement

This bylaw shall come into force on 1 July 2018.

4. Repeal

From the day this bylaw comes into force, any previous bylaw concerning water supply, or parts of any water supply bylaw and its amendments still in in force within the Clutha District are repealed.

5. Scope

This bylaw applies to all water supplies under the care, control and management of the Clutha District Council, both within and outside the Clutha District.

6. Interpretation

The following table sets out the meanings that apply in this part of the Bylaw. Where a difference in meaning arises between interpretations in this bylaw and an Act, the Act shall prevail.

Approved	Approved in writing by Council, either by resolution of the Council or by any authorised officer of Council.
Backflow	The unplanned flow of water into the water supply network.
Connection	The physical connection of a supply pipe to the water supply network, or of a private drain to the wastewater network, and connect has the equivalent meaning.
Council	The Clutha District Council or any officer authorised to exercise the authority of the Council.
Code of practice	An approved code of practice that sets standards in relation to water supply infrastructure that is to vest in Council, or connect with the water supply network.
Disconnection	The physical cutting or sealing of a supply pipe from the water supply network, or of a private drain from the wastewater network,



	and disconnect has the equivalent meaning.
Detector check valve	A check 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.
Drinking water	As defined in s69G of the Health Act 1956 (see the Health (Drinking Water) Amendment Act 2007).
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 customer and Council, irrespective of property boundaries.
Premises	<p>means:</p> <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 of which a building consent has been or may be issued; or (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 exists; or (c) an individual unit in a building where units are separately leased; or <p>land held in public ownership.</p>
Restricted flow supply	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.
Restrictor	A flow control device fitted to the service pipe to limit the flow rate of water to a customer's premises.
Reticulation	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.
Rural water supply area	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.
Service pipe	The section of water pipe between a water main and the point of supply.
Service valve	The valve at the customer end of the service pipe.
Storage tank	Any tank having a free water surface.
Supply pipe	The section of pipe between the point of supply and the customer's premises through which water is conveyed to the premises.
Urban water supply area	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.
Water supply	The supply of drinking water by network reticulation to the point of supply for dwelling houses, commercial and other premises.
Water supply network	All components of the water supply network including: (a) any well, storage tank or reservoir; all intake structures, pipes, pumping stations, treatment plants and other related equipment and structures owned by or under the control of Council and used for water supply and includes any part of the water supply network.

Protection of Water Supply

7. Access to system

No person other than authorised agents of Council shall have access to any part of the water supply network, except to connect to the point of supply, subject to clause 17, and to operate the service valve.

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

Except as set out in 7, 9 and 10, no person shall make any connection to, or otherwise interfere with, any part of the water supply network.

9. Fire hydrants

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

10. 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.

11. Works over and around buried services

Any development or construction within two metres of the water supply network requires Council approval. Any approval under this Bylaw may be granted on such conditions as Council considers appropriate. When considering applications for approval, the Council shall have regard for, but not be limited to, the proposed development and the condition of the network asset, in order to ensure the effective operation and integrity of the water supply network.

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

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 the water supply network 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.

12. Protection of source water

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

- Controlled;
- Restricted; or
- Open.

13. Controlled catchments

The following conditions apply within Controlled catchments.

(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) Controlled activities

The following activities may be forbidden, regulated or controlled within catchment areas which are designated as controlled, or any area held by the Council as a water reserve:

- 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.

14. Restricted catchments

Catchment areas which are designated as restricted shall allow for unrestricted entry for certain activities, including:

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

For other activities not listed in a – e above, the level of control is the same as for controlled catchments.

15. 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.

16. 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 is in addition to those other notification procedures which are required for other authorities.

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.

17. Application for supply

Every application for a supply of water shall be made in writing on the appropriate form prescribed by Council and 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 clause 21, 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.

18. 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.

19. Right of access to the point of supply

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.

Council shall give notice to the customer where practicable for access between 7.30am and 6pm on any day for urban supplies, and at any time for rural supplies.

Council shall give notice to the customer outside these hours.

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

20. Restriction on water use

Where the council considers that its ability to maintain an adequate supply of drinking water is or may be at risk because of drought, emergency or for any other reason, it may restrict the use of water supplied to any premises.

Any such restriction may apply to all of the Clutha District or one or more parts of the District.

The council will give such public notice as is reasonable in the circumstances of any restriction on water use.

No person may use water contrary to a restriction made under this clause.

21. 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, 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.

22. 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.

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.

23. Fire protection connection

23.1 Connection application

Any proposed connection for fire protection shall be the subject of a specific application (using the prescribed form) made to Council for approval. Any such connection shall be subject to the conditions specified by Council.

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.

23.2 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) A 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.

23.3 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.

23.4 Charges for water used to extinguish fires

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.

23.5 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.

24. Protection of water quality

No person may contaminate or pollute any raw water, source of raw water, or drinking water, or do any act likely to contaminate or pollute any raw water, source of raw water, or drinking water.

