



**KAIKŌURA**  
**DISTRICT COUNCIL**

**Water Supply**  
**Bylaw 2020**

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## KAIKŌURA DISTRICT COUNCIL

### KAIKŌURA DISTRICT WATER SUPPLY BYLAW 2020

#### 1. INTRODUCTION

A bylaw of the Kaikōura District Council that aims to:

- Conserve public health and protect the security of the public water supply
- Detail the responsibilities of both the Council and the consumers with respect to the public water supply
- Detail different types of water supply
- Detail mechanisms for the recovery of costs of water supply
- Prevent the wastage of water
- Provide a mechanism for demand management
- Detail breaches and offences and provide a disputes procedure

The Kaikōura District Council hereby resolves by way of special order the following Bylaw, pursuant to the Local Government Act 2002, and the Health Act 1956, and all other Acts, powers and authorities enabling the Council in that behalf.

Other Statutory Acts and Regulations and there amendments thereafter include:

1. Water Supplies Protection Regulations 1961
2. Local Government (Rating) Act 2002
3. Building Act 2004
4. Resource Management Act 1991
5. Building Regulations 1992 (including the New Zealand Building Code)

Codes and Standards and any Amendments thereafter

1. New Zealand Drinking Water Standards 2005 (Revision 2018)
2. New Zealand Fire Service Fire Fighting water supplies Code of practice (SNZ PAS 4509:2008)
3. Land Development and Subdivision NZS 4404:2010

#### 1.1 Short Title

**1.1.1** The short title of this Bylaw shall be The Kaikōura District (Water Supply) Bylaw 2020.

## **1.2 Commencement**

**1.2.1** This Bylaw shall come into force on the 7 December 2020.

## **1.3 Application of Bylaw**

**1.3.1** This Bylaw applies to the supply of water to any person by the Kaikōura District Council.

**1.3.2** This Bylaw applies to both existing and future supplies of water.

## **1.4 Interpretation**

**1.4.1** In this Bylaw, unless inconsistent with the context:

"Air gap separation" means a minimum vertical air gap between the outlet of the water supply fitting which fills a storage tank, and the highest overflow water level of that storage tank;

"Approved" means approved in writing by the Council, either by resolution of the Council or by any officer of the Council authorised for that purpose;

"As-built plans" means plans showing the details and location of services as they were installed".

"Authorised officer" means any officer of the Council authorised to administer this bylaw;

"Backflow" means a flow of water or other liquid through any service pipe or supply in a reverse direction to the normal supply flow;

"Back flow Prevention Device" means a device that prevents backflow, commonly called a non-return valve;

"Council" means the Kaikōura District Council;

"Commercial and Business Activity" means the use of land and buildings for the display, offering, provision, sale or hire of goods, equipment, or services or for the primary purpose of the transport, storage maintenance or repair of goods. Commercial activities includes shops, markets, showrooms, restaurants, takeaways, food bars, government and local government offices, visitors' accommodation, transport depots, warehouses, professional,

commercial and administrative offices, services stations, motor vehicle sales, the sale of liquor and associated parking areas.

"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 to any premises;

"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;

"Development Contribution" means a charge levied for the additional demand on the water supply infrastructure created by additional housing equivalent units as per Council's Development Contribution Policy;

"Easement" means a service easement as defined in s90 of the Land Transfer Act 1952;

"Extraordinary supply" means a supply as provided for in 2.3.1;

"Industrial Activity" means the use of land and buildings for the primary purpose of manufacturing, fabricating, processing, packing or associated storages of goods;

"Level of Service" means the measurable performance standards on which the Water supply Authority undertakes to supply water to its customers";

"On demand supply" means a supply as provided for in 2.1;

"Ordinary supply" means a supply as provided for in 2.2;

"Person" includes a corporation sole and also a body of persons whether incorporated or unincorporated;

"Point of supply" means the point of supply as defined in 4.1/4.2;

"Potable" means complying with the Health Criteria of the *Drinking Water Standards for New Zealand* in force from time to time;

"Premises" means:

- (a) A property or allotment which is held under a separate certificate of title

- (b) 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 for a particular purpose or a separately used or inhabited part of a rating unit as defined in the annual plan.

"Publicly notified" means published on one occasion in a newspaper circulating in the Council's water supply area; or under emergency conditions in the most effective way in the particular circumstances;

"Public watermain" means a pipe used for the supply of potable water that satisfies one or more of the following criteria:

- i. Is vested in Council or is acknowledged by Council to be under its control, and which serves more than one freehold lot; or
- ii. Is within legal road reserve or other public places, and has been so placed with the approval of Council (unless there is written evidence of previous agreement that such elements will continue to be privately owned and maintained); or
- iii. Has been subject to the control of Council for not less than 20 years.

