



People First

Southland District Council

Te Rohe Pōtae O Murihiku

WATER SUPPLY BYLAW 2008

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SOUTHLAND DISTRICT COUNCIL WATER SUPPLY Bylaw 2008

1 Introduction

This Bylaw may be cited as the Southland District Council Water Supply Bylaw 2008.

1.1 Commencement and Area of Application

This Bylaw shall come into force on 30th day of June 2008 and shall apply throughout the District.

1.2 Repealed Bylaws

The Southland District Council Water Supply Bylaw 1993 and the Southland District Council Rural Water Supply Bylaw 1992 are consequently repealed.

2 Definitions

In this Bylaw unless the context otherwise requires:

APPROVED or **APPROVAL** means approved in writing by Council.

BACKFLOW means the unplanned reversal of flow of water or mixtures of water and contaminants into the water supply system.

BURIED SERVICES means all public mains, valves, pump stations and other underground utilities under the responsibility of Council.

COUNCIL means the Southland District Council.

CUSTOMER means 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 means 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.

DISTRICT means the District of the Council.

EXTRAORDINARY SUPPLY means 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.

OCCUPIER means any Person who occupies any building or land and if the building or land is not occupied, means the owner.

ON DEMAND SUPPLY means a supply which is available on demand directly from the point of supply subject to the agreed level of service.

ORDINARY SUPPLY means a category of on demand supply used solely for domestic purposes.

PERSON means a natural person, corporation sole or a body of persons whether corporate or otherwise.

POINT OF SUPPLY means the point on the water pipe leading from the water main to the premises, which marks the boundary of responsibility between the customer and the Council, irrespective of property boundaries.

POTABLE WATER means water that does not contain or exhibit any determinants to any extent that exceeds the maximum acceptable values specified in drinking water standards issued under the Health Act 1956.

PREMISES means premises including the following:

- (a) A property or allotment which is held under a separate certificate of title or for which a separate certificate of title may be issued and in respect to which a building consent has been or may be issued; or
- (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
- (c) Land held in public ownership (eg reserve) for a particular purpose

PUBLICLY NOTIFIED means published in one or more newspapers circulating in the District, or in the case of an emergency notification, by the most practical means available.

RESTRICTED FLOW SUPPLY means a type of water supply connection where a small flow is supplied through a flow control device, and storage is provided by the customer to cater for the customer's demand fluctuations.

RESTRICTOR means a flow control device fitted to the service pipe to limit the flow rate of water to a customer's premises.

RURAL WATER SUPPLY AREA means 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 means the section of water pipe between a water main and the point of supply.

SERVICE VALVE (TOBY) means the valve at the customer end of the service pipe.

SCHEDULE OF RATES, FEES AND CHARGES means the list of items, terms, and prices for services associated with the supply of water as approved by the Council.

STORAGE TANK means any tank having a free water surface.

SUPPLY PIPE means the section of pipe between the point of supply and the customer's premises through which water is conveyed to the premises.

TREATED RURAL WATER SUPPLY means an area specified by the Council as an area serviced by a reticulated water supply system that is intended to supply potable water to customers via restricted supply.

UNTREATED RURAL WATER SUPPLY means an area specified by the Council as an area serviced by a reticulated water supply system that is intended to supply stock water to customers via restricted supply. This supply is not potable and not for domestic use.

URBAN WATER SUPPLY AREA means an area specified by the Council as an area serviced by a reticulated water supply system with a firefighting capability that is intended to supply potable water to customers via on demand supplies.

WATER SUPPLY SYSTEM means all those components of the network between the point of abstraction from the natural environment and the point of supply. This includes but is not limited to wells, infiltration galleries, intake structures, open raw water storage ponds/lakes, falling mains, treatment plants, treated water reservoirs, trunk mains, service mains, rider mains, pump stations and pumps, valves, hydrants, scour lines, service pipes, boundary assemblies, meters, backflow prevention devices and tobies.

WATER UNIT means the basis of measurement for a restricted flow supply prescribed by Council.

