

WATER SUPPLY BYLAW



Adopted May 2008

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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 4515:2003 | Fire sprinkler systems for residential occupancies |
| NZS 4517:2002 | Fire sprinkler systems for houses |
| NZS 4541:2003 | Automatic fire sprinkler systems |
| NZS 4404:2004 | Land Development and Subdivision Engineering, CODC addendum 2005 and all subsequent addendums |
| NZS 9201: Part 1:2007 | Model general bylaws Introductory |

New Zealand Publicly Available Specification

| | |
|-------------------|------------------------------------------------------------------------|
| SNZ PAS 4509:2003 | New Zealand Fire Service fire fighting water supplies code of practice |
|-------------------|------------------------------------------------------------------------|

International Publications

| | |
|----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|
| OIML R 49-1:2006 Part 1 | Water meters for the metering of cold potable water and hot water Metrological and technical requirements. Paris: Bureau International de Métrologie Légale |
| OIML R 49-2:2006 Part 2 | Water meters for the metering of cold potable water and hot water Test methods. Paris: Bureau International de Métrologie Légale |
| OIML R 49-3:2006 Part 3 | Water meters for the metering of cold potable water and hot water Test report format. Paris: Bureau International de Métrologie Légale |

British Standard

BS EN 14154-3:2005 Water meters. Test methods and equipment

Other Publications

Ministry of Health. Drinking Water Standards for New Zealand, 2005.
New Zealand Water and Wastes Association (NZWWA). Backflow Code of Practice, 2006.
New Zealand Water and Wastes Association (NZWWA). Water Meter Code of Practice, 2003.

New Zealand Legislation

Building Act 2004
Building Regulations 1992 Schedule 1 (New Zealand Building Code)
Fire Service Act 1975
Health Act 1956
Health (Drinking water) Amendment Act 2007
Local Government Act 2002
Local Government (Rating) Act 2002
Resource Management Act 1991
Summary Proceedings Act 1957
Water Supplies Protection Regulations 1961
Wildlife Act 1953

Related Document

AS/NZS 4020:2005 Testing of products for use in contact with drinking water.

1 TITLE

A Bylaw of the Central Otago District Council 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 Central Otago District Council Water Supply Bylaw 2008.

2 COMMENCEMENT

This Bylaw shall come into force on the 1st day of July 2008.

3 REPEAL

As from the day this Bylaw comes into force, parts of any bylaws and their amendments of the Central Otago District Council in force relating to water supply in the Central Otago district shall be repealed.

4 APPLICATION OF BYLAW

This Bylaw shall apply to the district of the Central Otago District Council. The provisions of the General Bylaw apply to this Bylaw insofar as they do not contradict this Bylaw.

5 SCOPE

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

- (a) Statutory Acts and Regulations
 - (i) Building Act 2004
 - (ii) Fire Service Act 1975
 - (iii) Health Act 1956
 - (iv) Local Government Act 2002
 - (v) Local Government (Rating) Act 2002
 - (vi) Resource Management Act 1991
 - (vii) Water Supplies Protection Regulations 1961 (possibly subject to repeal)
 - (viii) Health (drinking Water) Amendment Act 2007; 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) NZ Land Development and Subdivision Engineering Standard NZS4404:2004
 - (vii) CODC addendum to NZS 4404:2004.

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

6 INTERPRETATION

When interpreting this Bylaw, use the definitions set out below together with the definitions set out in the General Bylaw, Part 1 unless the context requires otherwise. Should there be a conflict between this Bylaw and the General Bylaw, then an interpretation consistent with this Bylaw should prevail. If you see a reference to a repealed or amended enactment, or an obsolete or amended standard, read that as a reference to its replacement. For the purpose of this Bylaw, 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:

