



**QUEENSTOWN  
LAKES DISTRICT  
COUNCIL**



**WATER SUPPLY BYLAW 2008**

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# QUEENSTOWN LAKES DISTRICT COUNCIL

## WATER SUPPLY BYLAW

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### **1 Title**

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

### **2 Commencement and area of application**

This Bylaw shall come into force on the 1st day of December 2008 and shall apply to the area controlled by the Queenstown Lakes District Council.

### **3 Repealed bylaw**

As from the day this Bylaw comes into force, the Queenstown-Lakes District Council Water Supply Demand Management Bylaw 1999 shall be repealed.

All approvals, permits and other acts of authority which originated under any bylaws hereby repealed, and all applications and other acts of parties and generally all documents, matters, acts and things which so originated and are continuing at the commencement of the Bylaw inure as if they had originated under this Bylaw and shall where necessary be deemed to here so originated.

The revocation of the bylaws specified in the subclause above shall not prevent any legal proceedings, criminal or civil being taken to enforce those bylaws and any such proceedings shall continue to be dealt with and completed as if the bylaws had not been repealed.

### **4 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 and sale of water by the Council:

- (a) is subject to the following statutory Acts and Regulations:
  - (i) Building Act 2004
  - (ii) Building Regulations 1992 Schedule 1 (New Zealand Building Code)
  - (iii) Fire Service Act 1975
  - (iv) Health Act 1956
  - (v) Local Government Act 2002 ("LGA 2002")
  - (vi) Local Government (Rating) Act 2002
  - (vii) Resource Management Act 1991
  - (viii) Health (Drinking Water) Amendment Act 2007
  
- (b) takes into consideration the following 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 4509:2008 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

## 5 Interpretation

When interpreting this Bylaw use the definitions set out in section 5.1 unless the context requires otherwise. If you see a reference to a repealed enactment 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.

### 5.1 Definitions

In this Bylaw, unless the context otherwise requires:

**Approved or approval** means approved in writing by Council, either by resolution of the Council or by any authorised officer of Council or other person authorised to give such approval on behalf of 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 the Council and other service providers

**Contaminant** has the same meaning as defined in Section 2 of the Resource Management Act 1991

**Council** means the Queenstown Lakes District Council or any officer authorised to exercise the authority of the Council

**Customer** means the person who uses, or has obtained the right to use or direct the manner of use of, water supplied by Council

**Demand Management Plans** are plans for implementing demand management measures in each Water Supply Area

**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

**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

**Fees and charges** means the list of items, terms, and prices for services associated with the supply of water as adopted by the Council in accordance with the LGA 2002 and the Local Government (Rating) Act 2002

**Hose** means any flexible or moveable tube for conducting water and includes a water sprinkler, soaker or any form of similar water distributing device whether held by hand or not

<b>Meter</b>	means a Council owned meter which measures and records the flow of water supplied
<b>Level of service</b>	means the measurable performance standards on which the Council undertakes to supply water in any water supply area to its customers, stated in the Council's Long Term Council Community Plan (LTCCP)
<b>On demand supply</b>	means a supply which is available on demand directly from the point of supply, subject to the agreed Level of Service as set out in the Council's LTCCP
<b>Ordinary supply</b>	means a category of on demand supply used solely for domestic purposes
<b>Person</b>	means a natural person, corporation sole or a body of persons whether corporate or otherwise
<b>Point of supply</b>	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 Council, irrespective of property boundaries
<b>Potable</b>	means water that does not contain or exhibit any determinands to any extent that exceeds the maximum acceptable values (other than aesthetic guideline values) specified in drinking water standards issued under the Health Act 1956
<b>Premises</b>	means premises including the following: <ul style="list-style-type: none"> <li>(a) A property or allotment which is held under a separate certificate of title or for which a separate certificate of title may be issued and in respect to which a building consent has been or may be issued; or</li> <li>(b) A building or part of a building that has been defined as an individual unit by a cross-lease, unit title or company lease and for which a certificate of title is available; or</li> <li>(c) Land held in public ownership (e.g. reserve) for a particular purpose</li> </ul>
<b>Public notice</b>	means public notice as defined in the Local Government Act 2002
<b>Restricted flow supply</b>	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
<b>Restrictor</b>	means a flow control device fitted to the service pipe to limit the flow rate of water to a customer's premises
<b>Roading authority</b>	means a territorial authority or New Zealand Transport Authority
<b>Service pipe</b>	means the section of water pipe between a water main and the point of supply
<b>Service valve(Toby)</b>	means the valve at the customer end of the service pipe

