

SELWYN DISTRICT COUNCIL WATER SUPPLY BYLAW 2008

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1. TITLE AND COMMENCEMENT

- 1.1 This bylaw is the Selwyn District Council Water Supply Bylaw 2008.
- 1.2 This bylaw was reviewed and amended in 2008 and 2018 and comes into effect in its amended form on 1 June 2018.

2. APPLICATION OF BYLAW

- 2.1 This bylaw applies to water supplies under the care, control and management of, or water provided by, the Selwyn District Council, except for water supplies subject to the Selwyn District Council Water Race Bylaw.
- 2.2 Nothing in this bylaw shall limit the application of any other enactments, rules or codes or regulations made under any other enactment.

3. PURPOSE

- 3.1 The purpose of this bylaw is to:
 - (a) manage and protect the Water Supply System;
 - (b) protect, promote and maintain public health and safety;
 - (c) promote the efficient use of water in the Selwyn District and protect against waste or misuse of water from the Water Supply System; and
 - (d) assist in the provision of reliable, safe and efficient water supply services in the Selwyn District.

4. DEFINITIONS AND INTERPRETATION

- 4.1 References to a repealed enactment include its replacement.
- 4.2 Unless the context otherwise requires, a term or expression that is defined in the Act and used, but not defined, in this bylaw has the meaning given by the Act.
- 4.3 Any headings, explanatory notes and attachments are for information purposes only and do not form part of this bylaw.
- 4.4 For the purpose of this bylaw, unless the context otherwise requires:
 - (a) "**Act**" means the Local Government Act 2002;
 - (b) "**Air Gap Separation**" means the unobstructed distance between the lowest opening of a water supply outlet and the highest level of the overflow water and shall be as prescribed in the New Zealand Building Code;
 - (c) "**Approve, Approval or Approved**" means the prior written approval of the Council;

- (d) **"Approved Backflow technician"** means a person listed on the South Island Independent Qualified Persons (IQPs) Register¹ under system *SS7 Backflow Preventers* or *SS7 Backflow Preventers – Inspection Only*;
- (e) **"Backflow"** means the unplanned flow of water, or a mixture of water and contaminants, in a reverse direction to the normal water supply flow;
- (f) **"Backflow Prevention Device"** means a device Approved by the Council that is designed to prevent Backflow;
- (g) **"Buried Services"** means all public mains, valves, pump stations and other underground utilities for which the Council or other utility service providers are responsible;
- (h) **"Connection"** means:
 - (i) the installation of a Service Pipe and associated fittings to provide water to any Premises from the Water Supply System; or
 - (ii) connecting to or drawing water from the Water Supply System;
- (i) **"Council"** means the Selwyn District Council and, where the context permits or requires, any person(s) delegated or authorised to act on its behalf;
- (j) **"Customer"** means a person who uses, or has obtained the right to use, water from the Water Supply System in accordance with an Approval;
- (k) **"Disconnect"** means to cut-off or seal a Supply Pipe to prevent a Premises from using water from the Water Supply System and **"Disconnection"** has a corresponding meaning;
- (l) **"Fire Protection System"** means a fixed system of sprinklers, pipes, tanks, control valves, outlets and related fixed components which are used to control or extinguish fires with water from the Water Supply System;
- (m) **"Meter"** means a device, electronic or mechanical, which is fitted on to a Service Pipe to quantify and record the volume of water passing through it and **"Metered"** has a corresponding meaning;
- (n) **"Network Equipment"** means any apparatus, equipment, Meter, valve or device which form part of a Connection at, or on the Water Supply System side of, the Point of Supply;
- (o) **"Point of Supply"** means the location on the Water Supply System where the responsibility for ownership, maintenance and repair passes from the Council to the Customer;
- (p) **"Premises"** means:
 - (i) 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;

¹ Refer <http://www.selwyn.govt.nz/my-property/building/useful-links> for link to this register.