"Restricted flow supply" means a supply as provided in 2.4;

"Restrictor" means a control device fitted to the service pipe to regulate the flow of water to a customer's premises;

"Roading authority" means either the Council or Transit New Zealand;

"Service pipe" means that section of water pipe between a watermain and the point of supply. This section of pipe is owned and maintained by the Council;

"Storage tank" means any tank, other than a flushing cistern, having a free water surface under atmospheric pressure to which water is supplied across an air gap separation or through a backflow prevention device;

"Supply pipe" means that section of pipe between the point of supply and the customer's premises through which water is conveyed to the premises. This section of pipe is owned and maintained by the customer;

“Temporary Supply” means a water supply connection not meant to last for more than one year from the date of approval and includes water for subdivision works or other construction works”;

"Termination" means the physical cutting off of the supply to a premise;

"Unit" is the basis of measurement for a restricted flow supply. One unit equals a volume of approximately 1.0 m<sup>3</sup>/day;

"Water supply area" means an area formally designated by a Water Supply Authority as an area serviced by a reticulated water supply system;

“Water services contractor” is the contractor who holds the maintenance contract for the water supply administered by the Water Supply Area.

- 1.4.2** Words importing the singular include the plural and vice versa, and words importing the masculine include the feminine and vice versa.



## 2. TYPES OF SUPPLY

### 2.1 On Demand Supply

**2.1.1** An On Demand Supply is a supply which is available on demand directly from the Point of Supply. There are two categories of on demand supply defined by this Bylaw. They are ordinary supply and extraordinary supply.

### 2.2 Ordinary Supply

**2.2.1** The supply of water to a customer which is used solely for domestic purposes in the dwelling unit shall be deemed to be an Ordinary Supply. Such purposes shall include:

- (a) Washing down a car, boat, etc., using a hose subject to section 6.1.2 and 5.12.2 of the bylaw.
- (b) Garden watering by hand (watering can etc).
- (c) Garden watering by hand held hose (subject to the provisions of 5.2).

Whilst not encouraged, garden watering by non-hand held irrigation systems(s) from an Ordinary Supply will be permitted provided that water is drawn from this source for these systems for not more than 2 hours in total on any day (subject to the provisions of 5.2).

### 2.3 Extraordinary Supply

**2.3.1** The on-demand supply of water to a customer for all purposes other than Ordinary Supply shall be deemed to be an Extraordinary Supply and may be subject to specific conditions and limitations to be determined by the authorised officer. Such purposes shall include:

- (a) Domestic - spa or swimming pool in excess of 10 m<sup>3</sup> capacity or fixed garden irrigation systems.
- (b) Commercial and business activity.
- (c) Industrial activity.
- (d) Fire protection systems.
- (e) Supply outside water supply area.

- (f) Any customer previously receiving an ordinary supply of water who has been persistently wasteful in their use of water, including, but not limited to garden watering in excess of that permitted by 2.2.1.
- (g) Temporary supply.

## 2.4 Restricted Flow Supply

**2.4.1** A Restricted Flow Supply is where a small continuous flow is supplied by a flow control device across an Air Gap Separation, and storage is provided by the customer to cater for his/her demand fluctuations. Restricted flow shall only be available to premises within a designated area, or under special conditions set by the authorised officer.

**2.4.2** A Restricted Flow Supply shall be measured on the basis of units that can typically be supplied at a uniform flow rate.

## 3. ENTITLEMENT AND APPLICATION

### 3.1 Entitlement to Supply

**3.1.1** Every premises shall be entitled to a supply of water, subject to:

- (i) The premises lying within a Water Supply Area of the Council and the special requirements of the water supply area as outlined in Table 1 below;

<i>Scheme</i>	<i>Type</i>	<i>Special Requirements</i>
Kaikōura Urban	On Demand	
Suburban	Restricted	Minimum 25m <sup>3</sup> storage tank
Ocean Ridge Comprehensive Living Zone	On Demand	
Kincaid	Restricted	Minimum 25m <sup>3</sup> storage tank
Oaro	On Demand	
Peketa	On Demand	
East Coast Rural	Restricted	Minimum 25m <sup>3</sup> storage tanks
Fernleigh	Restricted	Minimum 25m <sup>3</sup> storage tank

**Table 1 : Special Requirements for Water Supply Systems**

All areas zoned Residential A, Residential B and Kaikōura Peninsula Lifestyle Area are entitled to water as an ordinary supply unless the property is classed as an extra-ordinary user where a meter is fitted.

All areas bordered by Mt Fyffe Rd (from the intersection with Ludstone Road), Mill Rd and the area delineated as Residential A and B are entitled to a metered supply inclusive of properties either side of Mill Rd.

All other areas served by the Kaikōura Urban sources are entitled to a restricted supply (please refer to appendix for map showing delineated areas) subject to:

- (ii) There being sufficient capacity and pressure to adequately supply the water;
- (iii) Restriction on its use for garden watering under any restrictions made by the Council under 5.2; and
- (iv) Payment of the appropriate charges in respect of that property; and
- (v) This Bylaw; and
- (vi) Payment of other charges or costs associated with subdivisional development.

**3.1.2** The Council shall be under no obligation to provide or continue an extraordinary supply of water.

## **3.2 Metering**

**3.2.1** An ordinary supply of water will not be metered (subject to the Council reserving the right to fit a meter and charge accordingly where it considers this necessary) and the cost of such supply shall be as resolved by the Council, in accordance with the Local Government (Rating) Act 2002.