3 Protection of Water Supply

3.1 Water Supply System

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

Except as set out in Sections 3.1.3 and 3.1.4, or to operate the service valve no person shall make any connection to, or otherwise interfere with, any part of the water supply system without Council approval.

3.1.2 Fire hydrants

New Zealand Fire Service personnel may connect to, and draw water from fire hydrants for the purpose of fighting fires, training, and hydrant testing.

3.1.3 Approved uses

Persons who have approval to draw water from fire hydrants or tanker filling points shall comply with all conditions of that approval. The Council may cancel any approval without notice for any breach of the conditions of approval or to implement water restrictions. Without prejudice to other remedies available, the Council, may remove and hold any equipment used to connect to, and/or draw water without approval or contrary to the conditions of any approval, and assess and recover as a debt the value of water drawn without authorisation and any other associated costs.

3.1.4 Working around Buried Services

3.1.4.1 Protection of Council Services

Any person proposing to carry out excavation work shall view any as-built information available to establish whether or not any part of a water supply system is located in the vicinity.

At least five working days notice in writing shall be given to District Council of an intention to excavate in the vicinity of any part of a water supply system. Where appropriate the Council may mark out to within $\pm 1\text{m}$ on the ground the location of its services, and nominate in writing any restrictions on the work it considers necessary. The Council may charge for this service.

3.1.4.2 Standard of excavation work

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 specifications.

3.1.4.3 Reporting and any damage to services

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

3.2 Spillages and adverse events

3.2.1 Occupier's responsibility

The occupier of any property shall take all reasonable steps to prevent entry into the water supply of any substance that may compromise the water supply services or be hazardous to the health and safety of Council staff, customers and the public.

3.2.2 Notification of spillage or adverse event in water supply

The occupier shall notify the Council immediately in the event of leakage, spillage or other mishap described in Section 3.2.1.

4 Conditions of supply

4.1 Application for supply

4.1.1 Initial application

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

On receipt of an application the Council may:

- (a) Approve the application and inform the applicant of the type of supply, the level of service, the size of the connection and any particular conditions applicable; or

- (b) Refuse the application and notify the applicant of the decision giving the reasons for refusal.
- (c) Request further information and place application on hold pending receipt of requested information.

For the agreed level of service to the applicant, the Council shall determine the sizes of all pipes, fittings and any other equipment, up to the point of supply. The Council shall supply and install the service pipe up to the point of supply at the applicant's cost or may allow the supply and installation of the service pipe to be carried out by approved contractors, at the applicant's cost.

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.

4.1.2 Change of use

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

4.1.3 Prescribed charges

Charges applicable and payable at the time of connection may include:

- (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;
- (c) A financial contribution determined in accordance with the Resource Management Act 1991.

4.2 Point of supply

4.2.1 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 beyond the point of supply.

4.2.2 Repair of toby boxes

Where the customer finds a fault with the water toby at the point of supply, they shall contact the Council who will arrange for repairs to be undertaken.

4.2.3 Ownership/ Point of supply

- (a) For each individual customer there shall be only one point of supply, unless otherwise approved by Council.
- (b) For individual customers the point of supply shall be located as shown in Figures 1 and 2 or, for an urban supply, 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 Council approval. For the purposes of this clause a Company Share/Block Scheme (Body Corporate) shall be regarded as an individual customer.
- (c) 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.