- (ii) 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
- (iii) land held in public ownership (e.g. reserve) for a particular purpose;
- (q) **"Restrictor"** means a flow control device which is fitted on to a Service Pipe to limit the flow rate of water to a Premises;
- (r) **"Service Pipe"** means the section of water pipe between the Water Supply System and the Point of Supply;
- (s) **"Service Valve"** means the valve at the Point of Supply;
- (t) **"Supply Pipe"** means the section of pipe between the Point of Supply and a Premises through which water is conveyed to the Customer's Premises; and
- (u) **"Water Supply System"** means all the components of the water supply system between the point of abstraction from the natural environment and the Point of Supply including but not limited to, wells, infiltration galleries, intake structures, open raw water storage ponds and/or lakes, falling mains, treatment plants, 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 Service Valves.

5. APPLICATION TO CONNECT OR DISCONNECT FROM THE WATER SUPPLY SYSTEM

5.1 Subject to clause 22.6;

- (a) no person may make any Connection to, or otherwise interfere with, any part of the Water Supply System; and
- (b) without limiting the generality of clause 5.1(a), no person may gain access to, or draw water from, fire hydrants,

without Approval.

5.2 An application for an Approval to connect to the Water Supply System must be made in writing on the relevant Council form for any:

- (a) new or altered Connection to the Water Supply System;
- (b) activation of an existing but unused Connection to the Water Supply System;
- (c) change to the:
 - (i) type of supply;
 - (ii) the use or terms and conditions of supply;
 - (iii) location of the Point of Supply;
 - (iv) level of service of water supply,
 from the Water Supply System;
- (d) additional Point of Supply or supply of water from the Water Supply System; or

- (e) temporary water supply from the Water Supply System (including fire hydrants) for an event or a particular purpose.

5.3 Following consideration of an application for an Approval to connect to the Water Supply System, the Council shall 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 other terms and conditions that must be complied with as part of the Approval; or
- (b) decline the application, and notify the applicant of the decision giving the reasons for that decision.

5.4 Council shall supply and install or allow the applicant for Approval to supply and install (under the Council's supervision) the Service Pipe up to the Point of Supply following the later of:

- (a) Approval of an application by the Customer to Connect to the Water Supply System;
- (b) payment of the appropriate fees or charges (including the Council's reasonable costs of supplying and installing or supervising the installation of the Service Pipe) in respect of that Approval; and
- (c) confirmation that all relevant Approval conditions have been satisfied.

5.5 An Approval to connect to the Water Supply System that has not been given effect to within six (6) months from the date of Approval will lapse unless the Council has Approved an extension of time for such Connection.

Explanatory note: Granting an Approval or permitting any Connection or Disconnection under this bylaw does not relieve any person from any obligations to obtain any other consent or permission for the Connection or Disconnection under any other statutory requirement or any other obligation.

5.6 The Council may charge a prescribed fee equivalent to the Council's reasonable costs incurred in respect of connecting the Customer's Premises to the Water Supply System.

Explanatory note: Other fees and charges, for example development contributions or financial contributions may also be charged at the time of the Connection in accordance with the provisions of the Resource Management Act 1991, the Act and the Council's development contribution policy. Water rates must also be paid in accordance with the Local Government (Rating) Act 2002. The Council may impose penalties on and recover all unpaid water rates in accordance with the Local Government (Rating Act 2002).

6. CUSTOMER RESPONSIBILITIES UPON CONNECTION

6.1 A Customer must comply with the requirements of this bylaw, any terms and conditions of an Approval made under this bylaw and any other lawful directions of the Council.

6.2 Unless an Approval or this bylaw specifies otherwise, a Customer must not allow water to be taken from their Point of Supply by another person or supply water to any other party or Premises.

7. DISCONNECTION FROM THE WATER SUPPLY SYSTEM

7.1 A Customer must not Disconnect from the Water Supply System without Approval.

- 7.2 A Customer must give twenty (20) working days' notice in writing to the Council if it wishes to Disconnect from the Water Supply System.
- 7.3 Prior to Disconnection, the Council may require a final Meter reading and charge the Customer a prescribed fee equivalent to the Council's reasonable costs of taking such reading.

8. TRANSFER OF RIGHTS AND RESPONSIBILITIES

- 8.1 Any Approval granted under this bylaw will issue in respect of a particular Premises and cannot be transferred to another Premises without Approval.
- 8.2 Any Customer selling Metered Premises who requires a final Meter reading for the purpose of any apportionment of water rates must give the Council five (5) working days to arrange such a reading. The Council may charge the Customer a prescribed fee equivalent to the Council's reasonable costs of taking such reading.