**3.2.2** An extraordinary supply shall be metered and charged for in accordance with 5.13.

## **3.3 Application for Supply**

**3.3.1** An authorised officer shall approve a form for the application for a supply of water. Every application for a supply of water shall be made in writing on the approved form, and shall be accompanied with payment of the prescribed charges including the development contribution charge (where applicable). The applicant shall provide all the details required on the form by the Council.

**3.3.2** Within 10 working days of the receipt of an application complying with this Bylaw, the authorised officer shall, after consideration of the matters in 2.1, 2.4, 3.1 and 3.2; either:

- (a) Approve the application and inform the applicant of the type of supply, the size of the connection, any particular conditions he/she shall meet, and the general conditions under which water will be supplied; or
- (b) Refuse the application and notify the applicant of the decision giving the reasons for refusal; or
- (c) Request more information regarding the supply and its intended use to enable a decision to be made as per section 3.3.2.

**3.3.3** The authorised officer will determine the sizes of all pipes, fittings and any other equipment, up to the point of supply. The Council will supply, install and maintain the service pipe up to the point of supply.

**3.3.4** The applicant must be the owner or 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.

**3.3.5** Where the change in the end use of water supplied to a premises occurs, and/or the supply changes from an ordinary to an extraordinary type or vice versa, a new application for supply is required prior to the change occurring.

**3.3.6** Where an approved application for supply has not been actioned within six months of the date of the application, that application shall lapse unless the Council or authorised officer otherwise determines. The Council shall not be obliged to make any refund of the application fee.

#### **3.4 Deposits**

**3.4.1** The Council may require a deposit to be paid for the supply of water. The amount of the deposit shall be as determined from time to time by resolution of the Council and publicly notified or as may be agreed on with any customer and shall be credited to the customer's account.

### **4. POINT OF SUPPLY**

#### **4.1 Single Ownership - Point of Supply**

**4.1.1** The point of supply to an individual customer is the point on the service pipe which marks the boundary of responsibility between the

customer and the Council, irrespective of property boundaries. For single dwelling units it shall be located as illustrated in Figure 1 or as close as possible where fences, walls or other permanent structures make it difficult to locate it at the required position. Other positions shall require specific approval of the authorised officer.

- 4.1.2** For each individual customer there shall be only one point of supply, unless otherwise approved by the authorised officer.

## **4.2 Multiple Ownership - Point of Supply**

- 4.2.1** Subject to clause 4.2.2, the point of supply for the different forms of multiple ownership of premises and/or land shall be as follows:

- (a) For Company Share/Block Scheme (Body Corporate) - as for single ownership.
- (b) For Leasehold/Tenancy in Common Scheme (Cross Lease), Strata Title, and Unit Title (Body Corporate) - each owner shall have an individual supply with the point of supply determined by agreement with the Council as illustrated in Figures 2. In specific cases, other arrangements may be acceptable subject to approval by an authorised officer.
- (c) For commercial properties in multiple occupation or ownership the point of supply shall be illustrated in Figure 4.
- (d) For commercial or industrial properties with both fire and service connections the point of supply shall be illustrated in Figures 5 and 6.

- 4.2.2** For a multiple ownership supply which was in existence prior to this bylaw coming into effect, the point of supply shall be the arrangement existing at that time, or as determined by agreement with the authorised officer.

## **4.3 Layout at Point of Supply**

- 4.3.1** Examples of the typical layout and the fitting details at the point of supply are illustrated in Figure 7 (a, b, d, e, f and g). A customer may also install an additional stop valve at the customer's cost.

- 4.3.2** The Council gives no guarantee as to the serviceability of the valve located on the service pipe. Where there is no customer stop valve, or where maintenance is required between the service valve and the customer stop valve, the customer may, after providing notice to an authorised officer, use the service valve to isolate the supply. However the Council reserves the right to recover the costs of repair of any damage caused by such customer use.
- 4.3.3** The Council shall be responsible for costs relating to any request for Council to locate, isolate or repair a stop valve belonging to Council.

## **5. CONDITIONS AND RESTRICTIONS**

### **5.1 Continuity of Supply**

- 5.1.1** The Council does not guarantee an uninterrupted or constant supply of water, or maintenance of any maximum or minimum pressure, but will take all reasonable steps to maintain continuity of supply levels, subject to the exemptions contained in 5.2 and 5.3.
- 5.1.2** If a customer has a particular requirement for an uninterrupted flow, pressure or quality of water supply, it will be the responsibility of that customer to provide any necessary storage, back-up facilities and/or equipment.
- 5.1.3** The Council 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.
- 5.1.4** Where works of a permanent or temporary nature are planned which will substantially affect an existing supply, the Council will take reasonable steps to advise all known customers who are likely to be affected.
- 5.1.5** The Council will endeavour to provide water in accordance with the level of service contained in the Long Term Council Community Plan and the Annual Plan of the Council. For those periods where the level of service allows non-compliance with the specified value(s), the Council will make every reasonable effort to achieve the specified value(s). Table 2 below sets out the minimum levels of service.