<b>Sprinkler</b>	means a revolving spray, sprinkler pipe, or any form of mechanical device used to distribute water for garden, lawn watering or domestic purposes but does not include a hand held hose, or a contrivance installed exclusively for the purpose of extinguishing fires
<b>Storage tank</b>	means any tank having a free water surface under atmospheric pressure to which water is supplied across an air gap separation
<b>Supply pipe</b>	means the section of pipe between the point of supply and the customer's premises through which water is conveyed to the premises
<b>Water supply area</b>	means an area serviced by a reticulated water supply system that is intended to supply water for specified purposes via restricted flow supplies and/or on demand supplies, but not necessarily with a firefighting capability
<b>Water supply system</b>	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, restrictors and service valves
<b>Water unit</b>	means the basis of measurement for a restricted flow supply as prescribed by the level of service

## **6 Protection of water supply**

### **6.1 Water supply system**

#### **6.1.1 Access to system**

No person other than Council and its authorised agents shall have access to any part of the water supply system, except to connect to the point of supply, subject to 7.1, and to operate the service valve.

#### **6.1.2 No person to connect to, or interfere with a water supply system**

Except as set out in 6.1.1, 6.1.3 and 6.1.4, no person shall make any connection to, or otherwise interfere with, any part of the water supply system.

#### **6.1.3 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 hydrant testing.

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

#### **6.1.4 Other uses**

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

- (a) Council or its agents;

- (b) Persons who have approval to draw water from the water supply for uses other than firefighting. Such persons shall comply with all conditions of the Approval. Council may revoke any approval with immediate effect if it believes that the conditions of approval are being or have been breached or in order to implement water restrictions.

Without prejudice to other remedies available, Council may remove and hold any equipment used by an offender to gain access to or draw water from a fire hydrant, and assess and recover the value of water drawn without authorisation and any other associated costs.

### **6.1.5 Working around buried services**

Council shall keep permanent records ('as-builts') of the location of its buried services. This information shall be available for inspection at no cost to users. Charges may be levied to cover the costs of providing copies of this information.

Any person proposing to carry out excavation work shall view any available as-built information to establish whether or not Council services are located in the vicinity. At least five working days notice in writing shall be given to Council of an intention to excavate in the vicinity of its services. Where appropriate, Council shall mark out to within  $\pm 0.5\text{m}$  on the ground the location of its services, and nominate in writing any restrictions on the work it considers necessary to protect its services. Council may charge for this service.

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.

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

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

## **6.2 Spillages and adverse events**

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

## **7 Conditions of supply**

### **7.1 Application for supply**

#### **7.1.1 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 Council.

On receipt of an application Council shall, after consideration of the matters in 7.4 and 7.5, either:

- (a) Approve the application and inform the applicant of the type of supply, the level of service, the size of the connection and any particular conditions applicable; or
- (b) Refuse the application and notify the applicant of the decision giving the reasons for refusal

For the agreed level of service to the applicant, Council shall determine the sizes of all pipes, fittings and any other equipment, up to the point of supply. 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.

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

An approved application for supply which has not been actioned 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 Council.

### **7.1.2 Change of use**

Where a customer seeks a change in the level of service or end use of water supplied to premises, and/or the supply changes from an ordinary to an extraordinary type (see 7.5) or vice versa, a new application for supply shall be submitted by the customer.