9. CONTINUITY OF SUPPLY

- 9.1 The Council does not guarantee an uninterrupted or constant supply of water or the continuous maintenance of any particular pressure from the Water Supply System.
- 9.2 The Council is not liable for any loss, damage, or inconvenience that any person may sustain because of deficiencies in or restrictions, prohibitions or interruptions to the supply of water from the Water Supply System.

10. RESTRICTIONS ON SUPPLY

- 10.1 In addition to the Council's powers under section 193 of the Act and subject always to section 69S of the Health Act 1956, the Council may by notice:
 - (a) prohibit or restrict water supply if, in its opinion, such action is necessary for the purposes of:
 - (i) planned maintenance or improvement; or
 - (ii) emergency repairs; or
 - (b) where the Council considers that because of drought or for 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, restrict or prohibit the use of water for any specified purpose or for any specified period.
- 10.2 Any restriction or prohibition under clause 10.1 may apply to the whole of the District or a portion only of the District.
- 10.3 No person may use any water, or allow any water to be used in contravention of any restriction or prohibition made under clause 10.1.

11. POINT OF SUPPLY

- 11.1 The Customer shall own, maintain and repair the Supply Pipe and any associated fittings on the Customer's side of the Point of Supply.

11.2 Unless an Approval specifies otherwise:

- (a) the Point of Supply shall be located generally in accordance with the diagrams attached as schedule one to this bylaw; and
- (b) each Premises may only have one Point of Supply; and
- (c) the Point of Supply must be located within road reserve.

11.3 The Council may change the location of a Point of Supply if its location becomes unviable or where such a change to the location of the Point of Supply is reasonably required because:

- (a) there is a significant change in water demand from the Water Supply System; or
- (b) the public water supply is at risk.

11.4 Where maintenance work on the Service Pipe is required, the Customer may use the Service Valve to isolate the water supply to the Customer's Premises. If the Customer damages a Service Valve, the Council may charge the Customer for the Council's reasonable costs to repair the Service Valve.

12. MULTIPLE OWNERSHIP

12.1 Unless an Approval specifies otherwise:

- (a) if a Premises has multiple owners and one valuation number, the Premises may only have one Connection and associated Point of Supply; and
- (b) if a Premises has multiple owners and more than one valuation number, the Premises must have one Point of Supply for each valuation number.

13. DAMAGE OR OBSTRUCTION OF THE WATER SUPPLY SYSTEM

13.1 No person may damage, stop, obstruct, modify, tamper or otherwise interfere with the Water Supply System or any device, fitting or Network Equipment connected to the Water Supply System.

13.2 The Customer must ensure that any Meters or Restrictors are readily accessible for reading, maintenance and servicing at all times.

13.3 If a Meter or Network Equipment is damaged, tampered or interfered with, the Council may declare any readings from that Meter, device or Network Equipment to be void and estimate the quantity of water used by the Customer.

14. MAINTENANCE IN OR AROUND THE POINT OF SUPPLY

14.1 The Customer must maintain the area in or around the Point of Supply by keeping it free of soil, vegetation (including trees and shrubs) or other matter that obstructs reasonable access to the Point of Supply.

15. PLUMBING SYSTEMS

15.1 No person may, without Approval, use quick-closing valves 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 the level of service which would otherwise be provided by the Water Supply System.