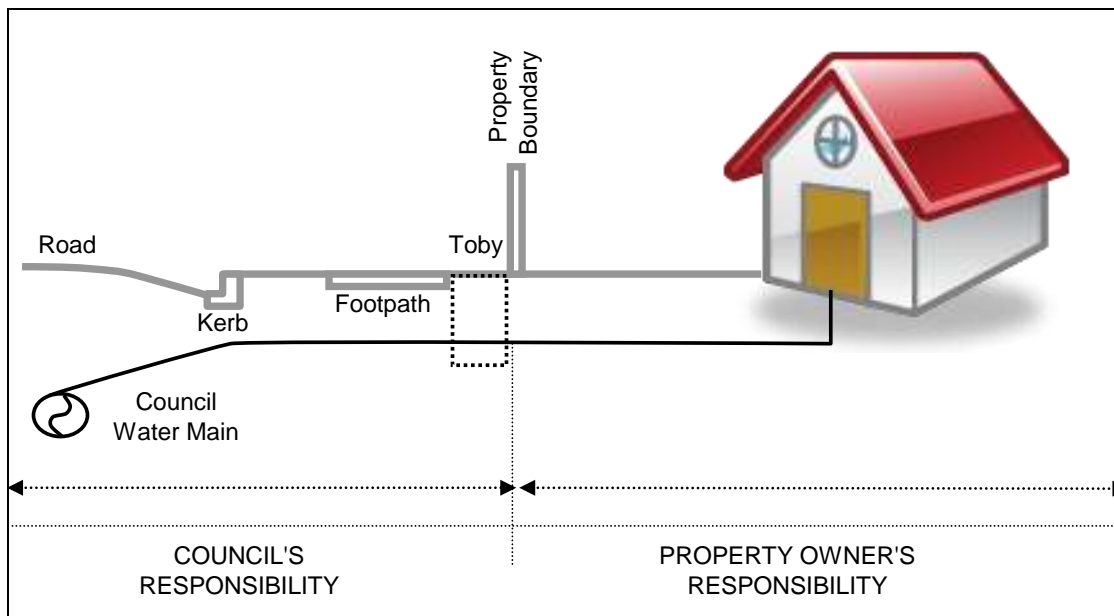


Figure 1 - Point of supply location - Individual customers (Urban Water Supply)

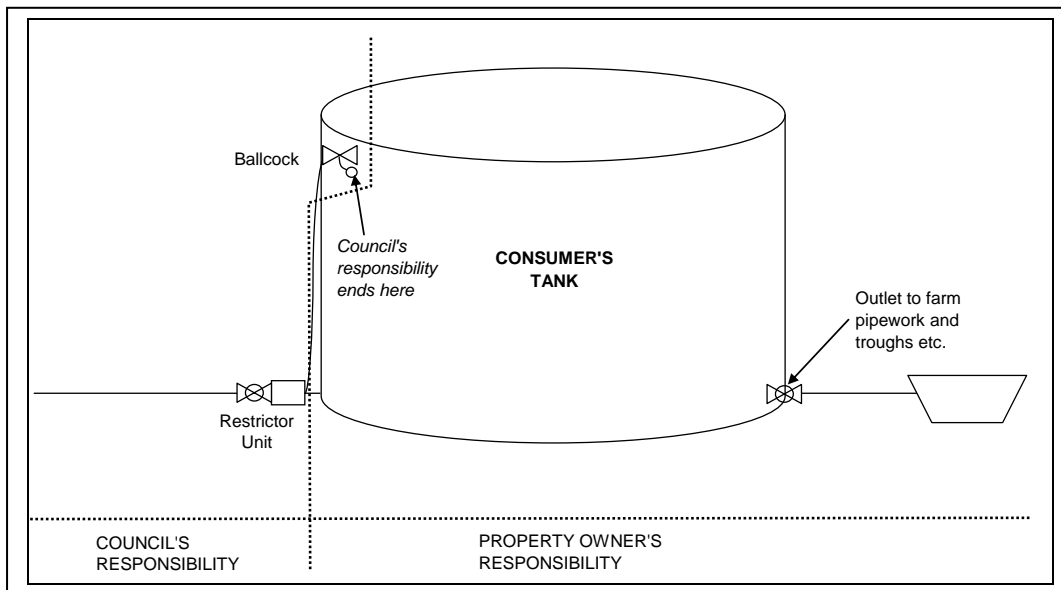


Figure 2 - Point of supply location - Individual customers (Rural Water Supply)

4.2.4 Pre-existing multiple ownership supplies

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

4.3 Access to, and about point of supply

4.3.1 Rights of access

Where the point of supply is on private property the customer shall allow the Council access to, and about the point of supply between 7.30 am and 6.00 pm on any day without notice for:

- (a) Meter reading; or
- (b) Checking, testing and maintenance work with notice being given whenever possible.