### **7.1.3 Prescribed charges**

Charges applicable at the time of connection may include:

- (a) Payment to 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 charge determined in accordance with the Resource Management Act 1991.

## **7.2 Point of supply**

### **7.2.1 Responsibility for maintenance**

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

### **7.2.2 Single ownership**

For individual customers the point of supply shall be located as shown in Figure 1 Type 2 or as close as possible where fences, walls, or other permanent structures make it difficult to locate it at the required position. Any other positions shall require specific approval.

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

The typical layout at a point of supply is shown in Figure 2.

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

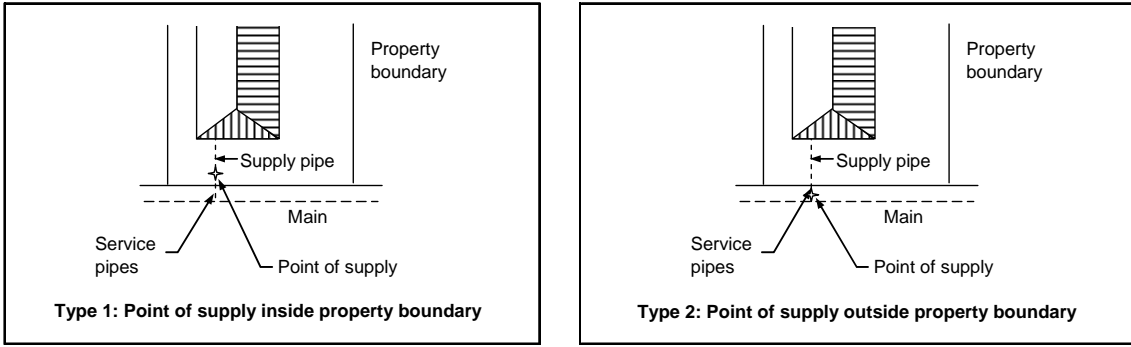


Figure 1 – Point of supply locations - Individual customers

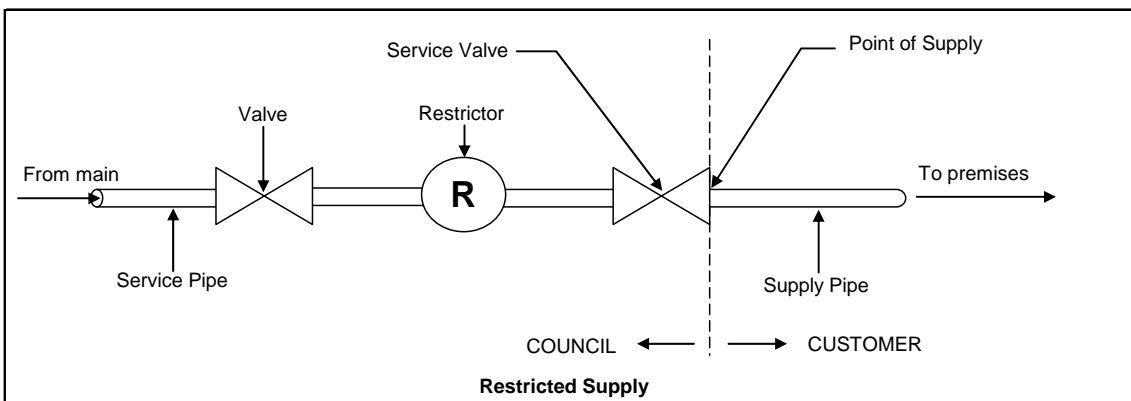
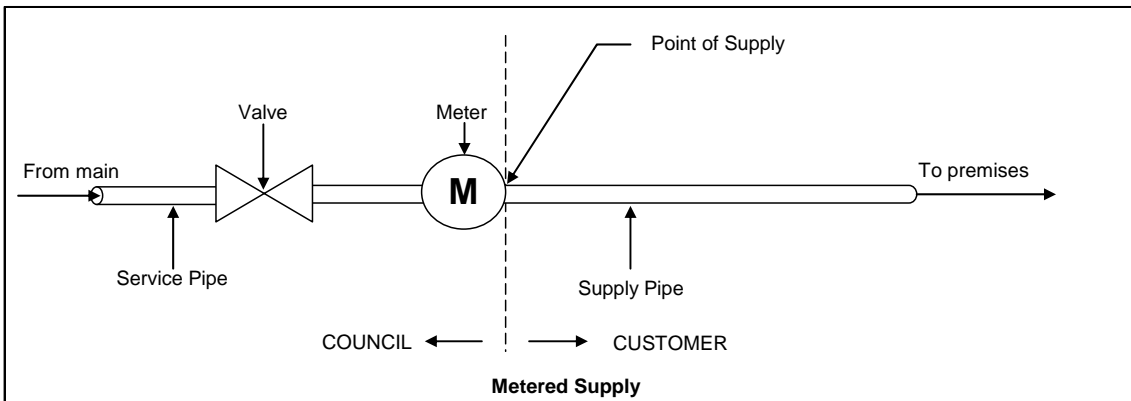
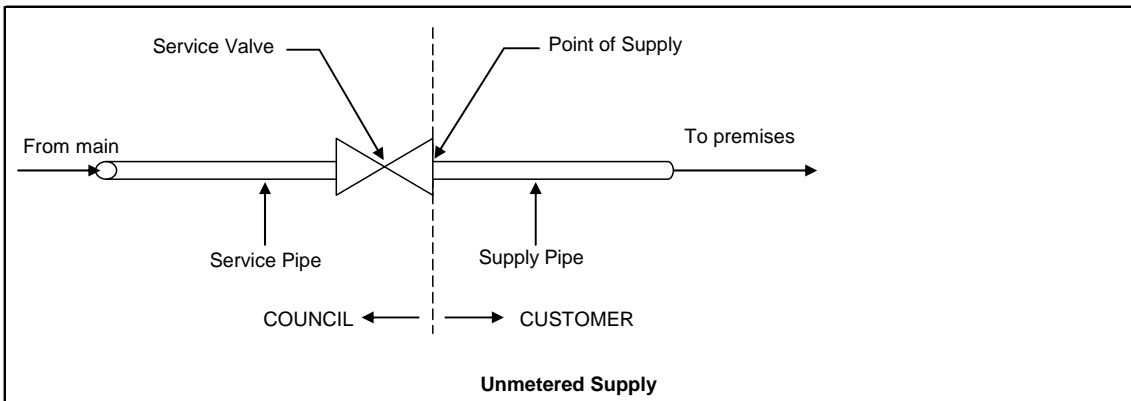


Figure 2 – Typical layouts at point of supply

### **7.2.3 Multiple ownership**

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

- (a) For Company Share/Block Scheme (Body Corporate) — as for single ownership;
- (b) For Leasehold/Tenancy in Common Scheme (Cross Lease), Strata Title, Unit Title (Body Corporate) and any other form of multiple ownership — each customer shall have an individual supply with the point of supply determined by agreement with Council. In specific cases other arrangements may be acceptable, subject to individual approval by Council.
- (c) For a multiple ownership supply which was in existence prior to the coming into effect of this Bylaw, the point of supply shall be the arrangement existing at that time, or as determined by agreement with Council for any individual base.

## **7.3 Access to, and about point of supply**

### **7.3.1 Rights of access**

Where the point of supply is on private property the customer shall allow Council access to, and about the point of supply between 7.30 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.

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

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

In an emergency, such as a Civil Defence Emergency or when there is a fault requiring immediate rectification, the customer must allow authorised Council officers free and unimpeded access to and about the point of supply at any hour.

