

# Kapiti Coast District Council

## Water Supply Bylaw 2013

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## KAPITI COAST DISTRICT COUNCIL WATER SUPPLY BYLAW 2013

### 1 Title

A Bylaw of the **Kapiti Coast District Council** made pursuant to the provisions of the Local Government Act 2002, and all other Acts, powers and authorities enabling it to make the Bylaw, to be known as the **Kapiti Coast District Council Water Supply Bylaw 2013**.

### 2 Commencement & Validation

The Kapiti Coast District Council Water Supply Bylaw 2013 was approved at a meeting of the Kapiti Coast District Council held on 29 August 2013 after completion of the Special Consultative Procedure.

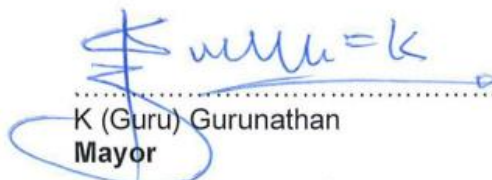
This Bylaw came into force on the 29 August 2013.

A technical amendment to this Bylaw was approved at a meeting of the Kapiti Coast District Council on 26 August 2021.

#### Bylaw Review

Bylaw adopted by Council	29 August 2013
Bylaw came into effect	29 August 2013
Reviewed (Technical)	July-August 2021
Technical amendments approved by Council	26 August 2021
Amendments take effect	1 January 2022
Review due date	29 August 2023

The Common seal of the Kapiti Coast District Council was affixed pursuant to a resolution of Council on 29 August 2013, and following technical amendments, pursuant to a resolution of Council on 26 August 2021, in the presence of:

  
K (Guru) Gurunathan  
Mayor

  
Wayne Maxwell  
Chief Executive Officer

  
Councillor



### **3 Repeal**

As from the day this Bylaw comes into force, the Water Supply Bylaw 2010 is revoked.

### **4 Application of Bylaw**

This Bylaw shall apply to the Kapiti Coast 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 Council. The supply of water by the Council is subject to:

- (a) Statutory Acts and Regulations including (but not limited to):
  - (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; and
- (b) Relevant Codes and Standards including (but not limited to):
  - (i) Drinking Water Standards for New Zealand 2005 (revised 2008)
  - (ii) BS EN 14154-3:2005 Water Meters. Test Methods and Equipment.
  - (iii) SNZ PAS 4509:2008 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) Kapiti Coast District Council Rain Water and Grey Water Code of Practice.

Any subsequent amendments to the above documents is also implied.

### **6 Interpretation**

When interpreting this Bylaw, the definitions set out in section 7 apply 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, 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 the Council, either by Council resolution or by any authorised officer of the Council
<b>Backflow</b>	The unplanned reversal of flow of water or mixtures of water and contaminants into the water supply system
<b>Check meter</b>	A Council-owned and installed meter on a private supply pipe for a rating unit, where that rating unit is one of a number of rating units supplied from a single point of supply
<b>Council</b>	The Kapiti Coast District Council, or an authorised officer to whom the Council has delegated any powers under this Bylaw, and includes its authorised agents
<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. The customer may or may not be the ratepayer or property owner of the premises concerned.
<b>Dedicated Filling Point</b>	Points in the water supply system that are provided by the Council for the purpose of allowing commercial operators to obtain bulk water in accordance with a permit issued by the Council
<b>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>Enforcement Officer</b>	means any person appointed by the Council to enforce the provisions of any Council Bylaw and who holds a warrant under section 177 of the Local Government Act 2002 or an appropriate section of any other Act
<b>Extraordinary Supply</b>	A category of on demand supply used for extraordinary use. It may be subject to specific conditions and limitations
<b>Extraordinary Use</b>	Use of water for purposes other than ordinary use. Extraordinary use includes the following activities: <ul style="list-style-type: none"> <li>(a) Commercial and business;</li> <li>(b) Industrial;</li> <li>(c) Agricultural;</li> <li>(d) Horticultural;</li> <li>(e) Viticultural;</li> </ul>

- (f) Lifestyle blocks
- (g) Fire protection systems other than sprinkler systems installed to comply with NZS 4517;
- (h) Out of district (supply to, or within another local authority);
- (i) Swimming pool or spa pool in excess of 10m<sup>3</sup> capacity;
- (j) Temporary supply;
- (k) Hospitals;
- (l) Rest homes;
- (m) Educational entities;
- (n) Recreational facilities; and
- (o) Restaurants
- (p) Other uses as determined in writing by the Council or by an authorised officer of the Council

<b>Fees and Charges</b>	The fees and charges for services associated with the supply of water adopted by the Council in accordance with the Local Government Act 2002, including those fees and charges imposed under sections 12 and 150 of the Local Government Act 2002
<b>Fittings</b>	All mechanical fittings on pipes, including valves, restrictors and water meters
<b>Level of Service</b>	The measurable performance standards on which the Council aims to supply water to its customers
<b>Meter</b>	A device for measuring the volume of water flowing through a pipe, which is either a primary meter or a check meter
<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 ordinary use
<b>Ordinary Use</b>	Use of water for domestic purposes and, subject to clause 9.5.3, shall include water for: <ul style="list-style-type: none"> <li>(a) Human consumption;</li> <li>(b) Maintaining sanitary conditions;</li> <li>(c) Garden watering by hand;</li> <li>(d) Subject to compliance with the conditions set under clause 9.7.1, a fire sprinkler system installed to comply with NZS 4517.</li> </ul>
<b>Person</b>	A natural person, corporation sole or a body of persons whether corporate or otherwise.
<b>Point of Metering</b>	The installation point of a Council-owned meter recording the water consumption for a premises. This will usually be adjacent to the point of supply (primary meter), but may in some cases be installed somewhere along the private supply pipe and within private property (check meter).

**Point of Supply**

Refer Schedule 1. The point of supply marks the change point of responsibility between the customer and the Council, irrespective of property boundaries (Refer Schedule 1 and clause 9.2).

The point of supply is:

- (a) the downstream side of the service valve, if no restrictor or meter is installed, or;
- (b) the downstream side of the primary meter, if only a primary meter is installed adjacent to the service valve (regardless of whether a check meter is also installed), or;
- (c) the downstream side of the restrictor, if only a restrictor or both a restrictor and primary meter are installed adjacent to the service valve, or;
- (d) the point agreed between the Council and property owner or developer of the premises concerned.

Refer Schedule 1

**Potable water**

As defined in section 69G of the Health Act 1956

**Premises**

Premises include the following:

- (a) A private property or allotment which is held under a separate computer freehold register (referred to as private property) or for which a separate computer freehold register may be issued and in respect to 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 computer freehold register is available; or
- (c) Land held in public ownership (e.g. reserve) for a particular purpose; or
- (d) A premises will typically be a single rating unit, but may also be made up of a number of rating units, or may be part of a single rating unit.

**Private supply pipe**

The section of pipe between the point of supply and the customer's premises through which water is conveyed to the premises. This may in some cases be a shared pipe supplying one or more other customers. The private supply pipe will not include any check meter installed on the pipe.

**Primary meter**

A Council-owned meter installed at a point of supply, which may or may not supply more than one rating unit.

**Property Owner**

A person who is the "owner", as defined in section 7 of the Building Act 2004, of premises to which the Council supplies water, and who may also be a customer and/or ratepayer.



<b>Public Notice</b>	As defined in the Local Government Act 2002.
<b>Ratepayer</b>	As defined in the Local Government (Rating) Act 2002.
<b>Rating unit</b>	As defined in the Local Government (Rating) Act 2002.
<b>Restricted Flow Supply</b>	A type of water supply connection where a small or trickle type flow is supplied through a restrictor, and private water storage may be 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>Rural Water Supply Area</b>	An area constituted by Council resolution 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 fire fighting capability.
<b>Service Pipe</b>	The section of water pipe between a Council-owned water main and the point of supply, including all fittings.
<b>Service Valve</b>	The valve at the end of the service pipe, the general purpose of which is to enable a customer's (or customers') water supply to be shut off before water passes to the customer's (or customers') premises. Also referred to as a toby or manifold.
<b>Storage Tank</b>	Any tank having a 'free water surface' (i.e. a tank operating under natural atmospheric water pressure).
<b>Urban Water Supply Area</b>	An area constituted by Council resolution as an area serviced by a reticulated water supply system, with a fire fighting capability, that is intended to supply water to customers via on demand supplies.
<b>Water Supply System</b>	All those components of the water supply network from the point of abstraction from the natural environment up to and including the point of supply, and also any check meter installed on a private supply pipe. This includes but is not limited to: wells, infiltration galleries, intake structures, open raw water storage ponds/lakes, watermains, 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 an approximate volume of 365m <sup>3</sup> per year delivered at the approximate flow rate of 1m <sup>3</sup> per day.
<b>Working Day</b>	As defined in the Interpretation Act 1999.