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| Authorised Officer | Any person duly authorised by the Council to exercise power under this bylaw |
| Backflow | The unplanned reversal of flow of water or mixtures of water and contaminants into the water supply system |
| Council | The Central Otago District Council or any officer authorised to exercise the authority of the Council |
| Customer | 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 |
| Extraordinary Use | 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 |
| Fees and Charges | Fees and charges prescribed by the Council in accordance with the Local Government Act 2002 and the Local Government (Rating) Act 2002 for services associated with the supply of water. |
| General Bylaw | The General Bylaw of the CODC |
| Level of Service | The measurable performance standards on which the Council undertakes to supply water to its customers |
| On-demand Supply | A supply which is available on demand directly from the point of supply, subject to the level of service |
| Ordinary Use | A category of on-demand supply used solely for domestic purposes |
| Point of Supply | The position of the service valve on the water pipe leading from the water main to the premises, which marks the commencement of the supply pipe and which marks the boundary of responsibility between the customer and the Council, irrespective of property boundaries |
| Potable | As defined in section 69G of the Health Act 1956 |
| Premises | Premises include, but are not limited to, the following: (a) A property or allotment which is held under a separate certificate of title, or for which a separate certificate of title |

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| | <p>may be issued, and in respect to which a building consent has been or may be issued; or</p> <p>(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</p> <p>(c) Land held in public ownership (e.g. reserve) for a particular purpose</p> |
| Restricted Flow Supply | A type of water supply where a small flow is supplied through a restrictor, 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 |
| Roading Authority | A territorial authority and/or Transit New Zealand, as appropriate. |
| Rural Water Supply Area | An area formally designated by the Council 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 (Toby) | The valve at the customer end of the service pipe |
| Storage Tank | Any tank having a free water surface |
| Supply Pipe | The section of water pipe between the point of supply and the customer's premises |
| Urban Water Supply Area | An area formally designated by the Council as an area serviced by a reticulated water supply system with a firefighting capability, which is intended to supply water to customers via on demand supplies |
| Water Supply System | All those components for the supply of water between the point of abstraction from the natural environment and the point of supply. This includes but is not limited to: catchment areas, 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 |
| Water Unit | The basis of measurement for a restricted flow supply and equal to a volume of 365 m ³ delivered at the rate of 1 m ³ per day, or such other volume as shall be determined by the Council. |

8 PROTECTION OF WATER SUPPLY

8.1 Water Supply System

8.1.1 Access to System

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

- (a) connect to the point of supply, subject to clause 9.2; and
- (b) 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 of Fire Hydrants
The right to gain access to and draw water from fire hydrants for uses other than firefighting (for example, flow testing or pipe flushing) shall be restricted to:

- (a) The Council and its agents;
- (b) Permit holders, being those persons who after having submitted an application to the Council are subsequently approved to draw water from fire hydrants or tanker filling points. Such permits shall be valid for as long as the permit holder complies with the conditions endorsed on the permit.

Without prejudice to other remedies available, the Council may:

- (a) remove and hold any equipment used by any person to gain access to, or draw water from a fire hydrant; and
- (b) assess and recover –
 - (i) the value of water drawn without authorisation;
 - (ii) the cost of damage to any fire hydrant; and
 - (iii) any other associated costs.

8.1.5 Working Around Buried Services

8.1.5.1 The Council shall keep accurate permanent records (“as-builts”) of the location of its buried water supply system (“buried services”). This information shall be available for inspection at no cost to customers or potential customers. Charges may be levied to cover the costs of providing copies of this information.

8.1.5.2 Any person proposing to carry out excavation work shall view the as-built information to establish whether or not Council buried services are located in the vicinity.

8.1.5.3 At least five working days notice in writing shall be given to the Council of an intention to excavate in the vicinity of its buried services. Where appropriate, the Council shall mark out to within ± 0.5 m on the ground the location of its buried services, and nominate in writing any restrictions on the work it considers necessary to protect its services. The Council may charge for this service.