### **7.3.2 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.

## **7.4 Level of service**

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

## **7.5 Types of supply**

### **7.5.1 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'.

### **7.5.2 On demand supply**

Every premise within a Water Supply Area shall be entitled to an ordinary supply of water subject to the following conditions:

- (a) The exclusion of its use for garden watering under any restrictions made by Council under 7.7.4;
- (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.

Council shall be under no obligation to provide an extraordinary supply of water (see also the provisions of 7.7 and 7.10.2).

### **7.5.3 Restricted flow supply**

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

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

Council may charge for the restricted flow supply by either:

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

### **7.5.4 Ordinary use**

Ordinary use is for domestic purposes subject to the daily allocation limits for the Water Supply Area, set in the level of service stated in the LTCCP and shall include:

- (a) Washing down a car, boat, or similar;
- (b) Use in a fire sprinkler system to NZS 4517 – Fire sprinkler systems for houses
- (c) Irrigation systems compliant with the level of service stated in the LTCCP.

### **7.5.5 Extraordinary use**

Extraordinary use, subject to the allocation limits where specified in the LTCCP, includes:

- (a) Domestic — spa or swimming pool in excess of 10 m<sup>3</sup> capacity; and/or
- (b) Commercial and business;
- (c) Industrial;
- (d) Agricultural;
- (e) Horticultural;
- (f) Viticultural;
- (g) The use of irrigation systems of any sort, or other outside watering use on section sizes greater than 1,500 m<sup>2</sup>
- (h) Fire protection systems other than sprinkler systems installed to comply with NZS 4517 – Fire sprinkler systems for houses;
- (i) Out of district (supply to, or within another local authority);
- (j) Temporary supply;
- (k) Irrigation systems not compliant with the level of service stated in the LTCCP;
- (l) Ornamental or recreational purposes on any premises such as fountains, ponds, cascades, waterfalls which are not provided with recirculation facilities or where recirculation facilities are not used;
- (m) Water tanker supply;
- (n) Vehicle and mobile plant supply;
- (o) Dust suppression for subdivision construction and revegetation of site.
- (p) Reserves, golf courses and recreational facilities

## **7.6 Metering**

An ordinary use of water may be metered (subject to Council reserving the right to fit a meter and charge where it considers water use is excessive, or for a meter to be fitted at the customers request) and the cost of such use shall be as prescribed in the Local Government (Rating) Act 2002, sections 9, 15 to 19, and sections 101 to 103.

An extraordinary use shall normally be metered and charged for in accordance with 7.16. Where the extraordinary use is for fire protection only, this supply shall not normally be metered.

## **7.7 Continuity of supply**

### **7.7.1 Supply**

Council does not guarantee the uninterrupted supply of water to any customer or other user, whether in cases of ordinary or extraordinary supply. No compensation shall be payable on account of any water supply being restricted or shut off, whether for the purpose of demand management, laying of water mains, effecting repairs to a reticulated water supply system, attaching of new services or for any other purpose.

Where works of a permanent or temporary nature are planned which will affect an existing supply, Council shall consult with, or inform or give notice to all known customers likely to be substantially affected, within the required time period stated in the levels of service for the Water Supply Area.

### **7.7.2 Pressure**

Council does not guarantee any specified maximum or minimum pressure in the water distribution and reticulation system within any Water Supply Area, and no compensation shall be payable on account of any change or inconsistency of pressure in the supply of water in any Water Supply Area.

### **7.7.3 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.

### **7.7.4 Demand management**

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

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

## **7.8 Prohibition or restriction of supply**

### **7.8.1 Prohibition or restriction of supply for extraordinary use**

The Council may at any time, by public notice, restrict or prohibit the use of water for any one or more of the purposes defined as extraordinary use, and thereupon it shall be a breach of this Bylaw to use water in manner so restricted or prohibited.

Any such restriction or prohibition applies until public notice is given that the restriction or prohibition has been rescinded.