## **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 Council-owned part of the water supply system, except:

- (a) to connect to the point of supply, subject to clause 9.1;
- (b) to abstract or draw water in accordance with clause 8.1.3 or 8.1.4.

Access to the water supply system by the Council will typically be for the purpose of operating or maintaining the system.

#### **8.1.2 No person to connect to, or interfere with, the water supply system**

Except as permitted under clause 8.1.1, no person shall connect to, abstract or draw water from, or otherwise access, any part of the water supply system.

No person shall tamper or interfere with the water supply system, (including water meters) either directly or indirectly, or frustrate the Council's ability to adequately and effectively carry out its obligations under this Bylaw.

NOTE - If a customer or person damages any part of the water supply system, the Council may recover its repair costs from the customer or person under section 175 of the Local Government Act 2002.

#### **8.1.3 Fire hydrants**

The attending Fire Service/s may gain access to, and draw water from, fire hydrants, for the purposes of fighting fires, training and testing, without written approval from the Council.

Persons other than the attending Fire Service/s may gain access to, and draw water from, fire hydrants on a temporary basis, provided that the Council has given approval for such access and abstraction. On a case by case basis, the Council may give written approval for temporary water abstraction from fire hydrants.

Without prejudice to other remedies available, the Council may remove and hold any equipment used by an unauthorised person 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.

NOTE – (1) Incorrect use of the fire hydrants can result in damage to the water supply system, and the Council may rely on the power in section 175 of the Local Government Act 2002 to require persons or organisations operating fire hydrants to reimburse the Council's full repair costs.

(2) Approval to abstract water from a fire hydrant on a temporary basis will typically be given in relation to particular Council projects.

#### **8.1.4 Council Dedicated Water Filling Points**

Persons may abstract water from the Council's dedicated filling points, provided that person has a permit from the Council authorising such abstraction. On receiving an application, the Council may grant a permit to abstract water from the Council's dedicated filling points, and may impose any conditions it considers appropriate.

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

The Council shall keep permanent records ('as-builts') of the location of its buried services. The Council does not guarantee that the information provided is necessarily accurate or complete.

Any person planning or 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. The persons planning or proposing to carry out the excavation work shall conduct all necessary site checks and potholing excavations to ensure buried services are accurately located on design plans and not damaged during excavation work.

Any person intended to carry out excavation work in the vicinity of Council's buried services shall apply to the Council for approval, in writing, at least ten working days' notice prior to needing to carry out the work. The Council may give approval and impose any conditions on the excavation work that it considers necessary in order to protect its buried services.

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.

No person shall carry out excavation work in the vicinity of Council's buried services unless that person has first obtained the Council's approval to undertake the work, and carries that work out in accordance with this Bylaw and any conditions imposed by the Council.

No person shall damage or tamper with a Council service, buried or otherwise. Any person who causes damage shall report it to the Council immediately. (Refer also clause 10.2).

NOTE –

- 1) Copies of the Council's 'as-built' records can be requested under the Local Government Official Information and Meetings Act 1987, although a charge may apply under that Act. No charge will apply for inspecting the records at the Council's offices.
- 2) On request, the Council will mark out the location of its buried services to within  $\pm 0.5$  meters on the ground. The Council may charge for this service.
- 3) In the event that a person damages the Council's buried services, the Council may recover all costs associated with repairing the damaged services, and any other loss or expenses incurred by the Council as a result of the damage, under section 175 of the Local Government Act 2002.
- 4) Excavation within roadways is subject to a separate permit process from the Council Roadway Asset Manager or the appropriate roadway authority, being a territorial authority or the NZTA. The Council will charge for such permits.

## **8.2 Protection of Source Water - Water Catchment Management Plan**

### **8.2.1 Open catchments**

In open catchment areas (as defined in the Council's Water Catchment Management Plan), whether designated or not, there will generally be no restriction on activities other than any provisions of the regional or district plan and the National Environmental Standard for Sources of Human Drinking Water.

NOTE – 1) Refer also to the Council's Water Catchment Management Plan. At the time of preparing this Bylaw, Council was in the process of preparing a Water Catchment Management Plan.

### **8.2.2 Spillages and adverse events**

In the event of a spillage of any substance that might put the water supply at risk, or any other occurrence that may compromise the water supply, the person responsible for the spillage or occurrence shall advise the Council with due urgency. This requirement shall be in addition to any other notification procedures which are required for other authorities.

## **9 Conditions of Supply**

### **9.1 Application for supply**

#### **9.1.1 New connection**

Any person wanting to connect to the water supply system shall apply to the Council for a new water supply connection. Every application for a new connection shall be made in writing on the standard Council form. The applicant shall provide all the details required by the Council.

If the applicant is not the property owner of the premises for which the supply is sought, the applicant shall ensure that it has the authority to act as the 'agent' on behalf of the property owner of the premises for which the supply is sought, and shall produce written evidence of this if required.

Within 15 working days of the receipt of an application form the Council should, after consideration of the matters in clauses 9.4 and 9.11:

- (a) Approve the application and inform the applicant of the type of supply, the size of the connection, any particular conditions applicable and provide a cost estimate for provision of the connection; or
- (b) Request further information to be supplied by the applicant within 10 working days; or
- (c) Refuse the application and notify the applicant of the decision, giving the reasons for refusal.

#### **9.1.2 Alteration of water connection or disconnection**

Where a customer seeks to alter an existing connection or to disconnect from the water supply system, the customer shall submit an application to the Council, using the standard Council form, for approval of the alteration or disconnection.

#### **9.1.3 Installation**

No person shall connect to, alter an existing connection, or disconnect from, the water supply system unless the Council, or a contractor approved by the Council, carries out the work. This work may include supplying and installing the service pipe and fittings up to and including the point of supply, and any meter located on a private supply pipe. The Council should approve the sizes and specifications of all pipes and fittings.

The Council may charge for any goods and services it provides to enable connection to, alteration, or disconnection from, the water supply system. The Council may estimate this charge and require payment of the estimated amount before providing the goods and services. If the estimated charge exceeds the Council's actual costs, the Council shall refund the difference. If, however, the Council's actual costs exceed the estimated charge, the Council may impose a further charge to collect the difference.

#### **9.1.4 Lapse of approval**

The Council's approval of an application, whether for a new connection, alteration or disconnection, will lapse after 60 working days if the cost estimate for the Council's work to enable the connection, alteration or disconnection has not yet been formally accepted by the applicant.

#### **9.1.5 Fees and charges for approval of application**

The Council may charge for approval of an application, whether for a new connection, alteration or disconnection. Where an approval lapses, any refund of fees and charges shall be at the discretion of the Council.

NOTE – Applicants for connection may also have to pay a development contribution under the Local Government Act 2002 or a financial contribution under the Resource Management Act 1991.

#### **9.1.6 No entitlement to supply**

Nothing in this Bylaw shall be construed as obliging the Council to provide or continue to provide a continuous supply of water to any premises.

NOTE – Rainwater and greywater supplies must comply with the New Zealand Building Code and any relevant Council District Plan, Codes of Practice or Standards.

### **9.2 Point of Supply and Point of Metering**

#### **9.2.1 Ownership and responsibility for maintenance**

The Council shall own and maintain the service pipe and fittings up to and including the point of supply, and any Council check meter installed on the private supply pipe, including its associated fittings and service covers.

The customer shall own and maintain the private supply pipe downstream of the point of supply, except for any Council check meter installed on the private supply pipe, including its associated fittings and service covers. Without limiting the maintenance obligation, the customer shall comply with any written request from the Council to undertake specific maintenance or repairs on private supply pipes, including associated fittings owned by the customer.

#### **9.2.2 Location of point of supply – single ownership**

This clause 9.2.2 applies to any premises not covered by clause 9.2.3, being mainly stand-alone houses or dwellings.