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

8.1.5.5 Any damage that occurs to a Council buried service shall be reported to the Council immediately. The person responsible for the damage (being the contractor who physically caused the damage and/or the person or entity for whom the work is being carried out) shall reimburse the Council for all costs associated with repairing the damaged service, and any other costs (including administrative costs) the 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 by the Council as

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

8.2.2 Controlled Catchments

The following conditions apply:

- (a) Entry
Catchment areas that are designated as controlled, or any area held by the Council as a, shall not be entered by any person except specifically authorised or permitted in writing by the Council. Within such areas, unless provided for by the 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 within a controlled catchment area or :
 - (i) Hunting, trapping, shooting, or fishing.
 - (ii) Lighting or maintaining any fire.
 - (iii) Taking of any livestock, including a 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, including 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 purpose whatsoever.
A person may be required to present a medical clearance before an entry permit will be issued.
- (c) Permits to be Presented
Unless the Central Otago District Council otherwise permits:
 - (i) No person to whom any permit has been issued shall enter or leave any controlled catchment area or land held by the Council as a without:
 - (a) presenting such a permit for inspection by the Council's authorised officer; and
 - (b) notifying the authorised officer of his/her 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 Council as a, shall upon demand produce his/her permit for inspection by an authorised officer of the Council.
 - (iii) No permit issued shall be capable of being transferred.
 - (iv) The Council may at any time, by notice in writing delivered to the holder, revoke any such permit or suspend any such permit for such time as shall be stated in such notice.
- (d) Interference and Obstruction
In any controlled catchment area or any land held by the Council as a :
 - (i) Every person shall upon the request of an authorised officer of the Council immediately leave the controlled catchment area or land held by the Council as a and shall also be liable to be prosecuted for any breach of the provisions of this Bylaw. Failure to leave the area immediately shall constitute a further offence.

- (ii) No person shall obstruct or hinder any authorised officer of the Council in the exercise of any powers vested in that officer under the provisions of this Bylaw.

8.2.3 Restricted Catchments

Catchment areas that are designated as restricted shall allow for specified activities, but shall be treated as controlled catchments for any other activity that is not specifically allowed by the Council. The allowed 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 the provisions of the regional or district plan and the National Environmental Standard.

8.2.5 Spillages and Adverse Events

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

9 CONDITIONS OF SUPPLY

9.1 Effective Date

These shall come into effect on 1 July 2008 for customers receiving a supply at that date, and from the date of receipt of supply for customers connected thereafter. They shall remain in force until repealed or amended.

9.2 Application for Supply

9.2.1 Initial Application

- (a) Every application for a supply of water shall be made in writing on the standard Council form, accompanied by the prescribed charges. The applicant shall provide all the details required by the Council. The Council has the discretion to approve or not to approve any application for a water supply connection. The Council shall not use its discretion to refuse an application on grounds that would amount to a breach of New Zealand Bill of Rights Act 1990.
- (b) On receipt of an application the Council shall, after consideration of relevant matters, including but not limited to those set out in clauses 9.5 and 9.6, either:
 - (i) 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;
 - (ii) Refuse the application and notify the applicant of the decision giving the reasons for refusal.
- (c) The Council will determine the sizes of all pipes, fittings and any other equipment up to the point of supply that are appropriate for the level of service to the applicant. The applicant shall supply and install service pipes, fittings and any other equipment at the applicant's cost. Installation of the service pipe is to be carried out by an approved contractor. On confirmation by the Council that the connection meets council specifications, all pipes, fittings and any other equipment up to the point of supply will become the property of the Council. Should the connection not comply with the Council's requirements, the applicant shall at its own cost remedy the defect.

- (d) If the applicant is not the customer, the applicant is required to have the authority to act on behalf of the customer for the premises for which the supply is sought, and shall produce written evidence of this if required.
- (e) An approved application for supply which has not been actioned within six months of the date of application will lapse unless a time extension has been approved. Any refund of fees and charges shall be at the discretion of the Council.

9.2.2 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 use (see clause 9.5) or vice versa, a new application for supply shall be submitted by the customer.

9.2.3 Prescribed Charges

Charges applicable at the time of connection will be in accordance with the Council's schedule of fees and charges and financial contributions policy and may include, but without being limited to:

- (a) Payment to the Council for the cost of the physical works required to provide the connection;
- (b) A development contribution charge determined in accordance with the Local Government Act 2002; and/or
- (c) A financial contribution charge determined in accordance with the Local Government Act 2002 and the Resource Management Act 1991.

9.3 Point of Supply

9.3.1 Responsibility for Maintenance

The 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.