### **7.8.2 Emergency restrictions**

If at any time, Council considers that because of drought or for any other reasons, the available water supply is not sufficient to allow the unrestricted use of water, and that extraordinary measures are necessary in order to conserve such available water supply, the Council may restrict or prohibit the use of water for any specified purpose, whether ordinary or extraordinary, for any specified period and for any or all of its customers. Such restrictions shall be advised by public notice and will apply until public notice is given that the restriction or prohibition has been rescinded.

The decision to make and lift restrictions shall be made by the Council, or where immediate action is required, by a manager of the Council, subject to subsequent Council ratification.

### **7.8.3 Payment**

No compensation or other payment is payable by Council in relation to any restriction or prohibition made under 7.8.1 or 7.8.2.

### **7.8.4 Maintenance and repair**

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

## **7.9 Liability**

Council shall endeavour to meet the level of service requirements of 7.4, but shall not be liable for any loss, damage or inconvenience which the customer (or any person using the supply) may sustain as a result of deficiencies in, or interruptions to, the water supply.

### **7.10 Fire protection connection**

#### **7.10.1 Connection application**

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

#### **7.10.2 Design**

It shall be the customer's responsibility to ascertain in discussion with Council and monitor whether the supply available is adequate for the purpose of fire protection. A Council approved detector check valve shall be fitted on any meter bypass.

#### **7.10.3 Fire protection connection metering**

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

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 – Fire sprinkler system for houses.

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

#### **7.10.4 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 – Hand operated fire-fighting equipment.

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

#### **7.10.6 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 Council beforehand. Water used for routine flushing and flow testing does not constitute waste but the quantity of water used may be assessed and charged for by Council.

### **7.11 Backflow prevention**

#### **7.11.1 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 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 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.

#### **7.11.2 Unmanaged risk**

Notwithstanding 7.11.1, Council may fit a backflow prevention device on Council side of the point of supply where the customer cannot demonstrate that the risk of backflow is adequately managed. Council may recover all costs associated with the supply and installation of the backflow prevention device from the customer.

### **7.12 Council equipment and inspection**

#### **7.12.1 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 pipe work, valves, meters, restrictors, chambers, and backflow prevention devices.

### **7.12.2 Inspection**

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

## **7.13 Meters and restrictors**

### **7.13.1 Installation**

Where required by Council, flow meters and restrictors shall be supplied and installed. Council reserves the right to recover any associated costs.

All meters and restrictors shall remain the property of the Council, and shall be maintained by Council.

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

### **7.13.2 Requirements for new developments**

All new connections in any Water Supply Area shall meet the requirements of the Demand Management Plan for that Water Supply Area, including, but not limited to:

- (a) installation of restrictors;
- (b) installation of meters;
- (c) installation of water efficient fixtures and appliances.

### **7.13.3 Location**

Meters and restrictors shall be located in a position where they are readily accessible for reading and maintenance, and if practicable immediately on Council side of the point of supply (see figure 2).

### **7.13.4 Accuracy**

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

- (a) In respect of a meter, performance within plus or minus 5% of its reading;
- (b) In respect of a restrictor, performance within plus or minus 10% of its rated capacity.

Testing shall be undertaken in accordance with the New Zealand Water Meter Code of Practice. Any customer who disputes the accuracy of a meter or restrictor may apply to Council for it to be tested provided that it is not within three months of the last test. If the test shows non-compliance with the accuracy above, the customer shall not be charged for the test. If the test shows compliance, the customer shall pay a fee in accordance with Council current fees and charges.

### **7.13.5 Adjustment**

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

Where a meter is under-reading by more than 20% or has stopped, Council reserves the right to charge for the amount of water assessed as having been used over the past billing period, taking into account any seasonal variations in demand.

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

#### **7.13.6 Estimating consumption**

For connections where volume based charging is utilized, if any meter is out of repair or ceases to register, or has been removed, Council shall estimate the consumption for the period since the previous reading of such meter (based on the average of the previous four billing periods charged to the customer) and the customer shall pay according to such an estimate. Provided that when by reason of a large variation of consumption due to seasonal or other causes, the average of the previous four billing periods would be an unreasonable estimate of the consumption, Council may take into 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, Council may declare the reading void and estimate consumption as described above.