The Council should install or locate any new point of supply on Council land, but as close as practicable to the customer's property boundary, as shown in Schedule 1. Other locations shall require the Council's specific approval. The typical layout at a point of supply is shown in Schedule 1.

Typically, there should be only one point of supply for each rating unit.

### **9.2.3 Location of point of supply – multiple ownership**

The Council should locate any new point of supply for the following forms of multiple ownership of premises and/or land as follows:

- (a) For Company Share/Block Scheme (Body Corporate) – point of supply should be located on Council land, but as close as practicable to the boundary of the fee simple title;
- (b) For Leasehold/Tenancy in Common Scheme (Cross Lease) - point of supply should be located on Council land, but as close as is practicable to the boundary of the underlying fee simple title, and there will typically be a single point of supply for each customer (although in some cases, a point of supply may be shared).
- (c) For Strata Title, Unit Title (Body Corporate) and any other form of multiple ownership – point of supply should be located on Council land, but as close as is practicable to the boundary of the underlying fee simple estate for the strata titled or unit titled land, and a single point of supply will typically be shared by customers.
- (d) For customers whose properties are serviced by a right-of-way in which no fire hydrant is installed – the location of points of supply should be determined by agreement with the Council. Refer Schedule 1.
- (e) For customers whose properties are serviced by a right-of-way in which a fire fighting main and fire hydrant(s) have been installed – the point of supply should be located adjacent to the right-of-way/individual lot boundary. The fire fighting main and fire hydrant(s) should be owned and maintained by the Council.

Other locations shall require the Council's specific approval.

### **9.2.4 Location of meters and restrictors**

The Council, in its discretion, will determine the appropriate location of meters and restrictors in any particular case. In general, meters and restrictors should be located as close as practicable to the Council side of the point of supply (Refer Schedule 1). However, in cases where a point of supply provides water to more than one premises, a check meter may also be located on each of the private supply pipes for the premises concerned. In any event, meters and restrictors should be located where they are readily accessible for reading and maintenance.

### **9.2.5 Service valve**

The Council gives no guarantee of the serviceability of the service valve. Where there is no customer stopcock fitted to the private supply pipe, or where maintenance is required between the service valve and the customer stopcock, the customer may use the service valve to isolate the supply.

NOTE – If a customer damages a service valve, then the Council may rely on the power in section 175 of the Local Government Act 2002 to require the customer to pay for the cost of repairing the valve.

### **9.2.6 Customer Valve**

Where a customer installs a new private supply pipe, or alters an existing private supply pipe, the customer shall install a valve, at the customer's cost, to the satisfaction of the Council as follows:

- (a) where a building is set back from the road boundary, a valve shall be installed on the private supply pipe to control all outlets to the premises;
- (b) where a building is on the road boundary, a valve shall be installed inside the building as close as possible to the point of pipe entry to control all outlets on the premises; and
- (c) where a building has more than one floor, one or more customer isolating valves shall be installed at every floor level, including subfloor or basement level, to control the supply to all outlets on each floor.

## **9.3 Rights of Access for Point of Supply and Point of Metering**

### **9.3.1 Rights of access for inspection**

Where the point of supply or the point of metering is on the customer's property, the customer shall allow the Council access to and around the point of supply or the point of metering at any time on any day for the following inspection purposes:

- (a) to read the meter, without notice; or
- (b) to check or test and carry out maintenance work, with 24 hours' notice being provided where reasonably practicable.

Where access is not made available for any of the above times and a return inspection is required by the Council, the Council may charge the customer a fee for the return inspection.

In an emergency situation, the customer shall allow the Council free access to and around the point of supply and the point of metering at any time on any day or night.

### **9.3.2 Maintenance of access**

The customer shall maintain the areas in and around the point of supply and the point of metering for the customer's premises, keeping them free of soil, vegetation growth, or other matter or obstruction which prevents, or is likely to prevent, convenient access, irrespective of whether the point of supply or the point of metering is located on the customer's private property or located on adjacent Council-owned land or other public property.

The customer shall take all reasonably practicable steps to protect the meter from damage at all times. The customer shall ensure no devices, other than those authorised by the Council, are installed in the meter or service valve box.

NOTE – 1) If a customer fails to keep the area in and around the point of supply or the point of metering free of soil, vegetation growth, or other matter or obstruction, the Council may exercise its powers under section 186 of the Local Government Act 2002 to undertake the work itself and to recover its costs from the customer or ratepayer.  
2) If a customer damages a meter, water asset or its associated fittings, the Council may recover its repair costs from the customer or ratepayer under section 175 of the Local Government Act 2002.



## **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 use' or 'extraordinary use'.

### **9.4.2 On demand supply**

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

- (a) The premises must be within a reticulated urban water supply area constituted by the Council;
- (b) Water cannot be used for garden watering if that would breach any restrictions made by the Council under clause 9.5.3 or 9.5.4;
- (c) Water leaks that occur anywhere downstream of a point of supply, greater than one cubic metre per day, are repaired by the property owner within 21 days of the Council giving notice of the leak;
- (d) Payment of all water supply rates under the Local Government (Rating) Act 2002 relating to the rating units, and of all fees and charges under this Bylaw relating to the premises, land or customer concerned;
- (e) Payment of any other charges or costs associated with subdivision development; and
- (f) Any other relevant conditions of this Bylaw or imposed under this Bylaw.

The Council in its discretion may, by resolution, set maximum flow rates for supply of water for ordinary use.

The Council shall be under no obligation to provide a continuous extraordinary supply of water, beyond any obligations that it has under the Health Act 1956 (see also clauses 9.1.6, 9.5 and 9.7.2).

### **9.4.3 Restricted flow supply**

Restricted flow supply shall be available to all premises within a rural water supply area. Rural water supply areas may be set by Council resolution or through a district plan or resource consent issued under the Resource Management Act 1991. The Council may also, in its discretion, make restricted flow supply available in other areas, subject to any conditions the Council considers appropriate (and in addition to any conditions that may form part of a resource consent).

The water provided through a restricted flow supply shall be restricted so as to deliver the agreed number of water units at a steady flow rate. No person shall remove or disable a restrictor without the Council's approval. The Council will give such approval only in exceptional circumstances, eg public health factors mean that an unrestricted flow is necessary.

## **9.5 Continuity of Supply**

### **9.5.1 Supply**

Due to practical and physical limitations, the Council cannot guarantee a constant flow of water or constant water pressure.

### **9.5.2 Uninterrupted service**

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

### **9.5.3 Demand management and restrictions**

If at any time the Council considers that, because of drought or any other reason, an adequate supply of drinking water may be at risk and that measures are necessary in order to conserve the available water supply, the Council may restrict or prohibit the use of water from the water supply system for any specified purpose and for any specified period. Any such restriction or prohibition may apply to the whole of the District or, if the circumstances so require, to only a portion of the District.

The Council shall advise of any such restrictions or prohibitions by public notice. Any such restriction or prohibition applies from the time that public notice is given until such time as further public notice is given that the restriction or prohibition has been rescinded.

No person shall use any water, or allow any water to be used, in contravention of any restriction or prohibition made under this clause.

Even when such restrictions and prohibitions apply the Council should take all practicable steps to ensure that an adequate supply for ordinary use is provided to each point of supply.

### **9.5.4 Emergency restrictions**

During an emergency (including the inability of the Council to abstract water in sufficient quantities to meet demand), the Council may restrict or prohibit the use of water from the water supply system for any specified purpose and for any specified period. Any such restriction or prohibition may apply to the whole of the District or, if the circumstances so require, to only a portion of the District.

The Council shall advise of any such restrictions or prohibitions by public notice. Any such restriction or prohibition applies from the time that public notice is given until such time as further public notice is given that the restriction or prohibition has been rescinded.

No person shall use any water, or allow any water to be used, in contravention of any restriction or prohibition made under this clause.

### **9.5.5 Maintenance and repair**

In accordance with the Health Act 1956, wherever practical the Council shall make every reasonable attempt to notify substantially affected customers of a scheduled maintenance shutdown of the supply 48 hours before the work commences. Where immediate action is required and notification is not practical, the Council may shut down the supply without notice.

## **9.6 Liability**

The Council shall not be liable for any loss, damage or inconvenience that the customer, or any other person using the supply, may sustain as a result of deficiencies in, or interruptions to, the water supply.