16. PROTECTION OF THE WATER SUPPLY SYSTEM

- 16.1 No person may access any part of the Water Supply System without Approval except to operate the Service Valve.
- 16.2 The Customer must take all reasonable steps not to damage any part of the Water Supply System.
- 16.3 If there is a spillage, or any event which may have an adverse effect on the Water Supply System, the person responsible for the spillage, event or associated works must, in addition to any notification required in respect of such spillage or event, advise the Council immediately.
- 16.4 Any person proposing to carry out excavation work must, prior to undertaking such work:
- (a) establish whether any part of the Water Supply System is located in the vicinity of the proposed excavation; and
 - (b) except in the case of an emergency:
 - (i) notify the Council in writing of an intention to excavate in the vicinity of the Water Supply System at least five (5) working days prior to commencing such work; and
 - (ii) obtain Approval for such works.
- 16.5 The Council generally has access to as-built records in relation to the location of its Buried Services. The Council may charge the Customer a prescribed fee equivalent to the Council's reasonable costs in respect of providing such records to the Customer or the Customer's agent or contractor.
- 16.6 On Approval, the Council may impose such restrictions on excavation work as it considers reasonably necessary to protect the Water Supply System. When the Council considers it appropriate, it will mark out the ground to indicate the location of the Water Supply System to within ± 0.5 m in residential areas and to within ± 2.5 m in rural areas. The Council may charge the Customer a prescribed fee equivalent to the Council's reasonable costs incurred in respect of providing such a service.
- 16.7 Any person carrying out excavation work must exercise care not to damage the Water Supply System and must reinstate bedding and backfill in accordance with the Council's specification.
- 16.8 A person must immediately report any damage to the Water Supply System to the Council. The person who is causing, or has caused the damage, may be required to reimburse the Council for the reasonable cost of repairing such damage.

17. SERVICE VALVES

- 17.1 The Council does not guarantee the serviceability of any Service Valve. The Customer may use the Service Valve to isolate the supply to the Customer's Premises. If the Customer damages the Service Valve, the Council may charge the Customer the Council's reasonable costs incurred to repair the damage.

18. PROTECTION OF WATER QUALITY

- 18.1 Any person who uses water from the Water Supply System must use such water in a manner that does not:
- (a) give rise to a risk to public health; or
 - (b) have an adverse effect on the Water Supply System.
- 18.2 No person may contaminate or pollute, or do any act likely to contaminate or pollute the Water Supply System.
- 18.3 No person may use water from the Water Supply System for a closed loop heat exchange system without Approval.

19. PREVENTION OF WASTE AND LEAKAGES

- 19.1 The Customer must not:
- (a) intentionally allow water to run to waste from any pipe, tap, or other fitting, trough, tank, plant, garden or lawn watering system or water feature nor allow the condition of the plumbing within the Customer's Premises to deteriorate to the point where leakage or wastage occurs;
 - (b) use water for a single pass cooling system; or
 - (c) dilute trade waste prior to disposal without Council Approval.
- 19.2 A Customer must not use water or water pressure from the Water Supply System for driving lifts, machinery, eductors, generators, or any other similar device without Approval.

20. BACKFLOW PREVENTION

- 20.1 The Customer must identify all Backflow hazards at their Premises and ensure that appropriate Backflow Prevention Devices are installed on the Supply Pipe to prevent water that has been drawn into the Customer's Supply Pipe from returning to the Water Supply System.
- 20.2 The Customer must not connect the Water Supply System to any other:
- (a) water supply;
 - (b) water source;
 - (c) storage tank; or
 - (d) pipe, fixture or equipment that contains chemicals, liquids, gases, or other substances.
- 20.3 The Council may request the Customer to carry out an onsite assessment of Backflow hazards at their Premises at the Customer's expense.
- 20.4 All new Connections to the Water Supply System must have a Backflow Prevention Device installed on the Customer's Supply Pipe.
- 20.5 No person shall interfere with a Backflow Prevention Device owned by the Council without Approval.

- 20.6 Where the Council has required a testable Backflow Prevention Device to be installed by the Customer, the Backflow Prevention Device shall be tested annually and after any maintenance by an Approved Backflow technician. A copy of the testing certificate must be provided to the Council within 15 working days of completion of the testing. Where the Backflow Prevention Device is an Air Gap Separation, confirmation of compliance with the New Zealand Building Code will be required.
- 20.7 The Council may:
- (a) install a Backflow prevention Device on the Service Pipe if it considers it is desirable or necessary to do so; and
 - (b) charge the Customer the Council's reasonable costs of installing the Backflow Prevention Device.
- 20.8 The Council may undertake an annual backflow test on any Backflow Prevention Device installed by it. The Council may charge the Customer a prescribed fee equivalent to the Council's reasonable costs of testing the Backflow Prevention Device.

Explanatory note: Fire protection systems that include appropriate backflow prevention measures generally do 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 Water Supply System's normal minimum operating pressure.