#### **7.13.7 Incorrect accounts**

For connections where volume based charging is utilized, where a situation occurs, other than as provided for in 7.13.5, where the recorded consumption does not accurately represent the actual consumption on a property, the account shall be adjusted using the best information available to Council. Such situations include, but are not limited to, misreading of the meter, errors in data processing, meters assigned to the wrong account, and unauthorised supplies.

Where an adjustment is required, in favour of Council or the customer, this shall not be backdated more than 12 months from the date the error was detected.

#### **7.13.8 Faulty Meters**

Where a meter is found to be faulty due to no fault of the customer, the Council will replace or recalibrate the faulty meter, at no cost to the customer.

### **7.14 Plumbing system**

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

### **7.15 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 property to deteriorate to the point where leakage or wastage occurs.

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

## **7.16 Payment**

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

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

## **7.17 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 property.

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

## **7.18 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 Council five working days notice to arrange a final meter reading.

## **7.19 Disconnection at the customer's request**

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

# **8 Breaches and offences**

## **8.1 Breaches of conditions of supply**

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

- (a) An incorrect application for supply which fundamentally affects the conditions of supply (section 7) or decision to approve the application;
- (b) Failure by the customer to meet and comply with the conditions of supply for that customer's premises as determined by Council;
- (c) Failure to meet any obligation placed on the customer under all current Acts and Regulations;
- (d) Frustration of Council's ability to adequately and effectively carry out its obligations;
- (e) An act or omission including but not limited to any of the following:
  - i. Interference with the water supply system
  - ii. Failure to comply with water use restrictions or prohibitions introduced by Council for any specified purpose
  - iii. Bypassing or tampering with Council water meters and restrictors
  - iv. Failure to pay the appropriate charges by the due date
  - v. Failure to repair a leak, or in any way wilfully allowing water to run to waste, or to be misused
  - vi. The fitting of quick-closing valves, pumps, or any other equipment which may cause pressure surges or fluctuations to be transmitted within the water supply system, or compromise the ability of Council to maintain its stated levels of service (subject to 7.4)

- vii. Use of a fire hydrant in contravention of this Bylaw or without formal written approval from Council
  - viii. Failure to prevent backflow (see 7.11)
  - ix. Introduce, or allow to be introduced, any contaminant into the water supply system
  - x. Connection to the water supply without formal written approval from Council
  - xi. Using water or water pressure directly from the supply for driving lifts, machinery, eductors, generators, or any other similar device, unless specifically approved by Council
  - xii. Using water for a single pass cooling or heating system, or to dilute trade waste prior to disposal, unless specifically approved
  - xiii. Extending by hose or any other pipe a private water supply beyond that customer's property
  - xiv. Providing water drawn from Council supply to any other party without approval of Council
  - xv. Failure to comply with demand management measures stated in the Demand Management Plan for the relevant Water Supply Area.
- (f) Any other act or omission which has not been described above but which contravenes the reasonable interpretation of the conditions to supply water.

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

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

## **8.2 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, Council shall be entitled to estimate (in accordance with 7.13.5) 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.

## **8.3 Offences and Penalties**

Any person who breaches these Bylaws commits an offence and is liable, on summary conviction, to the penalty set out in, section 242(2) of the Local Government Act.

The resolution to make this bylaw was passed by the Queenstown Lakes District Council at a meeting of the Council on 29 August 2008 and was confirmed following consideration of community submissions received during a special consultative procedure, by resolution at a subsequent meeting of the Council on 28 November 2008.

The Common Seal of Queenstown Lakes District Council was hereby affixed in the presence of:

\_\_\_\_\_ MAYOR

\_\_\_\_\_ CHIEF EXECUTIVE OFFICER