## **9.7 Fire Protection Connection**

### **9.7.1 Connection application**

Any proposed connection for fire protection 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 the conditions specified by the Council, inclusive of any fees and charges payable by the applicant.

Within 15 working days of the receipt of a fire protection application form complying with this part of this Bylaw, the Council should, after consideration of the application and any other matters considered relevant:

- (a) Approve the fire protection application and inform the applicant of the type of supply and any particular conditions to be met; or
- (b) Request further information to be supplied by the applicant within 10 working days; or
- (c) Refuse the application and notify the applicant of the decision giving the reasons for refusal.

### **9.7.2 Design**

The Council is not obliged to ensure the provision of a supply of water for fire protection at any particular flow or pressure

It shall be the customer's responsibility to ascertain in discussion with the Council, and monitor whether the supply available is adequate for the customer's intended purpose. Council should typically supply a minimum of 25 litres per minute flow for each connection. The design water pressure shall typically be a minimum of 25 metres head (250 kPa). Any person designing fire protection shall consider Council's minimum levels of service and such minimum system values. (Refer Section 9.11 Plumbing System – Table 1 and Section 9.5 Continuity of Supply).

NOTE – As a minimum requirement, Council may require a customer to monitor and provide water pressure over a continuous 5 day period, including an appropriate number of flow tests, at the customer's cost, in order to determine whether the supply available is adequate for the customer's intended purpose.

### **9.7.3 Fire protection connection metering**

Where the supply of water to a high fire risk category premises, as defined under SNZ PAS 4509:2008 New Zealand Fire Service Fire Fighting Water Supplies Code of Practice, is metered, the Council may allow the supply of water for the purposes of fire fighting to be made in a manner which bypasses the water meter, provided that:

- (a) The supply of water is possible only when associated with the sounding of an automatic fire alarm or the automatic notification of the fire brigade; or
- (b) Where a 100mm diameter or greater fire connection is approved, that a testable check valve is fitted on the meter bypass with a dedicated 20mm metered bypass around the check valve.

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

Where Council deems a fire connection has been installed or located so that it is possible that water may be supplied from it to any person for purposes other than fire fighting, the Council may require the supply to be metered at the customer's cost.

### **9.7.4 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.

### **9.7.5 Charges**

Water used for the purpose of extinguishing fires should be supplied free of charge (including any rates under the Local Government (Rating) Act 2002). Where the fire protection connection or fire hose reel is metered and water has been used for fire fighting purposes, the ratepayer may apply to Council for an estimate of the quantity of water so used, and credit to the ratepayer's account an amount based on that estimate.

### **9.7.6 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, with a minimum of 48 hours' notice. Water used for routine flushing and flow testing does not constitute waste in terms of clause 9.12 and the Local Government Act 2002, The quantity of water used for testing fire protection systems may be rated by the Council under the Local Government (Rating) Act 2002 and charged to the ratepayer.

## **9.8 Backflow Prevention**

### **9.8.1 Customer responsibility**

It is the customer's responsibility (under this Bylaw, 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 a Council approved backflow prevention device;
- (b) The prohibition of any cross-connection between the Council water supply and any:
  - (i) other water supply (potable or non-potable);
  - (ii) other water source;
  - (iii) storage tank;
  - (iv) cross-connection with another street, road or property; or
  - (v) other pipe, fixture or equipment containing chemicals, liquids, gases, or other non-potable substances.

The customer shall be responsible for all costs associated with the installation, maintenance and testing of all backflow prevention devices within their property.

Backflow prevention devices should be installed as close as practicable to the customer's property boundary.

NOTE – 1) Refer to Council's Backflow Management Plan, which sets out Customer and Council responsibilities including details and requirements for backflow prevention.  
2) 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.  
3) If a customer does not comply with the requirement to have an appropriate backflow prevention device, the Council may exercise its powers under sections 69ZZZ of the Health Act 1956 and 186 of the Local Government Act 2002 to fit a backflow prevention device on the Council side of the point of supply and to recover its costs from the customer.

## **9.9 Council Equipment and Inspection**

### **9.9.1 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, fittings, chambers, and backflow prevention devices.

### **9.9.2 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 customer's land and premises for the purposes of determining compliance with this Bylaw and any conditions imposed under this Bylaw.

## **9.10 Collection of Water Use Data from Meters and Restrictors and Estimating Water Usage**

### **9.10.1 Installation of meters and restrictors**

For the purposes of collection of information for network management or consumption data (including consumption data to enable the Council to calculate rates for a customer's use of water), the Council may supply, install and maintain meters and restrictors. Installation may be carried out at the time a new connection is established, when a change of use occurs, or at any other time for an existing customer. Even if located on the customer's property, meters shall remain the property of the Council.

If, under clause 9.2.4, the Council determines that it is appropriate to locate a check meter on the customer's property, the customer shall provide a location for the meter (including associated fittings and service cover) on the property (outside any buildings or dwellings), from which the private supply pipe can be easily accessed and which the Council considers appropriate. If the customer is not the property owner, it shall be the customer's responsibility to ensure the property owner agrees to the location.

Unless otherwise approved by Council, a maximum number of five 'check meters' shall be installed off one 'point of supply'.

The customer shall give the Council, and its approved contractors, reasonable access to the customer's property and private supply pipe to install any primary or check meter. The Council shall give prior written notice to the customer of its intention to access the customer's property to install a meter.

NOTE –. At the time of adoption of this bylaw, most extraordinary use was already metered and subject to water-specific targeted rates. It is intended that such metering and rates will apply to other customers from 1 July 2014.

### **9.10.2 Accuracy of meters**

Water meters should be inspected and tested as and when required by the Council or as prescribed in OIML R49 (Refer referenced documents). The maximum permissible error for the upper flow rate zone ( $Q_2 < Q < Q_4$ ) is  $\pm 2\%$ , for temperatures from  $0.3^\circ\text{C}$  to  $30^\circ\text{C}$ , and the maximum permissible error for the lower flow rate zone ( $Q_1 < Q < Q_2$ ) is  $\pm 5\%$ . This accuracy should 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  $Q_3 > 100\text{m}^3/\text{h}$ . Flow restrictors should 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.

The variation error in 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.

Any ratepayer or customer who disputes the accuracy of a meter or restrictor may apply to the Council for it to inspect and test the meter or restrictor, provided that it is not within three months of the last inspection for testing. If the test shows non-compliance with the accuracy



above, the ratepayer or customer will not be charged for the inspection or test. If the test shows compliance, the ratepayer or customer shall pay a fee for the inspection and test in accordance with the Council's fees and charges.

Restrictors should be tested by measuring the quantity of water 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 will be made available to the ratepayer or customer on request.

### **9.10.3 Adjustment**

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, the Council should estimate the quantity of water actually used by the ratepayer and make an adjustment to the rates assessment for the ratepayer concerned. Subject to the Local Government (Rating) Act 2001, the adjustment in rates liability shall apply for the period in which the meter was not correctly assessing the quantity of water used.

In estimating the quantity of water used, the Council may consider any information available from the meter concerned, adjusted appropriately, and the matters set out in clause 9.10.4 below.

### **9.10.4 Estimating consumption**

This clause 9.10.4 shall apply in any situation where it is not possible or appropriate to calculate the volume of water consumed by or supplied to a premises using a meter, other than a situation covered by clause 9.10.3 or 9.10.4, including where:

- (a) a meter is out of repair or ceases to register;
- (b) a meter has been interfered or tampered with (eg seal or dial of a meter is broken); or
- (c) a meter has been removed or was never installed.

The Council shall use the best information available to it to calculate the volume of water consumed by or supplied to a rating unit or premises.

Typically, the Council may estimate consumption or supply based on the average of the previous four quarterly periods charged to the ratepayer, or to a another ratepayer that is comparable to the ratepayer concerned. When by reason of a large variation of consumption due to seasonal or other causes the average of the previous four quarterly periods would be an unreasonable estimate of the consumption, the Council may take into consideration other evidence for the purpose of arriving at a reasonable estimate.

In estimating consumption or supply for a rating unit that is supplied from a single point of supply that supplies other rating units, the Council may use any consumption data available from the primary meter for that point of supply and any check meter associated with that primary meter. Typically, if check meters have not been installed for all rating units, the Council may evenly split consumption or supply measured by a primary meter between the rating units that do not have check meters. However, the Council may, in exceptional circumstances, choose to divide such consumption or supply other than as an even split where it considers that appropriate.