21. METERING

- 21.1 A Premises must only have one Meter unless otherwise Approved by the Council.
- 21.2 The Council will own and maintain any Meters or Restrictors.
- 21.3 Meters will be read at such intervals as the Council may determine.
- 21.4 If a Customer requests a Meter reading, the Council may charge the Customer a fee for the Council's reasonable costs of conducting the Meter reading.
- 21.5 If a Customer disputes the accuracy of a Meter or Restrictor, the Customer must apply to the Council to have the Meter or Restrictor tested if at least three (3) months has lapsed since the last Meter or Restrictor Test. If the test shows that the Meter or Restrictor is accurate, the Council may charge the Customer a prescribed fee equivalent to the Council's reasonable costs of conducting the test.

22. FIREFIGHTING

- 22.1 Unless an Approval states otherwise, a Connection to a Fire Protection System (including fire hydrants) may only be used for the purpose of:
- (a) firefighting; and
 - (b) subject to first obtaining Approval, the testing of a Fire Protection System.

- 22.2 Unless an Approval states otherwise, a Fire Protection System must be constructed, installed and operated so that the water cannot be used for any purpose other than the Fire Protection System and must be independent of any other water Connection on the Premise.
- 22.3 The Council will not charge for water used to extinguish fires.
- 22.4 If water is used to extinguish a fire and passes through a Meter, the Customer may estimate the quantity of water used to extinguish the fire and apply to the Council to have this quantity credited (where charging is based on water used) to their water charges or rates.
- 22.5 Water that is used for routine flushing and flow testing through a Fire Protection System may be Metered and charged for by the Council.
- 22.6 Notwithstanding clause 5.1, any:
- (a) authorised person; or
 - (b) FENZ personnel,
- (as those terms are defined in the Fire and Emergency New Zealand Act 2017) may access fire hydrants for firefighting, testing or training purposes without Approval.

23. FEES AND CHARGES

- 23.1 Where this bylaw provides for the Council to issue a certificate, permit or consent or gives its Approval for anything, or to carry out an inspection, the Council may require the payment of a prescribed fee equivalent to the Council's reasonable costs of issuing such certificate, permit or consent.
- 23.2 The fees referred to in clauses 5.6, 7.3, 8.2, 16.5, 16.6, 20.8, 21.5 and 23.1 will be prescribed by the Council from time to time following consultation in a manner that gives effect to the requirements of section 82 of the Act.

24. ENFORCEMENT, BREACHES AND PENALTIES

- 24.1 Fees and charges payable under this bylaw are recoverable by the Council as a debt.
- 24.2 If the Customer fails to pay any charges or fees under this bylaw, the Council may cancel the Approval to which those charges or fees relate.
- 24.3 Every person commits an offence who:
- (a) fails to do or perform any act, or thing, that he or she is required to do by this bylaw;
 - (b) permits, allows, or does, any of the acts that are prohibited in this bylaw; or
 - (c) breaches this bylaw.
- 24.4 The Council may use its powers under the Act, the Health Act 1956 or any other applicable legislation in order to enforce this bylaw, including the powers under the statutory provisions listed in schedule two of this bylaw.

- 24.5 Every person who fails to comply with this bylaw commits an offence and is liable on summary conviction to a fine not exceeding \$20,000 or such other amount as may be provided for under sections 239 and 242 of the Act and is liable to enforcement action by the Council.
- 24.6 The Council may require, by the giving of written notice, that the Customer remedy any breach of this bylaw.