For access outside the specified hours (such as for night time leak detection) the Council shall give reasonable notice to the customer.

Where access is not made available for any of the above times and a return visit is required by the Council, an appropriate charge may be made.

In an emergency the customer shall allow the Council free access to, and about, the point of supply at any hour without notice.

4.3.2 Maintenance of access

The customer shall maintain the area in and around the point of supply keeping it free of soil, growth, or other matter or obstruction which prevents, or is likely to prevent, convenient access.

4.4 Types of supply

4.4.1 General

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

4.4.2 On demand supply (Urban Water Supply Areas)

Every premises in an Urban Supply Area shall be entitled to an ordinary supply of water subject to the following:

- (a) Any restrictions made by the Council under Clause 4.6.3;
- (b) Payment of the appropriate charges in respect of that property;
- (c) Payment of any other charges or costs associated with subdivisional development; and
- (d) Any other relevant conditions of this Bylaw.

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

4.4.3 Restricted flow supply (Rural Water Supply Areas)

Except under special conditions set by the Council only, restricted flow supply shall be available to premises within a Rural Water Supply Area.

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

The Council shall charge for the restricted flow supply by either:

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

No restricted water supply is to be used for irrigation purposes. Water supplies classified as untreated, by Council, are for stock water use only and shall not to be used for household supply and must not be connected to households.

4.4.4 Ordinary use (Urban Water Supply Areas)

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

- (a) Washing down a car, boat, or similar;

- (b) Garden watering by hand;
- (c) Garden watering by a portable sprinkler (subject to the provisions of Clause 4.5.3);

4.4.5 Extraordinary use (Urban Water Supply Areas)

Extraordinary use includes:

- (a) Domestic - spa or swimming pool in excess of 10 m³ capacity, fixed garden irrigation systems,
- (b) Commercial and business with demands that may be greater than a single domestic connection;
- (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

4.5 Continuity of supply

4.5.1 Interference of existing supply

Where works of a permanent or temporary nature are planned which will affect an existing supply, the Council shall endeavour to inform all known customers likely to be substantially affected.

4.5.2 Uninterrupted service

The Council shall not be liable under any circumstances for its failure to provide a constant supply of water or the agreed number of water units to a customer.

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

4.5.3 Demand management

The customer shall comply with any restrictions which may be approved by the Council to manage high seasonal demand, supply limitations or other circumstances. Such restrictions shall be advised by public notice.

4.5.4 Emergency restrictions

During an emergency the Council may restrict or prohibit the use of water for any specified purpose for any specified period and for any or all of its customers such restrictions shall be advised by public notice.

4.6 Fire protection connection

4.6.1 Connection application

Any proposed connection for fire protection shall be the subject of a specific application on the standard Council forms made to the Council for approval. Any such connection shall be subject to the conditions specified by the Council.

4.6.2 Design

It shall be the customer's responsibility to ascertain and monitor whether the supply available is adequate for the purpose of fire protection.

4.6.3 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.

4.6.4 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.

4.6.5 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.

4.6.6 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.

4.7 Backflow prevention

4.7.1 Customer responsibility

It is the customer's responsibility 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 Approved 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
 - (iv) Any other pipe fixture or equipment containing chemicals, liquids, gases or other non-potable substances.

4.7.2 Unmanaged risk

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

4.7.3 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 requirement for backflow prevention.

4.8 Meters and flow restrictors

4.8.1 Installation

Meters for on demand supplies, and restrictors for restricted flow supplies, shall be supplied, installed and maintained by the Council, and shall remain the property of the Council. The installation of a water meter is at the customer's cost.

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

4.8.2 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 figures 1 and 2).