Estimating water usage in such circumstances in accordance with this clause will not prevent the Council from exercising any of its other rights or from seeking appropriate remedies.

#### **9.10.5 Incorrect accounts**

If for any reason other than those provided for in clause 9.10.3 or 9.10.4, the Council agrees that consumption recorded by a meter does not accurately represent the actual consumption on a property, the Council shall estimate the quantity of water actually used and make an adjustment to the rates assessment for the ratepayer concerned. Subject to the Local Government (Rating) Act 2001, the adjustment in rates liability shall apply for the period in which the quantity of water used was not accurately calculated.

In estimating the quantity of water used, the Council may consider the matters set out in clause 9.10.4 above.

The situations covered by this clause include, but are not limited to, misreading of the meter, errors in data processing, meters assigned to the wrong account, and unauthorised supplies.

## 9.11 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 level of service, shall not be used on any private supply pipe unless approved in advance by the Council.

In accordance with the Building Code the plumbing system for any premises shall be compatible with the water supply. Specific features of the Council supply which need to be taken into account are contained in Table 1.

**Table 1 – Compatibility features**

Feature	Value
Maximum pressure	Maximum of 90 metres head during on demand supply.
Minimum pressure	Normal minimum static pressure of 25 metres head (250 kPa) during all flow periods 95% of the time. Minimum dynamic pressure of 15 metres head during peak demand periods.
Minimum Pressure (for Restricted Flow Supply)	As required to supply the allocated restricted daily flow. (Typcially 10 metres static head to supply 1000 litres per day.)
Maximum Water Hardness	50 – 180 mg/l CaCO <sub>3</sub> NOTE – The hardness of the water supply may at times exceed 100mg/l CaCO <sub>3</sub> .

## **9.12 Prevention of Water Wastage and Leakage**

### **9.12.1 Water wastage and prohibited use**

The customer shall not allow water to be misused, run to waste, or leak from any pipe, tap, or other fitting downstream of the point of supply, nor allow the condition of the plumbing within the property, including the premises, to deteriorate to the point where leakage or wastage occurs.

Where a leak is detected or suspected from a private supply pipe, the Council shall notify the customer of the leak, and may include a timeframe for carrying out the necessary repair work in its notice. Any customer who receives such notice shall carry out the works necessary to repair the leak, and do this within 21 days of the Council's notice. Where a customer fails to fully carry out the necessary repair work within the timeframe set out in the Council's notice, the Council may execute the works itself and recover its costs as a debt from the customer.

The Council provides water to its customers for consumption subject to the terms of this Bylaw, and not as an energy source. No person shall:

- (a) use water or water pressure directly from the supply for driving lifts, machinery, eductors, generators, or any other similar device, unless specifically approved by the Council;
- (b) use water for a single pass cooling system or to dilute trade waste prior to disposal, unless specifically approved by the Council;
- (c) extend by hose or any other pipe a private water supply beyond that customer's property;
- (d) provide water drawn from the Council supply to any other party without approval of the Council; or
- (e) install an outdoor tap not connected to a rainwater tank system for urban premises, where those premises were built during or after February 2008 in compliance with the District Plan.

NOTE – The Council's ability to carry out repair works which a customer has failed to do, and to recover its costs from the customer, is in accordance with section 186 of the Local Government Act 2002.

### **9.12.2 Water charges and leakage within Customers premises**

Where volumetric water charges are significantly in excess of a customer's normal metered history as a result of a leak from a private supply pipe, the customer may apply to Council for a water charges refund based on estimates of normal water usage under 9.10.4. The Customer must provide the following to Council with application for a water charges refund:

- (a) evidence that the excess water usage was a result of water loss from leakage;
- (b) evidence that the leak was repaired within 21 days from date of notification.

### **9.13 Payment**

The Council shall charge ratepayers for water supply by setting targeted rates under sections 16 and 19 of the Local Government (Rating) Act 2002.

All fees and charges provided for in this Bylaw shall be made in accordance with the Local Government Act 2002.

Ratepayers and customers must pay all rates, and fees and charges, due by them to the Council.

### **9.14 Transfer of Rights and Responsibilities**

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

A private supply pipe shall serve only one customer, and shall not extend by hose or any other pipe beyond that customer's property. The exception shall be where more than one customer shares a point of supply (e.g. a cross lease property) at the time of this Bylaw coming into force.

In particular and without limiting the above, no person shall provide water from the Council's supply to any other party outside the customer's premises, without written approval from the Council.

### **9.15 Change of Ownership**

In the event of a premises changing ownership, the Council should record the new property owner and/or occupier as being the customer at that premises. Where a premises is metered, the outgoing customer shall provide the Council with five working days' notice to arrange a final meter reading and any change of postal address.

### **9.16 Disconnection at the Customer's Request**

In accordance with clause 9.1.2, the customer shall obtain the Council's approval before disconnecting from the water supply system. No person shall disconnect a premises from the water supply system, unless the Council, or a contractor approved by the Council, carries out the work.

The disconnection or termination of a supply of water does not release a ratepayer or customer from the liability for payment of any rates, and fees and charges, which may have accrued prior to the date of disconnection or termination .

NOTE – The Council may charge (under section 12 of the Local Government Act 2002) for the goods and services it provides to enable disconnection from the water supply system.

## 10 Offences

### 10.1 Offences and Penalties

Every person who breaches this Bylaw commits an offence and is liable on summary conviction to a fine not exceeding \$20,000 as set out in the Local Government Act 2002.

## Referenced Documents

The following documents are referenced in this Bylaw. Any subsequent amendment to these documents is also implied.

### 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 9201:2007	Model General Bylaws Part 1: Introduction

### New Zealand Publicly Available Specification

SNZ PAS 4509:2008	New Zealand Fire Service Fire Fighting Water Supplies Code of Practice
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### 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 Standards

BS EN 14154-3:2005	Water Meters - Test Methods and Equipment
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### Other Publications

Ministry of Health: Drinking Water Standards for New Zealand, 2005 (revised 2008).  
Water New Zealand: Backflow Code of Practice, 2006 (under revision) .  
Water New Zealand: Water Meter Code of Practice, 2003.

## **New Zealand Legislation**

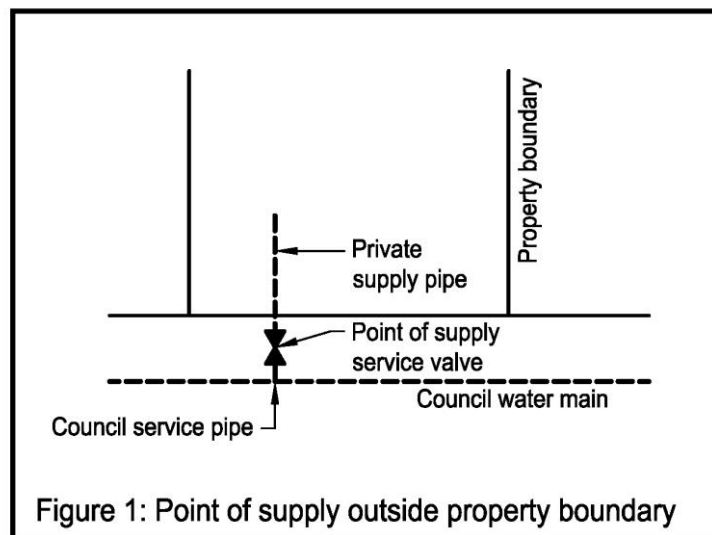
Building Act 2004  
Building Regulations 1992 Schedule 1 (New Zealand Building Code)  
Fire Service Act 1975  
Health Act 1956  
Local Government Act 2002  
Local Government (Rating) Act 2002  
Resource Management Act 1991  
Summary Proceedings Act 1957  
Wildlife Act 1953

## **Related Documents**

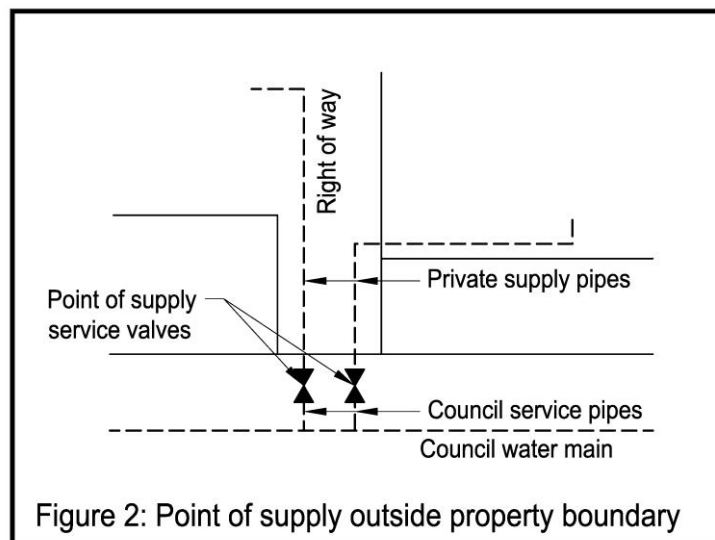
AS/NZS 4020:2005 Testing of Products for Use in Contact with Drinking Water.