SCHEDULE ONE – POINT OF SUPPLY DIAGRAMS

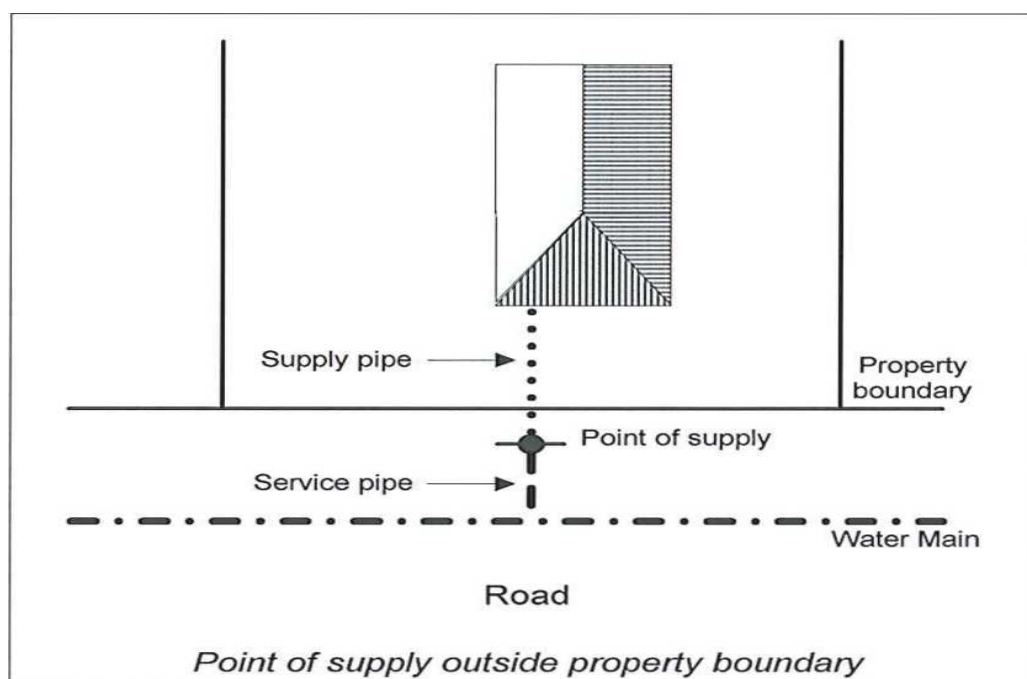


Figure 1: Typical layout at point of supply location - Individual customers

NOTE - Point of Supply is tail piece of boundary box, meter, or service valve regardless of property boundary

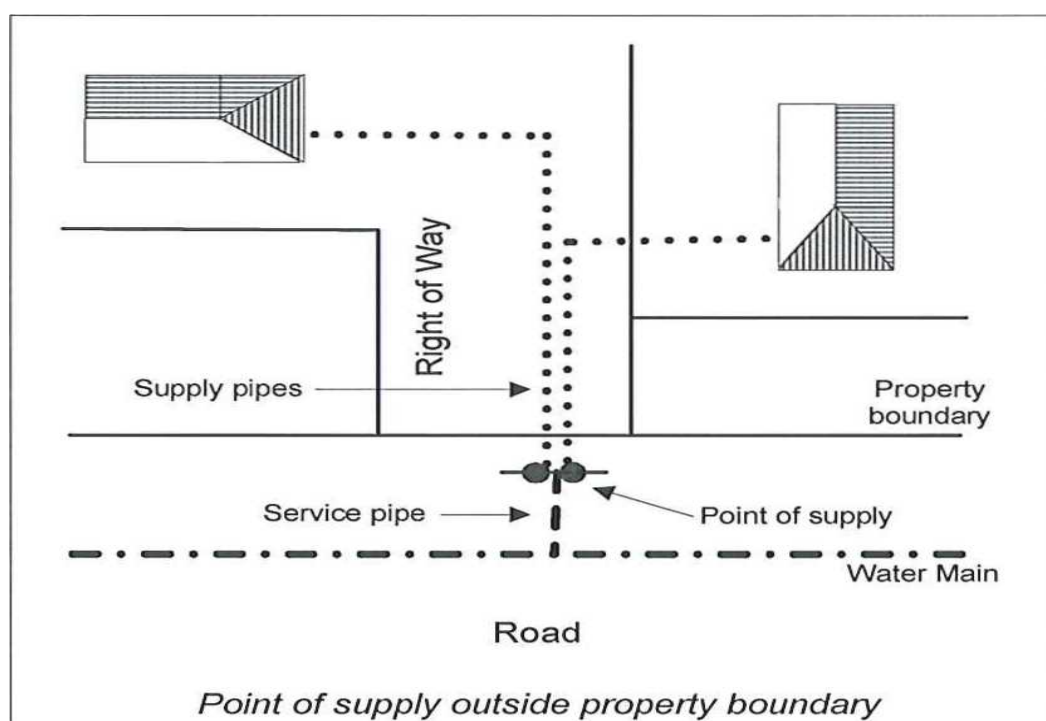


Figure 2: Typical layout at point of supply for up to four (4) properties on Right of Way