9.3.2 Single Ownership

For individual customers, the point of supply shall be located as shown in figure 1, figure 2 or figure 3 (as appropriate) 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 from the Council

For each individual customer there shall be only one point of supply, unless otherwise approved. The typical layout at a point of supply is shown in figure 2 and 5.

For industrial and commercial customers and domestic fire and service connections (including schools), the point of supply shall be located as shown in figure 4 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 from the Council.

The 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 the Council reserves the right to charge for maintenance of this valve if damaged by such customer use.

FIG 1 - Point of supply location
Individual customers with street frontage

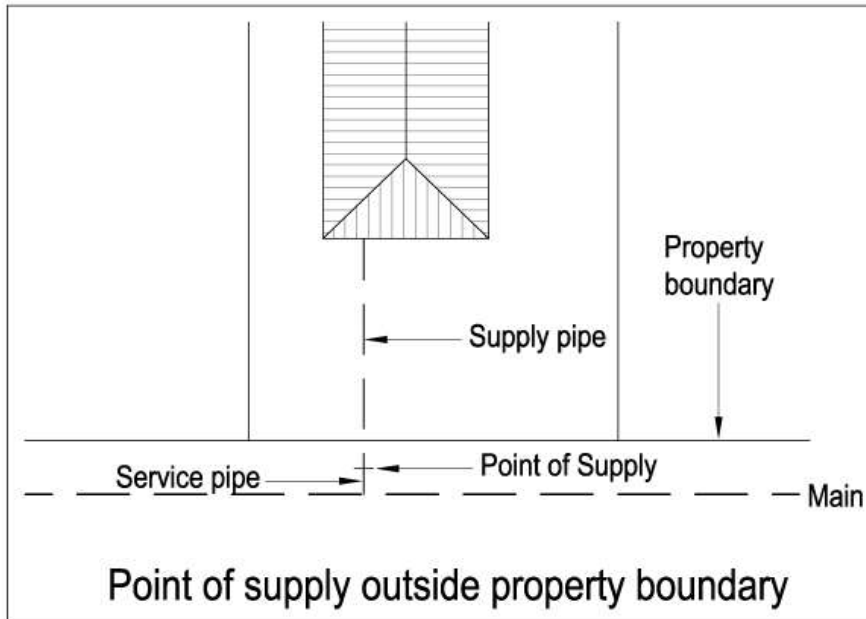


FIG 2 - Point of supply location
Rear lots on right of way (up to 2 customers)

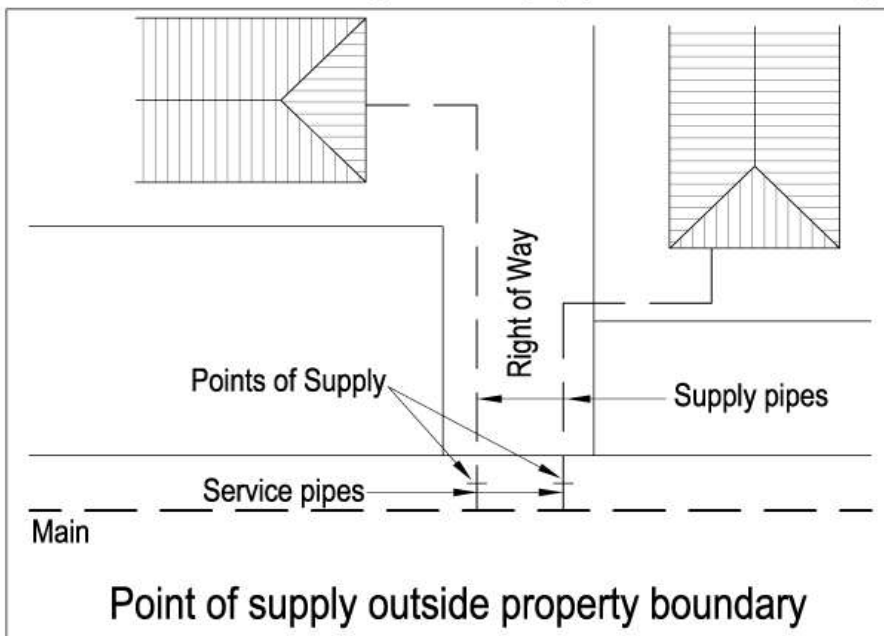


FIG 3 - Point of supply location
Rear lots on right of way (3 or more customers)