## SCHEDULE 1: Typical Point of Supply and Fitting Layouts

**Figure 1: Point of supply outside private property boundary**

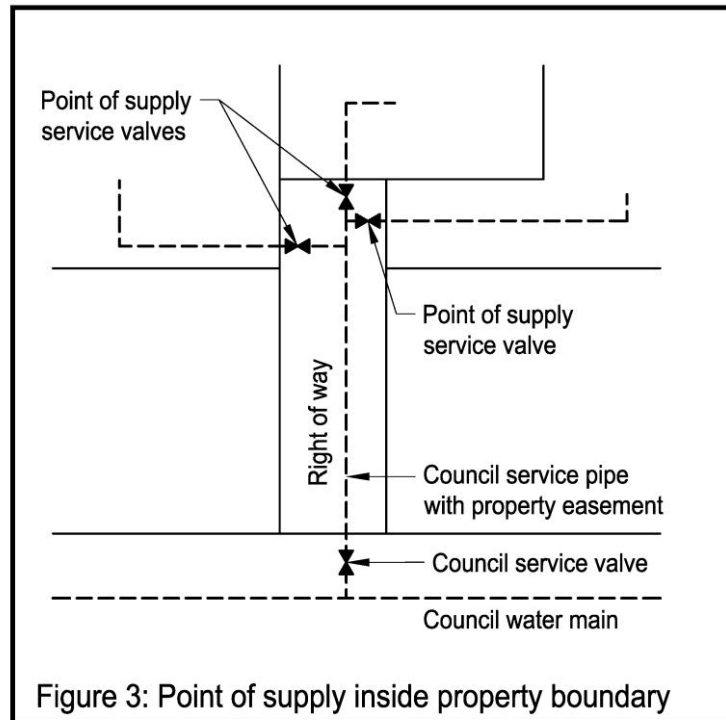


**Figure 2: Point of supply outside private property boundary (up to 2 customers)**

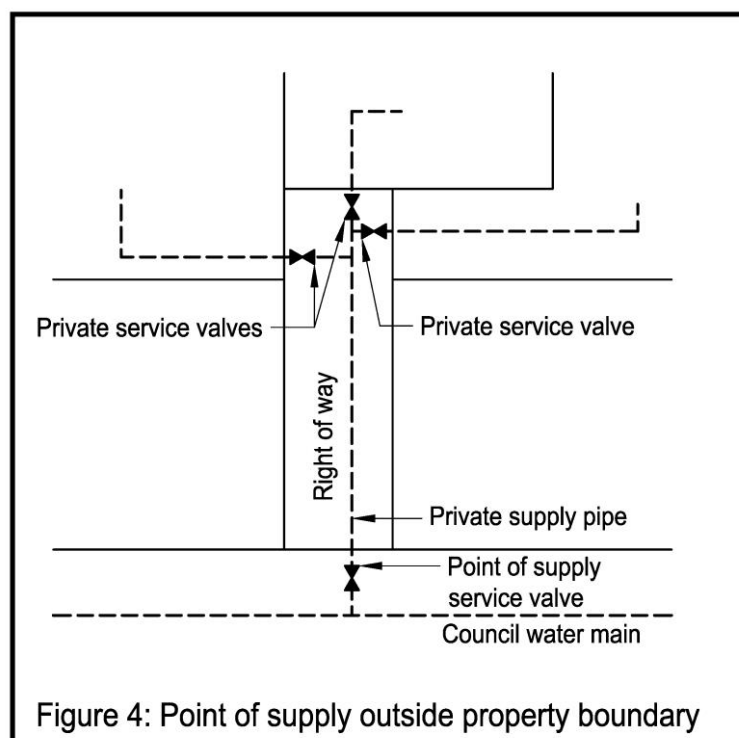




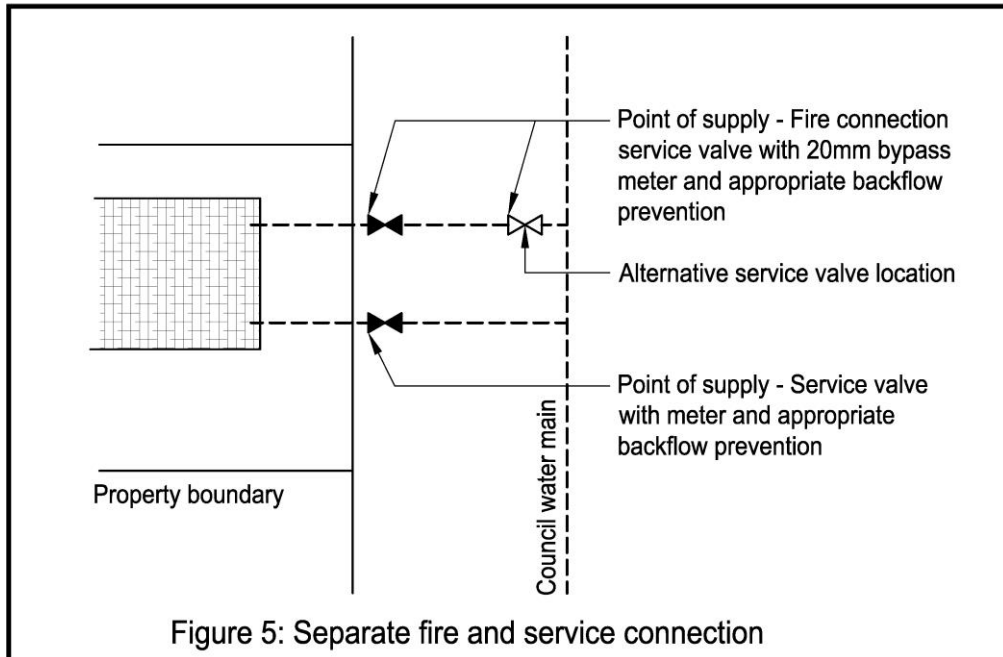
**Figure 3: Rear lots on right-of-way (3 or more customers) for premises constructed since 2010**