4.8.3 Accuracy

Meters shall be tested as and when required by the Council, to ensure:

- (a) in respect of a meter, performance within plus or minus 4% of its reading;
- (b) in respect of a restrictor, within plus or minus 10% of its rated capacity.

Any customer who disputes the accuracy of a meter or restrictor may apply to the Council for it to be tested provided that it is not within three months of the last test. If the test shows non-compliance with the accuracy above, the customer shall not be charged for the test. If the test shows compliance, the customer shall pay all reasonable costs associated with the test.

4.8.4 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 shall make an adjustment to the next invoice due in accordance with the results shown by such tests, backdated for a period at the discretion of the Council but not exceeding 12 months, and the customer shall pay a greater or lesser amount according to the adjustment.

Where a meter is under-reading by more than 20% or has stopped, 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.

4.8.5 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 other evidence 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.

4.8.6 Faulty meters

Where a meter is found to be faulty, the Council will replace or recalibrate the faulty meter, at no cost to the owner.

4.8.7 Incorrect accounts

Where a situation occurs, other than as provided for in Clause 4.8.5, where the recorded consumption does not accurately represent the actual consumption on a property, the account shall be adjusted using the best information available to 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, in favour of the Council or the customer, this shall not be backdated more than 12 months from the date the error was detected.

4.9 Plumbing system

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

4.10 Prevention of waste

4.10.1 Customer's responsibility

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

4.10.2 Use of Council water as an energy source

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

4.10.3 Use of Council water for cooling or dilution

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

4.11 Payment and Charges

4.11.1 Charges

The customer shall be liable to pay for the supply of water and related services in accordance with the Council rates, fees and charges prevailing at the time.

4.11.2 Recovery of Costs

The Council may recover costs under the Local Government Act 2002 relating to Sections 150 and 151, wilful damage or negligent behaviour (Section 175) and remedying damage arising from breach of Bylaw (Section 176).

4.12 Transfer of rights and responsibilities

4.12.1 Transferring to other parties

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

4.12.2 Use of supply pipe

A supply pipe shall serve only one customer, and shall not be extended by any means beyond that customer's property.

4.12.3 Providing water to other parties

Any water which the customer draws from the Council supply shall not be provided to any other party without approval of the Council.

4.13 Change of ownership

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

4.14 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.

5 Breaches and infringement offences

5.1 Breaches of conditions of supply

5.1.1 List of breaches

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

- (a) An incorrect application for supply which fundamentally affects the conditions of a supply;
- (b) Failure by the customer to meet and comply with the conditions of supply;
- (c) Failure to meet any obligation placed on the customer under all current Acts and Regulations; or
- (d) An act or omission including but not limited to any of the following:
 - (i) Failure to pay the appropriate charges by the due date.
 - (ii) Failure to repair a leak, or in any way wilfully allowing water to run to waste, or to be misused.
 - (iii) The fitting of quick-closing valves, pumps, or any other equipment which may cause pressure surges or fluctuations to be transmitted within the water supply system, or compromise the ability of the Council to maintain its stated levels of service).
 - (iv) Failure to prevent backflow).
 - (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 property.

- (ix) Providing water drawn from the Council supply to any other party without approval of the Council.
- (x) Using a water supply classified by Council as “untreated” for potable water and/or having it connected to a household.

5.1.2 In the event of a breach

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 the remedy of the breach to the satisfaction of the Council.

5.1.3 Disconnection of the supply

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

5.2 Interference with equipment

Any tampering or interfering with Council equipment, either directly or indirectly, shall constitute a breach without prejudice to its other rights and remedies the Council shall be entitled to estimate 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.

5.3 Penalties

Any person who is in breach of this Bylaw commits an offence and shall on summary conviction be liable to a maximum penalty of \$20,000 in accordance with Section 242(4) of the Local Government Act 2002.

This Bylaw has been confirmed by resolution passed at a meeting of the Southland District Council held on 25 June 2008.

**THE COMMON SEAL of the
SOUTHLAND DISTRICT COUNCIL
was hereunto affixed in the presence of:**

}

MAYOR

CHIEF EXECUTIVE