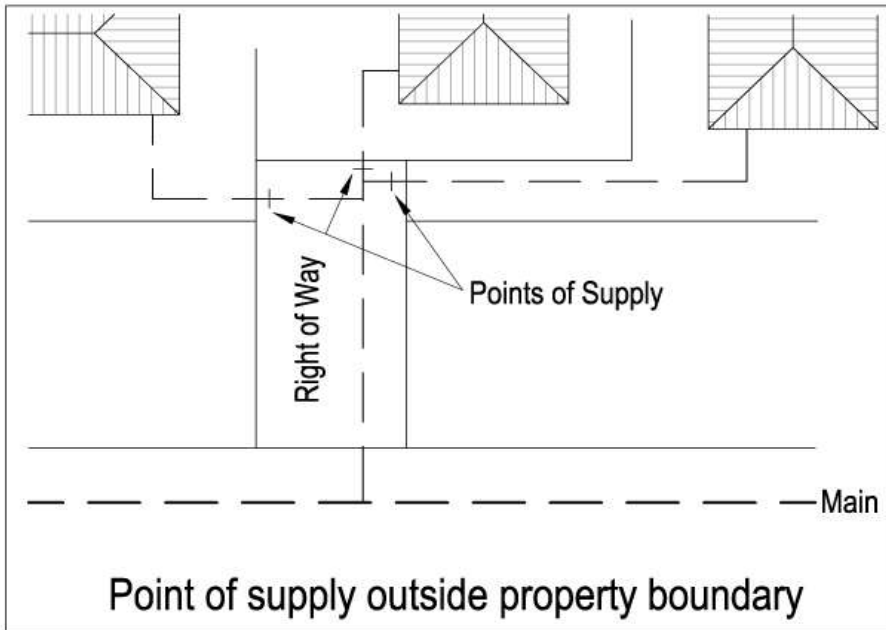


FIG 4 - Point of supply location
Industrial, commercial, domestic fire and service connections (including schools)

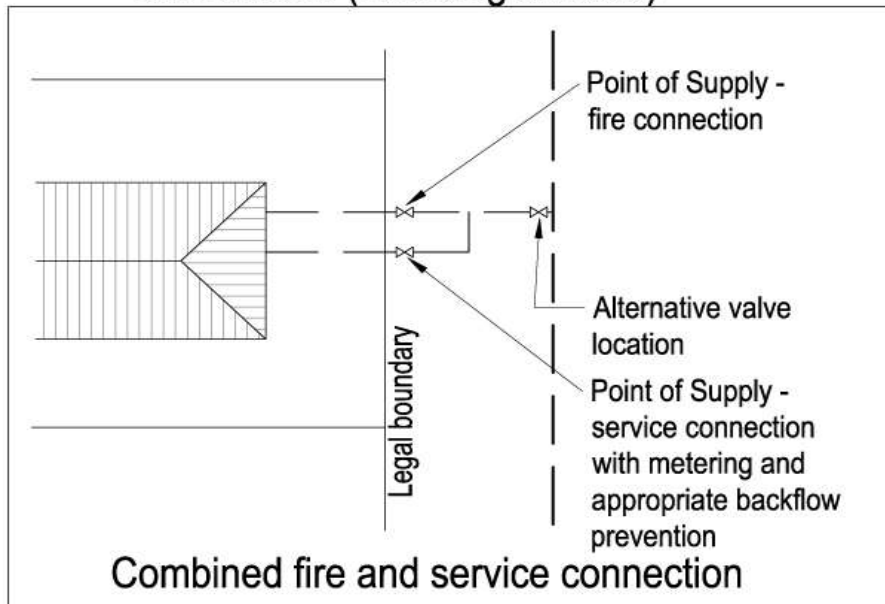
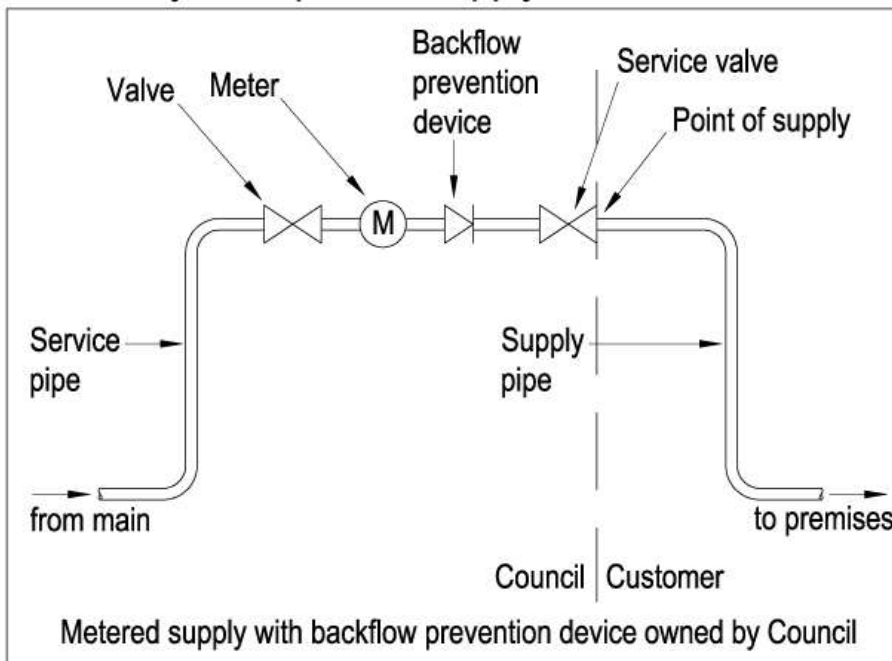