NOTE - Point of Supply is tail piece of boundary box, meter, or service valve regardless of property boundary

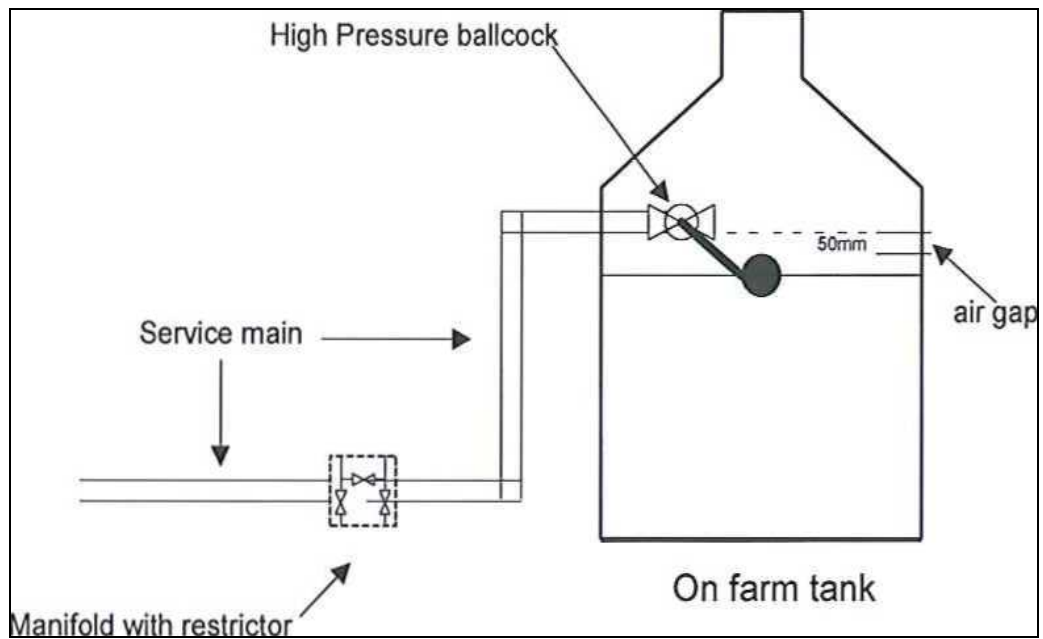


Figure 3: Typical layout of restricted supply to tank
NOTE - Point of Supply is manifold with restrictor

SCHEDULE TWO - ENFORCEMENT POWERS AND RELATED LEGISLATION

Legislative Provision	Relevant section and description
Subpart 2 of the Local Government Act 2002	<p>section 162 – injunctions restraining commission of offences and breaches of bylaws.</p> <p>section 163 – removal of works in breach of bylaws.</p> <p>section 164 – seizure of property not on private land.</p> <p>section 165 – seizure of property from private land.</p> <p>section 168 – power to dispose of property seized and impounded.</p> <p>section 171 – general power of entry on to private land.</p> <p>section 172 – power of entry for enforcement purposes.</p> <p>section 175 – power to recover for damage by wilful or negligent behaviour.</p> <p>section 176 – costs of remedying damage arising from breach of bylaw.</p> <p>section 178 – enforcement officers may require certain information.</p>
Subpart 3 of Local Government Act 2002	<p>section 183 – removal of fire hazards.</p> <p>section 185 – occupier may act if owner of Premises makes default.</p> <p>section 186 – local authority may execute works if owner or occupier defaults.</p> <p>section 187 - recovery of cost of works by local authority.</p> <p>section 188 – liability for payments in respect of private land.</p>
Subpart 4 of the Local Government Act 2002	<p>section 193 – power to restrict water supply to a person's land or buildings</p>
Health Act 1956	<p>section 34 – power to abate nuisance without notice</p> <p>section 69S – duty of suppliers in relation to provision of drinking water</p>