Criteria	Guideline Values	
	<i>On Demand Supply</i>	<i>Restricted Supply</i>
Minimum available flow at point of supply	15 litre/min	
<b><i>Pressure at point of Supply (Static)</i></b>		
- Normal Minimum (95-99% of time)	Greater than 20 metre head	
- Normal Maximum	Less than 60 metre head	
Quality**	NZDWS2018***	NZDWS2018***
Fire Fighting	*	*
<b><i>Continuity of Supply</i></b>		
- Percentage of time available	99.5%	99%
- Maximum duration of one disruption	24hrs	24hrs
- Normal duration of one disruption.	8hrs	8hrs
- Maximum Total disruption in any 5 day period.	48hrs	48hrs
Notification of scheduled maintenance shutdown	A minimum of 48hrs notice through letter drop	A minimum of 48hrs notice through letter drop

**Table 2: Level of Service for Water Supply Schemes**

\* Refer to the New Zealand Fire Service Fire Fighting Water Supplies Code of Practice

\*\* Extra-Ordinary Supplies taken prior to treatment plants will not meet Drinking water Standards for New Zealand 2005.

\*\*\* New Zealand Drinking Water Standards 2018 – Health Parameters Only

## 5.2 Demand Management

**5.2.1** The customer shall comply with any garden watering restrictions which may be approved by the Council from time to time to manage fluctuations in supply or demand due to seasonal or other factors. Such restrictions will be imposed by resolution of Council and publicly notified.

## 5.3 Emergency

**5.3.1** Natural hazards (such as floods, droughts, or earthquakes) or accidents which result in disruptions to the supply of water, shall be deemed an emergency and shall be exempted from the level of service contained in the LTP, the Annual Plan and Table 2 above.

**5.3.2** During an emergency the Council may restrict or prohibit the use of water for any specified period, and for any or all of its customers. Such restrictions shall be publicly notified. The Council may enact penalties over and above those contained in this bylaw to enforce these restrictions. The decision to make and lift restrictions, and to impose additional penalties, shall be made by resolution of Council, or where immediate action is required by the authorised officer.

#### **5.4 Scheduled Maintenance and Repair**

**5.4.1** The Council will as far as practicable advise customers of scheduled maintenance shut downs of the supply before the work commences. Where immediate action is required and prior notification is not practical, the Council may shut down the supply without notice.

#### **5.5 Access**

**5.5.1** The customer shall allow the Council access to and about the point of supply between 7.30am and 6.00pm on any day for:

- (a) Meter reading without notice;
- (b) Checking, testing and maintenance work with notice being given whenever possible.

**5.5.2** Outside the hours in 5.5.1 (e.g. for leak detection) the Council shall give notice to the customer that it requires access to and about the point of supply.

**5.5.3** Under emergency conditions the customer shall allow the Council free access to and about the Point of Supply at any time.

**5.5.4** Where access is not made available pursuant to 5.5.1 to 5.5.3 and a return visit is required by the Council or its contractors, the customer may be charged a fee determined from time to time by Council resolution.

**5.5.5** The customer shall allow the Council or its contractors, with or without equipment, access to any area of the premises for the purposes of determining compliance with this Bylaw.



## 5.6 Fire Protection

- 5.6.1** Any proposed connection for a fire protection system shall be the subject of a separate application (on a form approved pursuant to 3.3.1) to the Council for approval. Any such connection shall be subject to the terms and conditions specified by the Council.
- 5.6.2** The Council shall be under no obligation to provide a fire protection supply at any particular flow or pressure. It shall be the customer's responsibility to ascertain and monitor whether the fire protection supply available is adequate for the intended purpose.
- 5.6.3** When an unmetered connection has been provided to supply water to a fire protection system (including hydrants) this shall be used for no other purpose than firefighting and testing the fire protection system and shall be independent of any other service connection to the property.
- 5.6.4** In any case where supply of water to any premises is metered, the Council may allow supply of water for the purposes of firefighting to be made in a manner which by-passes the meter, provided however that the drawing of water will only be permitted:
- (a) To systems in which the drawing of water is only possible in connection with the sounding of an automatic fire alarm or the automatic notification of the fire brigade, or
  - (b) Where a Council approved detector check valve has been fitted on the meter bypass.
- 5.6.5** For a fire connection installed prior to this bylaw coming into effect which is so constructed or so located that it is likely or possible that water will be drawn from it or from any part of it by any person for purposes other than firefighting, the Council may install a water meter suitable for the purpose on such a connection.
- 5.6.6** Any fire sprinkler system shall be constructed, installed and maintained by the building owner in good order, to the satisfaction of the Council and shall be so designed and fixed that water cannot be drawn therefrom for any other purpose.
- 5.6.7** In any case where the supply of water to any premises is metered, fire hose reels shall be connected only to the metered supply, not to a fire protection connection.
- 5.6.8** Water used for the purpose of extinguishing fires will be supplied free of charge. Whenever water has been used for firefighting

purposes, the customer may estimate the quantity of water so used, and subject to the authorised officer's approval, a sum based on such estimate at the appropriate charge rate shall be credited to the customer's account.