FIG 5 - Layout at point of supply



9.3.3 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 the Council. In specific cases other arrangements may be acceptable, subject to individual approval by the Council. Depending on the property, the point of supply shall be as shown in figures 2 and 3.

For a multiple ownership supply that 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 the Council for any individual case.

9.4 Access to and About the Point of Supply

9.4.1 Rights of Access

Where the point of supply is on the customer's premises, the customer shall allow the Council access to, and about, the point of supply between 7.30 am and 6 pm on any day 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) the Council shall give notice to the customer that it requires access to the premises for the above purposes. Under emergency conditions the customer shall allow the Council access to, and about, the point of supply at any hour without the Council being obliged to give notice of the need for access.

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

9.4.2 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.

9.5 Types of Supply

9.5.1 General

Water Supply shall be classified as either 'on demand' or 'restricted flow'. On demand supply shall be for either 'ordinary' or 'extraordinary' use.

9.5.2 On Demand Supply

Premises shall be entitled to an ordinary supply of water, subject to the following conditions:

- (a) The premises must be within an urban or rural water supply area if such an area has been constituted;
- (b) The water supply may not be used for garden watering if any such restrictions have been made by the Council under clause 9.8.3;
- (c) Payment of the charges prescribed by the Council for water supply for the premises;
- (d) Payment of any other charges or costs associated with subdivisional development; and
- (e) Any other relevant conditions in clause 9 of this Bylaw;
- (f) Premises within an area designated for a restricted flow supply are not entitled to an on demand supply.

The Council shall be under no obligation to provide an extraordinary supply of water (see also the provisions of clauses 9.8 and 9.10.2).

9.5.3 Restricted Flow Supply

Restricted flow supply shall be available only to premises within an area designated for that purpose by the Council, or under special conditions set by the Council.

The water supply shall be restricted so as to deliver the number of water units set out in the level of service at a steady flow rate.

The Council shall charge for the restricted flow supply in accordance with its schedule of fees and charges, and the Council shall determine that charges are based on either:

- (a) The volume passing through a meter; or
- (b) The number of water units set out in the level of service.

9.5.4 Ordinary Use

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

- (a) washing down a car, boat, or similar;
- (b) garden watering by hand; and
- (c) garden watering by a portable sprinkler (subject to the provisions of clause 9.8.3).

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 clause 9.10.1.