**Figure 4: Rear lots on right-of-way (3 or more customers) for premises constructed before 2010.**



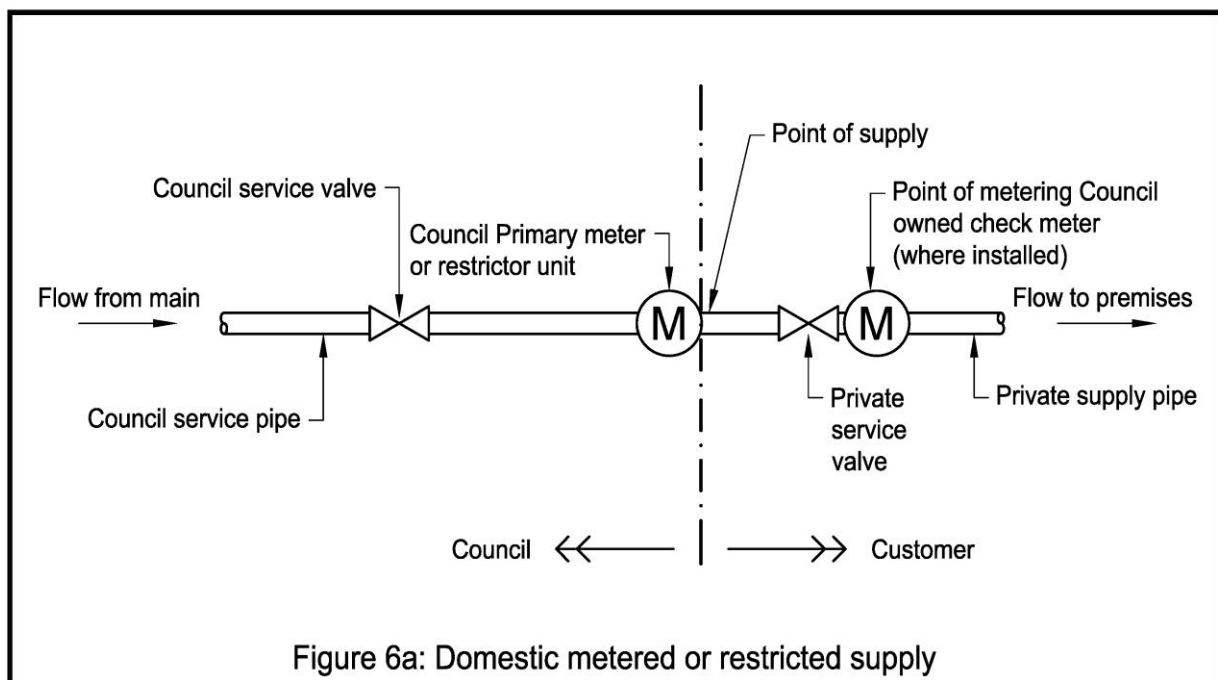
**Figure 5: Industrial, commercial, domestic with fire service connections (including schools)**



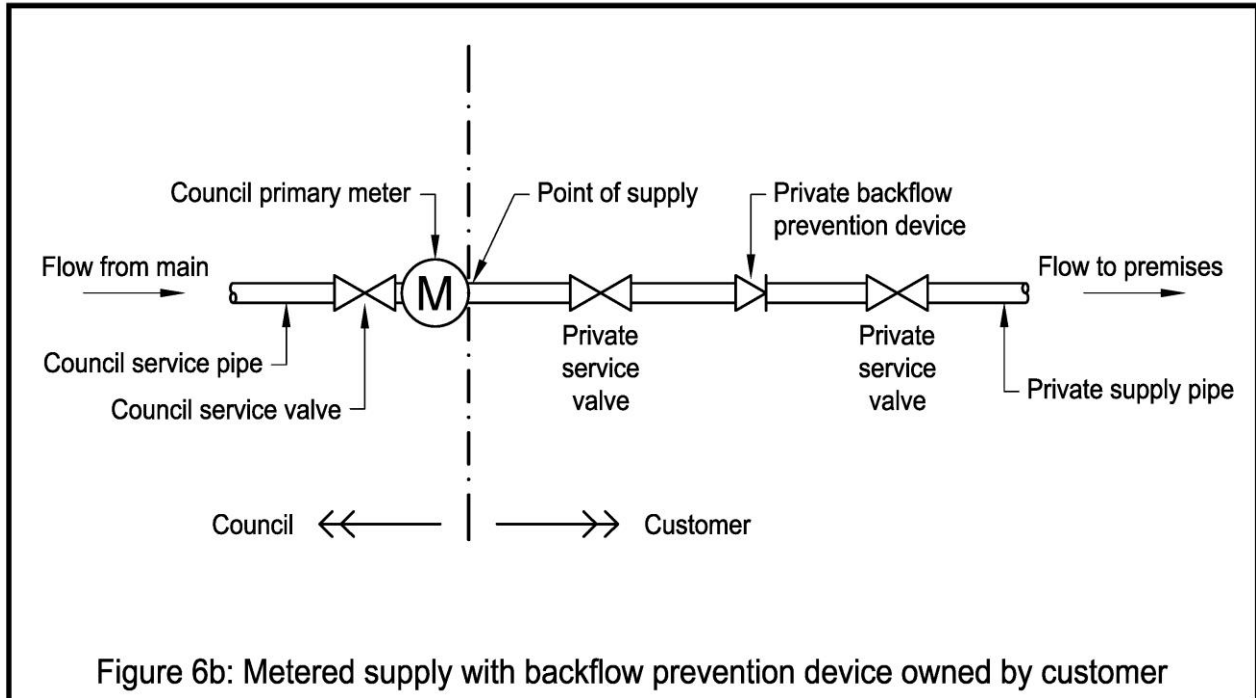
**Figure 6: Typical layouts at point of supply**

Note: *The New Zealand Building Code may require the customer to install additional backflow prevention devices within the site, which will remain the responsibility of the customer.)*