## **5.7 Fire Hydrants and Standpipes**

**5.7.1** The right to gain access to, and draw water from, fire hydrants shall be restricted to:

- (a) The Council or its agents;
- (b) Fire and Emergency New Zealand personnel in the course of their duties;
- (c) Fire hydrant permit holders during the period for which the permit has been issued.

**5.7.2** Any person other than those specified in 5.7.1 who gains access to or draws water from a fire hydrant (other than during a fire or other emergency requiring access to the water supply) commits an offence against this Bylaw.

**5.7.3** Without prejudice to other remedies available, the Council may remove and hold any equipment used by any person who commits an offence against 5.7.2.

**5.7.4** Any person outside of those listed in section 5.7.1 and for reasons other than during a fire or other emergency wishing to obtain a supply of water from a fire hydrant or standpipe shall:

- (a) Make an application to the Council for a permit to do so;
- (b) Specify the location(s) of the hydrants to be used;
- (c) Estimate the duration of the use of the hydrants; and/or standpipe and;
- (d) The volume of water to be taken.

**5.7.5** All water taken for the purpose listed under section 5.7.4 shall be deemed to be an extra-ordinary supply and is subjected to charges as levied by the Council.

## **5.8 Backflow Prevention**

**5.8.1** It is the customer's responsibility (under the Building Act 2004, and the Water Supplies Protection Regulations 1961), 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.

**5.8.2** For premises covered by the Building Act 2004, the customer's responsibility under 5.8.1 includes:

- (a) Backflow prevention either by providing an adequate air gap, or by the use of a backflow prevention device which complies with the New Zealand Building Code;
- (b) The prohibition of any direct cross connection between the Council water supply (potable) 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.

**5.8.3** Customers with supplies serving premises not covered by the Building Act 2004 and the New Zealand Building Code, e.g. stock or horticultural water supplies, shall comply with the relevant sections of the Water Supplies Protection Regulations 1961 regarding protection of potable water.

**5.8.4** Notwithstanding 5.8.1 - 5.8.3, the Council may (at its own cost) fit a backflow prevention device on the Council's side of the Point of Supply.

## **5.9 Restriction**

**5.9.1** Subject to 5.9.2, the Council may at its discretion restrict the supply of water to any customer or restrict the flow to the customer in the event of:

- (a) Default in payment, made for more than 21 days after the due date of any moneys payable in respect of and incidental to the supply of water;

- (b) Failure to repair a leak, or in any way wilfully allowing water to run to waste or be misused (for the purposes of this bylaw, misuse shall include non-compliance with any water use restrictions approved under 5.1 and 5.3);
- (c) Interference with the Council supply system;
- (d) Connection to the water supply of valves or other equipment which causes pressure surges to be transmitted to service pipes. equipment connected to (subject to 5.10.2);
- (e) Failure to prevent backflow (in breach of 5.8);
- (f) Non-compliance with, or breach of, any other requirements of this bylaw.

5.9.2 The Council will comply with 8.1.2 and 8.1.3 in restricting or restoring any supply of water.

## 5.10 Plumbing System:

5.10.1 The customer's plumbing system shall be designed, installed and maintained, both in its component parts and its entirety, to ensure that it complies with the Building Act 2004 and the New Zealand Building Code.

5.10.2 Valves or any other equipment which may cause pressure surges to be transmitted to a service pipe, shall not be fitted or used. The exception is that in some circumstances, and only with the written approval of the authorised officer, such equipment may be used, provided a surge suppression system is fitted on the customer's side of the supply pipe as may be required in the particular case.

5.10.3 In accordance with the New Zealand Building Code the plumbing system shall be compatible with the water supply.

## 5.11 Council Equipment

5.11.1 The customer shall take due care to protect from damage the Council equipment up to the point of supply, including pipework, valving, meters and restrictors.

- 5.11.2** The customer shall maintain the area in and around the point of supply free of stockpiled material, growth, or other matter or obstruction which prevents, or is likely to prevent convenient access.
- 5.11.3** Only Council – authorised water services contractors may work on Council equipment.

## **5.12 Prevention of Waste**

- 5.12.1** The customer shall prevent and not intentionally or negligently allow water to run to waste from any pipe, tap or other fitting. Persistent wastage or excessive use of water by customers receiving Ordinary Supply of water may result in the customer's supply being reclassified as Extraordinary, in accordance with section 2.3 (f).
- 5.12.2** The customer shall not use water or water pressure directly from the supply for driving lifts, machinery, generators, condensers or any other similar device; unless specifically approved by the Council.
- 5.12.3** Kaikōura District Council wishes to promote water conservation when and where possible. All customers shall practise water conservation at all times.

Accordingly and in addition to sections 5.12.1 and 5.12.2, all residents are encouraged to install water saving devices where appropriate such as low volume washing machines and dishwashers. Low technology conservation is also encouraged.