9.5.5 Extraordinary Use

Extraordinary use includes, but is not limited to, use for the following purposes::

- (a) Domestic use in conjunction with use for a spa or swimming pool which has capacity in excess of 10 m³, and/or use in 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) Properties with connections greater than 20mm in diameter; and
- (l) Properties exceeding 1,100 m² in area.

9.6 Metering

- 9.6.1 An ordinary use of water shall not normally be metered, subject to the Council reserving the right to fit a meter and charge where it considers water use is excessive, or a meter is fitted at a customer's request.
- 9.6.2 An extraordinary use shall be metered. Where the extraordinary use is for fire protection only, this shall not be metered unless the Council in its discretion decides to meter the use.
- 9.6.3 Notwithstanding clause 9.6.1, the Council may resolve to implement water metering for ordinary use of water within all or any defined part of the district, after consultation with the public and following a recommendation from any relevant Community Board.
- 9.6.4 Charges for metered water shall be as prescribed by sections 7, 9, 15 to 19 and 101 to 103 of the Local Government (Rating) Act 2002.

9.7 Level of Service

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

9.8 Continuity of Supply

- 9.8.1 **Supply**
The Council cannot guarantee an uninterrupted or constant supply of water in all circumstances, or the continuous maintenance of any particular pressure. The Council shall do its best to meet the level of service requirements of clause 9.7, subject to the exemptions contained in clauses 9.8.3 and 9.8.4.

Where works of a permanent or temporary nature are planned that will affect an existing supply, the Council shall, where reasonably practicable, consult with, inform or give notice to all known customers likely to be substantially affected.

- 9.8.2 **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.

- 9.8.3 **Demand Management**
The customer shall comply with any restrictions which may be prescribed by the Council to manage high seasonal or other demands. Such restrictions shall be advised by public notice.

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

- 9.8.4 **Emergency Restrictions**
Natural hazards (such as floods, droughts or earthquakes) or accidents that result in disruptions to the supply of water shall be deemed an emergency. In an emergency the Council shall be exempted from the level of service requirements of clause 9.7

During an emergency the Council may restrict or prohibit the use of the water supply for any specified purpose, for any specified period, and for any or all of its customers. Such restrictions shall be, if practical, advised by public notice. 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 prescribe additional penalties, shall be made by the Council, or where immediate action is required, by the Assets and Contracts Manager of the Council (or other authorised officer), subject to subsequent Council ratification.

9.8.5 Maintenance and Repair

Wherever practical, the Council shall make every reasonable attempt to notify the customer of a scheduled maintenance shutdown of the water supply before the work commences. Where immediate action is required and notification is not practical, the Council may shut down the water supply without notice and no compensation shall be payable to the customer affected.

9.9 Liability

9.9.1 The Council shall endeavour to meet the level of service requirements of clause 9.7, but shall not be liable for any loss, damage or inconvenience which the customer (or any person using the water supply) may sustain as a result of deficiencies in, or interruptions to, the water supply.

9.9.2 Notwithstanding clause 9.9.1 the Council may, under certain circumstances and at its sole discretion, make ex gratia payments for damage caused to equipment, appliances, processes, and materials as a direct result of a 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.

9.9.3 In the event that any such payment shall be made, it will be in full and final settlement of any claim the customer may have against the Council

9.10 Fire Protection Connection

9.10.1 Connection Application

Any proposed connection to the water supply system for fire protection purposes shall be the subject of a specific application (on the standard Council form) made to the Council for approval. Any such connection shall be subject to conditions specified by the Council.

9.10.2 Design

It shall be the customer's responsibility to ascertain in discussion with the Council whether the supply available is adequate for the intended purpose, and to monitor the adequacy of the supply thereafter.

9.10.3 Fire Protection Connection Metering

Where the supply of water to any premises is metered, the Council may allow the supply of water for the purposes of firefighting to be made in a manner which bypasses the meter, provided that:

- (a) 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.

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, the Council may require the supply to be metered.

9.10.4 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.

9.10.5 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, the Council shall estimate the quantity of water so used, and credit to the customer's account an amount based on such an estimate.

9.10.6 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 the 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 the Council in its discretion.