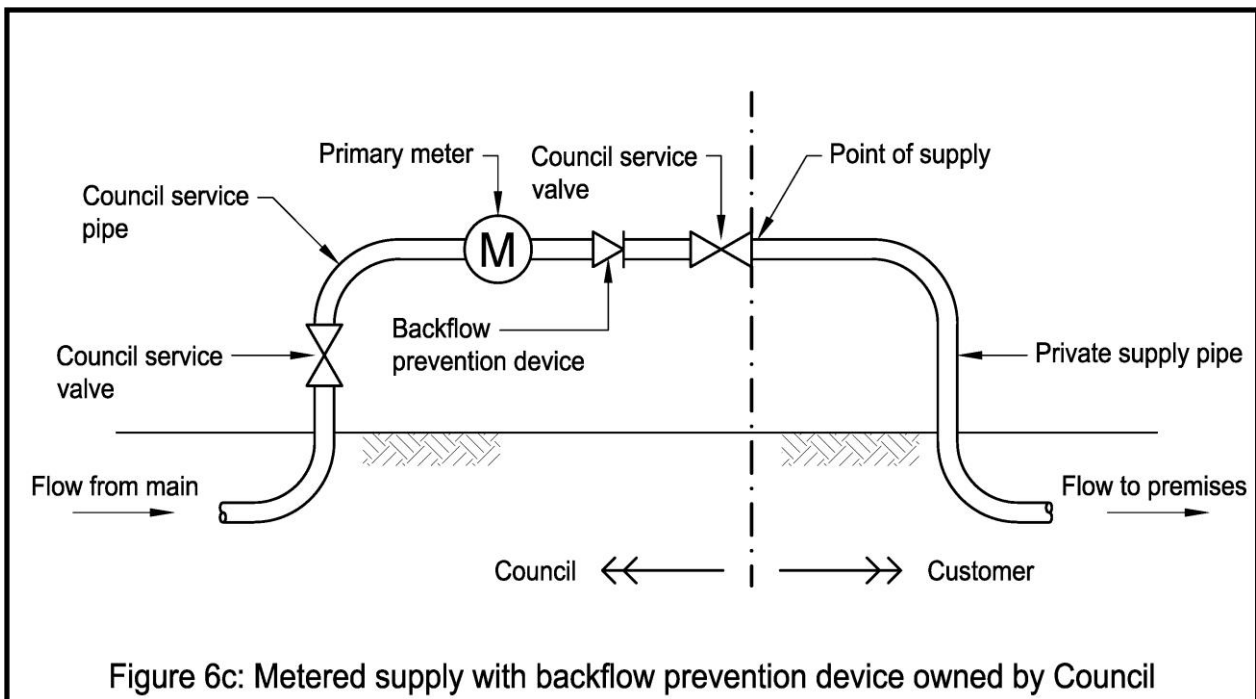
**Figure 6a:**



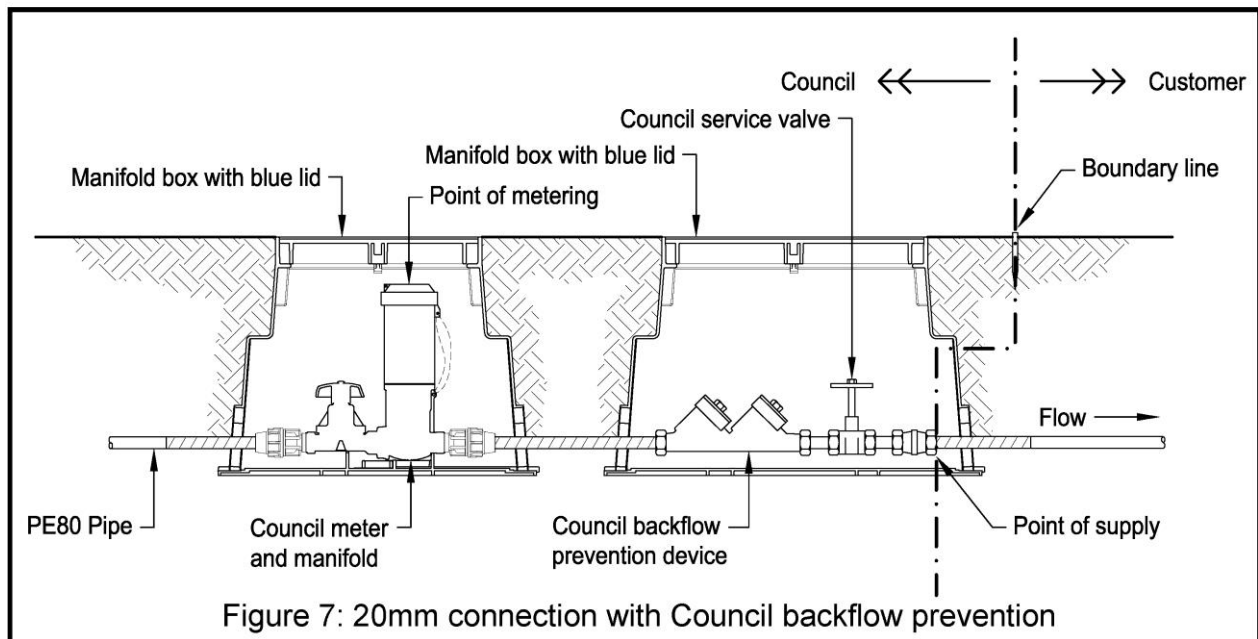
**Figure 6b:**



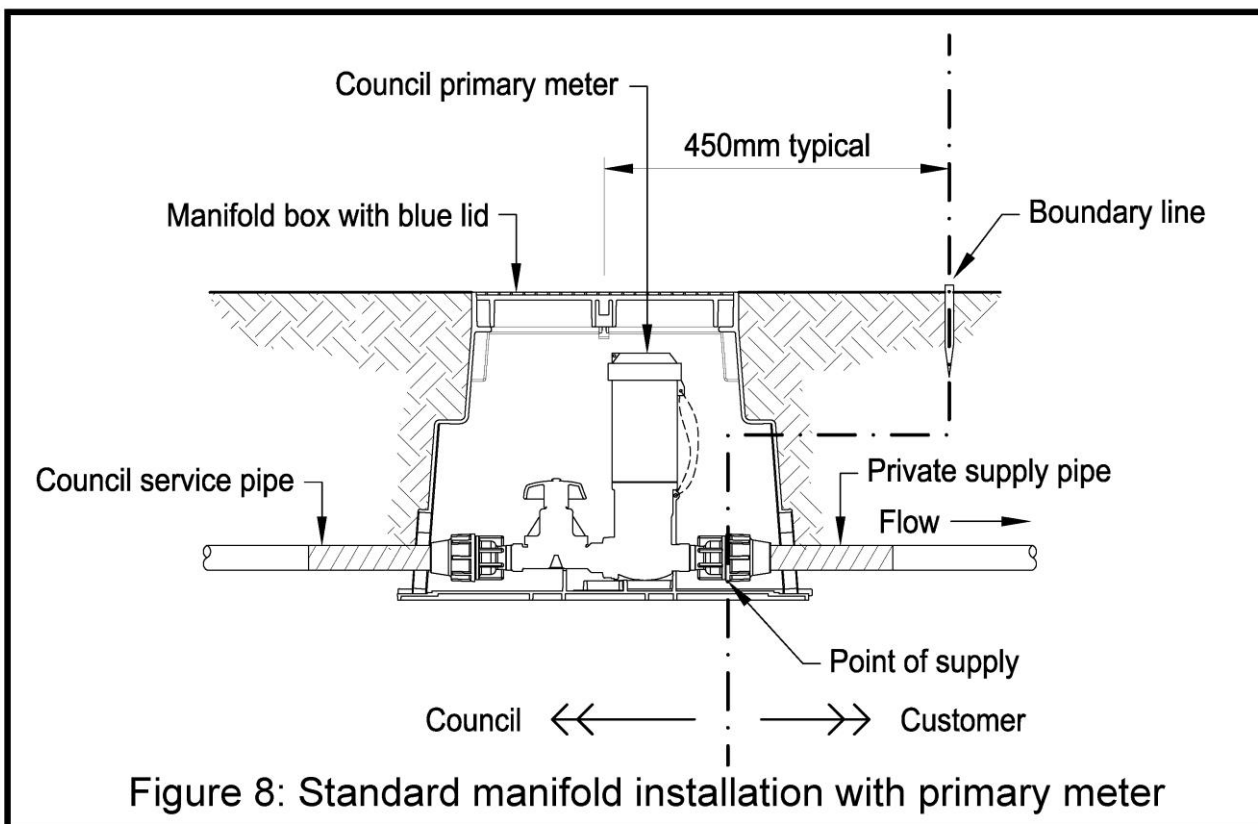
**Figure 6c:**



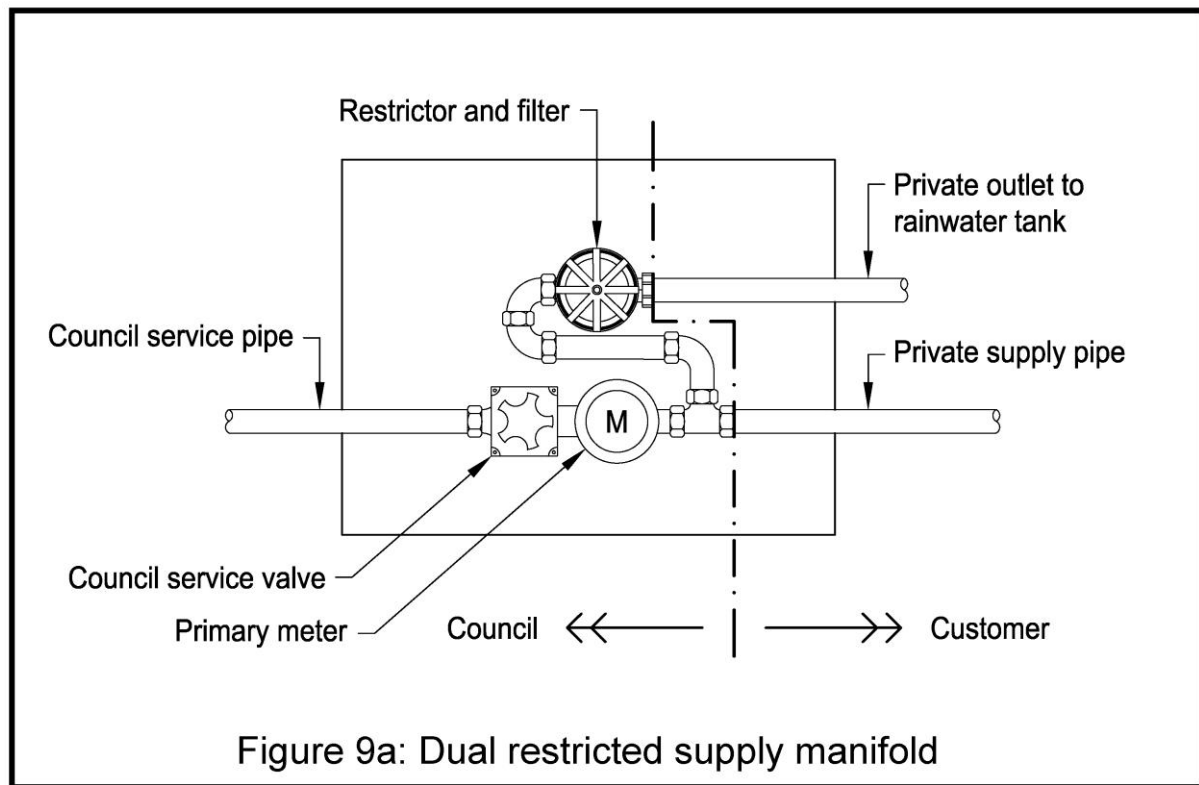
**Figure 7: Typical meter manifold with additional Council backflow prevention**



**Figure 8: Typical meter manifold without additional Council backflow prevention**



**Figure 9a: Typical domestic dual restrictor meter manifold (Plan)**



**Figure 9a: Typical domestic dual restrictor meter manifold (Elevation)**