Customers are encouraged to use a bucket of water and wash cloth when washing down boats and cars rather than continuously hosing down.

The collection of storm-water for garden irrigation is also encouraged. The preferred irrigation system for gardens is a drip irrigation system.

All new dwellings built must contain six litre/three litre dual flush toilet cisterns and low flow shower heads that deliver less than 8litres/minute.

Any replacement toilets or shower heads shall comply with the requirements for a new dwelling.

## 5.13 Payment

**5.13.1** The customer shall be liable to pay for the supply of water and related services in accordance with the fees and charges determined or altered from time to time by the Council:

- (a) By resolution or special order (as applicable) pursuant to the Local Government (Rating) Act 2002,

Additionally the customer will be responsible to pay Council in accordance with the following for the Kaikōura Urban Water Supply.

Type of Supply	Payment Requirement
Ordinary Supply	A flat charge which is incorporated into annual rates and is based on operating, maintenance, capital and loan costs.
Extra-Ordinary Supply	<ol style="list-style-type: none"> <li>1. A flat charge similar to that for ordinary supply will be charged for water consumed up to 183m<sup>3</sup> in a 6 month billing period</li> <li>2. For water usage which exceeds 183m<sup>3</sup> in a 6 month billing period a charge per cubic metre as set by Council will apply.</li> <li>3. In addition to a flat charge, a meter maintenance charge will be levied.</li> </ol> <p>A charge as per item 3 above will also be levied for a final meter reading upon the sale or transfer of that property.</p> <p>183m<sup>3</sup> per 6 month billing period is allocated for one property hence for any property having more than one connection/meter charges will apply to combined volumes in excess of 183m<sup>3</sup> as set out in item 2 of this table.</p> <p>Council will not rebate consumers for high consumption resulting from on-going on-property water leaks. The onus is on the property owner/occupier to monitor their water consumption and ensure water leaks within the property are fixed in a timely manner.</p>

The nature of some business depends on the use of water and hence will not be penalised by Council, in these instances the following clause will apply

Where the nature of the activity (Industrial) heavily depends on the use of water for its activity the cubic meter rate as set by Council will be the applicable rate for charging these premises.

## **5.14 Transfer of Rights and Responsibilities**

**5.14.1** The customer shall not transfer to any other party the rights and responsibilities provided for under this bylaw.

**5.14.2** A supply pipe shall serve only one customer, and the customer shall not extend the supply pipe by hose or any other pipe beyond that customer's property.

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

## **5.15 Change of Occupier**

**5.15.1** In the event of a premises changing occupier/owner the Council will on notification by the new occupier, record the new occupier as being the customer at that premises. Where a premise is metered, the outgoing customer shall give the Council at least 2 working days' notice to arrange a final reading.

## **5.16 Termination**

**5.16.1** The customer shall give at least 2 working days' notice in writing to the Council of his/her requirement for termination of the supply.

# **6. METERS AND FLOW RESTRICTORS**

## **6.1 Installation**

**6.1.1** Meters for on demand metered supplies, and restrictors for restricted flow supplies, shall be supplied, installed and maintained by the Council. These devices shall remain the property of the Council.

**6.1.2** For on demand supplies which are not metered, the Council reserves the right to fit a meter to assess water consumption where it believes water use is substantially higher than the average for unmetered users.

## **6.2 Location**

**6.2.1** Meters and restrictors will be located in a position which is readily accessible for reading and maintenance, and if practicable immediately on the council side of the point of supply (see figure 7).

### **6.3 Accuracy**

- 6.3.1** The accuracy of meters and restrictors shall be tested as and when required by the Council to ensure performance within  $\pm 4\%$  of its reading (meters), or within  $\pm 10\%$  of its rated capacity (restrictors).
- 6.3.2** A 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 3 months of the last test. If the test shows non-compliance with the accuracy requirement in 6.3.1, the customer will not be charged for the test. If the test shows compliance the customer shall pay a testing fee as determined from time to time by resolution of Council.
- 6.3.3** Meters shall be tested by running a measured quantity of not less than 400 litres through the meter. Restrictors shall be tested by measuring the quantity that flows through the restrictor in a period not less than 1 hour at its normal operating pressure. A copy of independent certification of the test result shall be made available to the customer on request.

### **6.4 Adjustment**

- 6.4.1** Should any meter, after being tested, be 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 meter reading in accordance with the results of such tests after due allowance for permissible tolerances, 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 such an adjustment.

### **6.5 Estimating Consumption**

- 6.5.1** 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 4 billing periods in respect of that property, charged to the customer) which decision shall be final 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 4 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 such decision shall be final, and the customer shall pay according to such an estimate.



- 6.5.2** If metering indicates a significant increase in consumption to a premises, which is established as being caused by a previously unknown leak on the premises, the Council may estimate consumption as provided in clause 6.5.1 provided that the customer promptly repairs the leak after becoming aware of it.
- 6.5.3** Where the seal or dial of a meter is broken, or it appears to the Council that the meter has been tampered with, the Council may declare the reading void and estimate consumption as provided for in 6.5.1. The customer may be required to pay for the repair to the meter and for all attendant charges.