25. Backflow prevention

Every owner must prevent backflow either by providing an adequate air gap or by using a backflow prevention device. 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.

26. Council equipment and inspection

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.

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.

27. 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, 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.

28. 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.

29. 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.

Breaches and Infringement Offences

30. 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 (see Terms and Conditions for Supply);
- (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;
- (d) Obstructing or hindering 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
 - iv. Failure to prevent backflow (see clause 25)
 - 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, educators, 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 re-established 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.

31. 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 as per the Council's current Schedule of Fees and Charges.

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 – Points of Supply

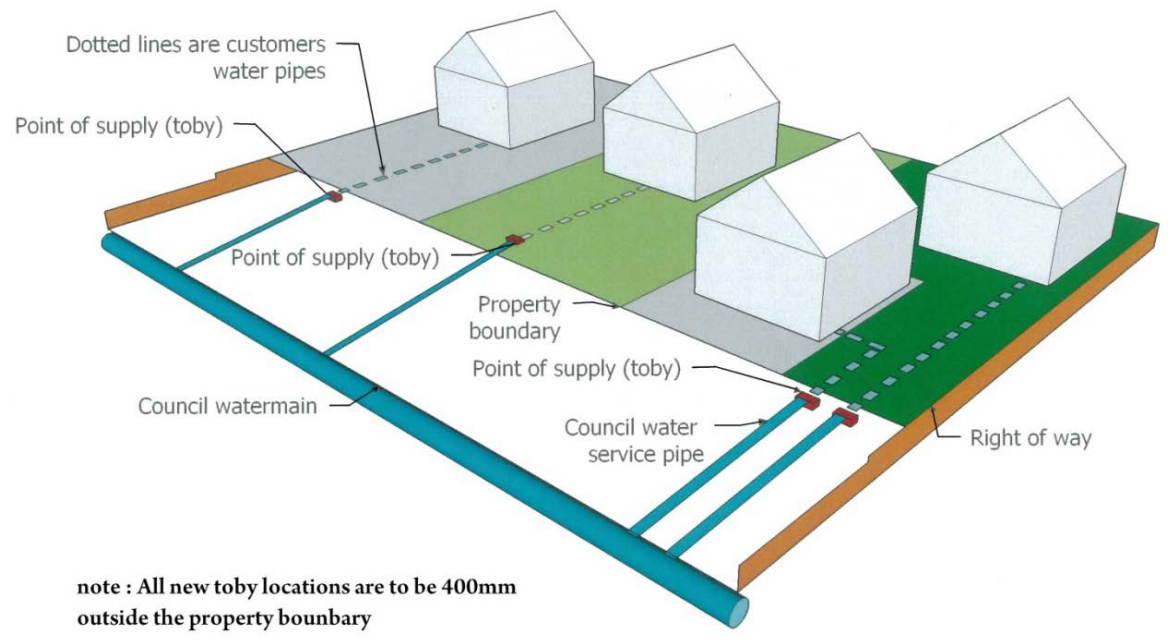


Figure 1. Point of Supply

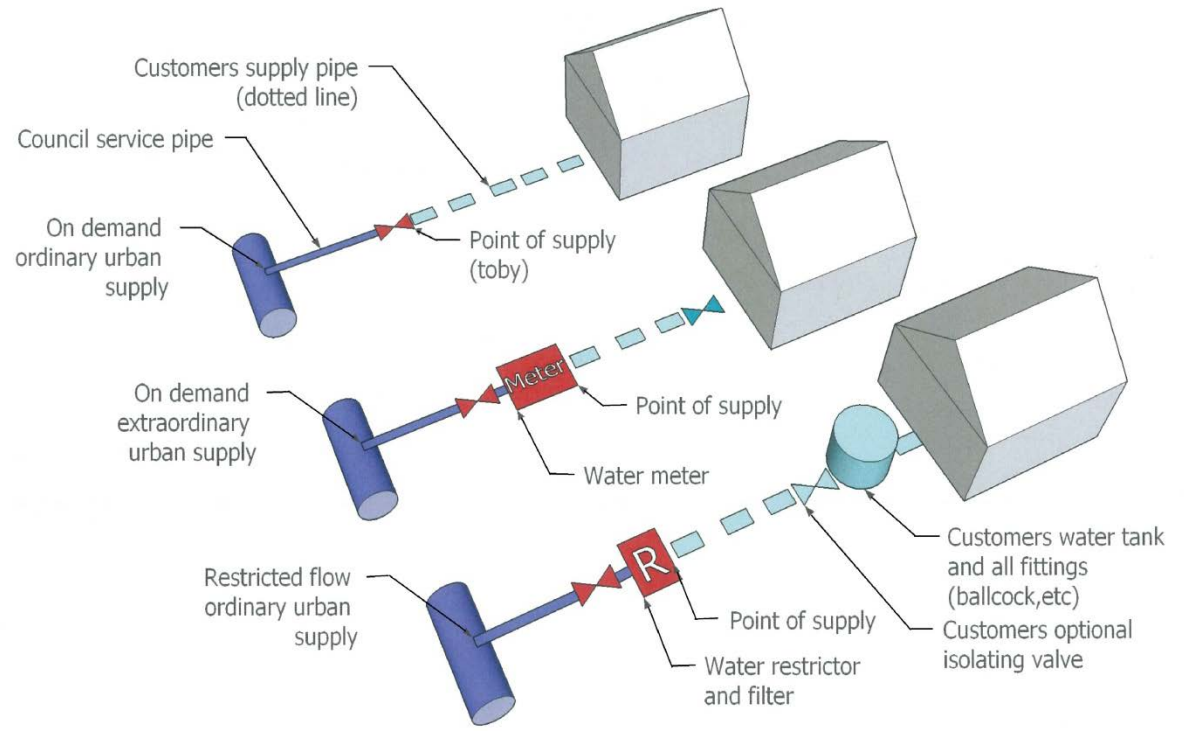


Figure 2. Typical urban point of supply layout

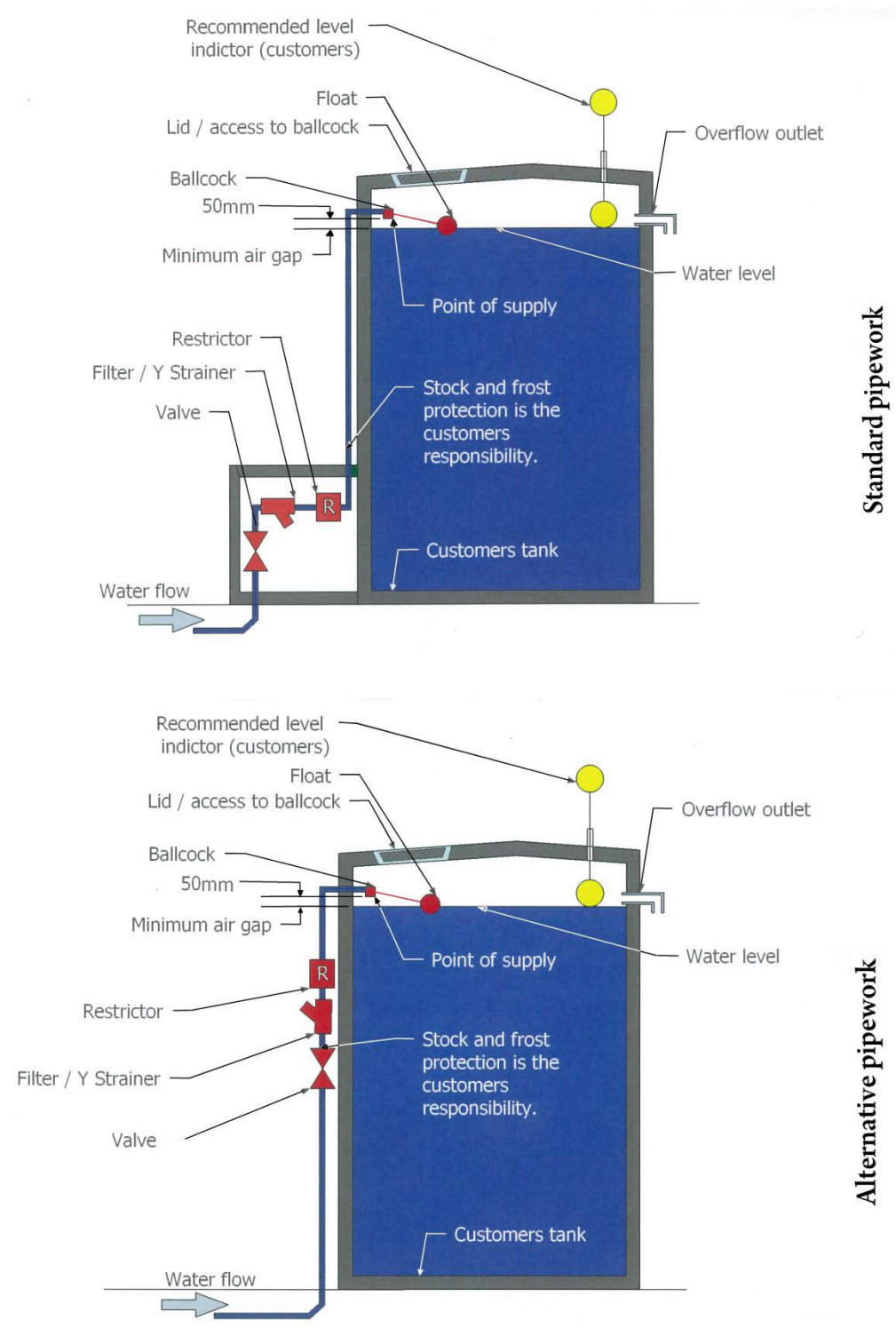


Figure 3. Typical Rural Point of Supply Layout