9.11 Backflow Prevention

9.11.1 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 the 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 the Council water supply and:
 - (i) any other water supply (potable or non-potable);
 - (ii) any other water source;
 - (iii) any storage tank; or
 - (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 the Council's normal minimum operating pressure.

9.11.2 Unmanaged Risk

Notwithstanding clause 9.11.1, the Council may require the customer to fit a backflow prevention device on the Council's side of the point of supply where the customer cannot demonstrate that the risk of backflow is managed adequately.

9.12 Council Equipment and Inspection

9.12.1 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.

9.12.2 Inspection

Subject to the provisions of the Local Government Act 2002, the customer shall allow the Council, with or without equipment, access to any area of the premises for the purposes of determining compliance with the conditions set out in this clause 9.

9.13 Meters and Flow Restrictors

9.13.1 Installation

Meters for on-demand use and for any other uses as determined by the Council, and restrictors for restricted flow supplies shall be supplied, installed and maintained by the Council, and shall remain the property of the Council.

9.13.2 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 2).

9.13.3 Accuracy

Meters shall be tested as and when required by the Council 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 customer who disputes the accuracy of a meter or restrictor may apply to the Council for it to be tested provided that the retest does not take place within three months of the last test. If the test shows non-compliance with the accuracy above, the customer shall not be charged for the test. If the test shows compliance, the customer shall pay any costs associated with the testing.

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

9.13.4 Adjustment

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

9.13.5 Estimating Consumption

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

The customer shall be liable for the cost of water which passes through the meter regardless of whether this is used or is 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 a situation occurs, other than as provided for in clause 9.13.5, where the recorded consumption does not represent accurately the actual consumption on a premises, the account shall 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 customer, 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 that 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, the use of such equipment may be approved by the Council.

In accordance with the Building Regulations 1992, the plumbing system for any premises shall be compatible with the water supply. Features of the Council water supply system that need to be taken into account include, but are not limited to, the features contained in Table 1. Other features may be required to be taken into account, if the Council so specifies.

Table 1 – Compatibility features

| Feature | Value |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| Maximum pressure | 90 metres head (..... kPa) 120 Roxburgh |
| Minimum pressure | 30 20 Omakau |
| Normal operating pressure | |
| Insert any other particular features which may impact on customers' plumbing systems, such as high hardness, high dissolved oxygen, pH, free available chlorine] | Hardness – Alexandra, Cromwell Low pH – Patearoa, Ranfurly, Naseby, Omakau |

9.15 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 premises to deteriorate to the point where leakage or wastage occurs.

The Council provides water for consumptive use, not as an energy source. The customer shall not use water or water pressure directly from the water supply for driving lifts, machinery, eductors, 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 by the Council.

9.16 Payment

The customer shall be liable to pay for the supply of water and related services in accordance with the fees and charges prescribed by the Council and the Local Government (Rating) Act 2002.

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

9.17 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 premises.

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

9.18 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 from the date of change of ownership. Where a premises is metered, the outgoing customer shall give the Council five working days' notice to arrange a final meter reading.

9.19 Disconnection at the Customer's Request

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

10 BREACHES AND INFRINGEMENT OFFENCES

10.1 Breaches of Conditions of Supply

The following are deemed breaches of the conditions and requirements in this bylaw for the supply of water:

- (a) An incorrect application for supply that fundamentally affects the conditions of supply (clause 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 clause 5(a);
- (d) Frustration of the Council's ability to carry out its obligations adequately and effectively;
- (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 that 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 (subject to clause 9.14)
 - (iv) Failure to prevent backflow (see clause 9.11)
 - (v) Failure to comply with water use restrictions or prohibitions introduced by the 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 the 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 premises.

- (ix) Providing water drawn from the Council supply to any other party without approval of the Council.

In the event of a breach, the 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, the Council reserves the right to 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 the Council.

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

10.2 Interference with Equipment

Any tampering or interfering with Council's 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 with, and recover any costs incurred.

10.3 Infringement Offences

There shall be such infringement offences and fees payable under this Bylaw as are prescribed by Order in Council under section 259 of the Local Government Act 2002.