## **6.6 Incorrect Accounts**

- 6.6.1** Where a situation occurs, other than as provided for in 6.5, 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. Provided that 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.

## **7. PROTECTION OF SUPPLY**

### **7.1 Working around Buried Services**

- 7.1.1** The Council will keep permanent records (as-built) of the location of its buried services. This information shall be available for inspection (with copies available if required), at no cost to users. Charges may be levied to cover the costs of making copies available.
- 7.1.2** Any person proposing to carry out excavation work shall view the as-built information to establish whether or not Council services are located in the vicinity. At least 2 working days' notice in writing shall be given to the Council of an intention to excavate in the vicinity of its services. Where appropriate, the authorising officer or Council's water supply contractor will mark out to within  $\pm 0.5\text{m}$  on the ground the location of its services, and may nominate in writing any restrictions on the work it considers necessary to protect its services. The Council or its water supply contractor may charge for this service.
- 7.1.3** No privately owned structure will be permitted to be constructed within 1.5 metres of a public watermain without specific permission from the authorising officer. No permissions will in any case be

given to build directly over or very close to public watermain since it should always be possible for these services to be re-routed in a manner that avoids the need to have structures over them. Where such re-routing is undertaken, the property owner will be required to meet all associated costs, which may include the registration of an easement for the re-routed section of pipe.

- 7.1.4 When excavating and working around buried services, due care shall be taken to ensure the services are not damaged, and that bedding and backfill is reinstated in accordance with Council specification. Excavation within roadways is also subject to the permit process of the roading authority.
- 7.1.5 Any damage which occurs to a Council service shall be reported to the authorising officer immediately. The Council may recover the cost of repair from the person or persons responsible for such damage.
- 7.1.6 The Customers shall not plant any trees or shrubs in a location whereby the roots or branches of those trees or shrubs will interfere with any network equipment. This shall apply to consumers and non-consumers where network equipment crosses private premises.
- 7.1.7 Council reserves the right to require removal or thinning of trees/shrubs where these have interfered or are likely to interfere with access to network equipment. Costs of removing trees will be met by the property owner(s) concerned unless otherwise agreed in writing with Council.

## 7.2 Catchment Classes

- 7.2.1 Catchment area from which untreated water is drawn for the purposes of water supply are divided into the following classes:

- (a) Controlled
- (b) Restricted
- (c) Open

These may apply to both surface water and/or groundwater catchments.

### 7.3 Entry to Controlled Catchments

7.3.1 Catchment areas which are designated as controlled, or any area held by the Council as a water reserve, shall not be entered by any person except those specifically authorised or permitted in writing by the Council. Within such areas no person shall:

- (a) Camp;
- (b) Take or allow to stray any livestock;
- (c) Bathe or wash anything;
- (d) Deposit any dirt, rubbish, or foul material of any kind;
- (e) Defecate (unless buried away from any watercourse to a depth of not less than 150 mm).

### 7.4 Permits for Controlled Catchments

7.4.1 Entry permits shall forbid, regulate or control the following activities:

- (a) Hunting, trapping, shooting or fishing;
- (b) Lighting or maintaining any fire;
- (c) Taking any dog;
- (d) Damaging or destroying any trees, shrubs or other existing cover, or interference with any property;
- (e) Carrying of any firearm or weapon of any kind, or any trap or any fishing gear which may be used for the hunting or catching of birds, fish or animals; or
- (f) Use of any pesticide or other toxic substances for any purpose whatsoever.

A person may be required to present a medical clearance before any entry permit can be issued.

### 7.5 Permits to be Presented

7.5.1 No person to whom any permit has been issued shall enter or leave any controlled catchment area or land held by the Council as a water

reserve, without presenting such permit for inspection by the authorised officer and notifying the authorised officer of his/her intention of entering or leaving such area as the case may be.

**7.5.2** Every person on any controlled catchment area or land held by the local authority as a water reserve, shall upon demand produce any such permit for inspection by the authorised officer.

**7.5.3** No permit issued shall be capable of being transferred.

**7.5.4** The Council may at any time, by notice in writing delivered to the holder, revoke or suspend any such permit for such time as shall be stated in such notice.

## **7.6 Against Interference and Obstruction**

**7.6.1** In any controlled catchment area or any land held by the Council as a water reserve:

(a) No person whether holding any permit issued under the provisions of this Part of this bylaw or not (other than a duly appointed officer of the Council), shall commit, or cause to permit to be committed any act which may interfere with or be likely to interfere with the free and lawful exercise of any rights vested in any other person in any such area.

(b) Every person shall upon the request of the authorised officer or other officer of the Council, immediately leave the controlled catchment area or land held by the Council as a water reserve, but shall nevertheless be liable also to be prosecuted for the breach of any of the provisions of this part of this bylaw, and the failure to leave shall constitute a further offence.

(c) No person shall obstruct or hinder any duly appointed officer of the Council in the exercise of any powers vested in that officer under the provisions of this part of this bylaw.

## **7.7 Restricted Catchments**

**7.7.1** Catchment areas which are designated as restricted shall allow for certain activities, but shall be as for controlled catchments for other activities. Activities which will be allowed may include unrestricted entry for:

(a) Tramping;

- (b) Hunting;
- (c) Trapping;
- (d) Shooting;
- (e) Fishing.

## 7.8 Open Catchments

**7.8.1** The catchment areas are designated as open and there is no restriction or control on activities which may occur. However, in the event of a spillage, or other event which has released or is likely to release hazardous substances into the waters of the catchment, the Council shall be advised of the details with due urgency. This requirement shall be in addition to those other notification procedures to other authorities which are required.

## 8. BREACHES, OFFENCES AND DISPUTES

### 8.1 Breach of Bylaw:

**8.1.1** The following may be taken by the Council as a breach of this bylaw to supply and receive water:

- (a) Failure by the customer to meet and comply with this bylaw or any determination made under it;
- (b) Failure to meet any obligation placed on the customer under this bylaw;
- (c) Frustration of the Council's ability to adequately and effectively carry out its obligations;
- (d) An act or omission as provided in 5.9.1.

**8.1.2** In the event of a breach, the Council will serve notice on the customer advising of the nature of the breach and the steps to be taken to remedy it. The Council shall service notice either by:

- (a) Personally serving the notice on the owner or occupier of the premises concerned; or
- (b) Affixing a copy of the notice to any building located on those premises.

- 8.1.3** If seven working days after notice has been served in accordance with 8.1.2, the Customer persists in the breach, the Council reserves the right to restrict the supply without further notice. In such an event, the supply will be restored only after payment of the appropriate reconnection fee and all other costs related to remedy of the breach to the satisfaction of the Council.
- 8.1.4** Notwithstanding, if the breach is such that the Council is required to disconnect the supply for health or safety considerations, such disconnection will be carried out forthwith.
- 8.1.5** If following restriction(s) Council agrees to restore supply, Council may first require payment of such sum which reimburses Council for the reasonable legal and administrative costs or expenses incurred by Council in issuing the notice under section 8.1.2.

## **8.2 Interference with Equipment**

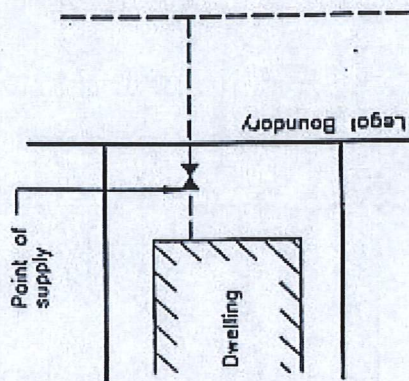
- 8.2.1** Any tampering or interfering with Council equipment, either directly or indirectly, shall constitute an offence. Without prejudice to its other rights and remedies, the Council shall be entitled to estimate (in accordance with 6.5.1) and charge for the additional water consumption not recorded or allowed to pass where a meter or restrictor has been tampered with, and recover any costs incurred.

## **8.3 Penalties**

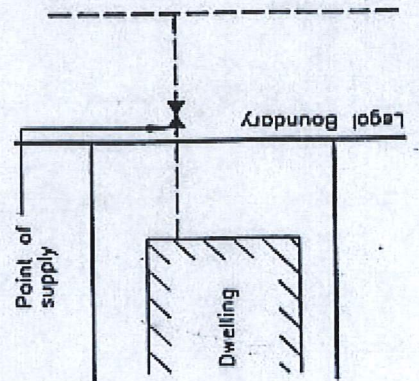
- 8.3.1** Any person committing an offence against, or committing any breach or failing to comply with this bylaw shall be liable upon summary conviction to a fine not exceeding \$20,000.00 or as set out in Section 242 of the Local Government Act 2002.
- 8.3.2** The existence of any remedy under this bylaw shall not prejudice any statutory, common law, equitable or other remedy which may be exercised by the Council.

**POINT OF SUPPLY LOCATION**  
**SINGLE RESIDENTIAL DWELLINGS**

Fig.1



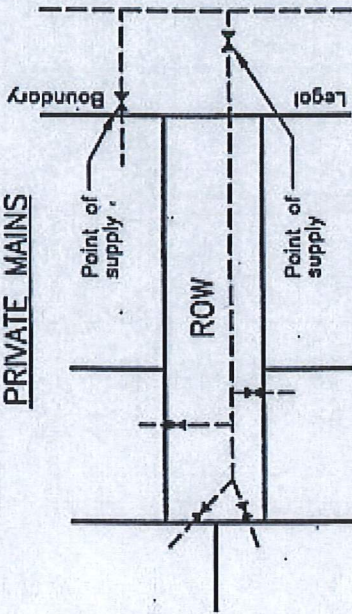
The point of supply is the tail piece of the boundary box or service valve (toby), regardless of property boundary. See fig.7 for fittings details.



**POINT OF SUPPLY LOCATION**  
**MULTIPLE RESIDENTIAL DWELLINGS**

Fig.2

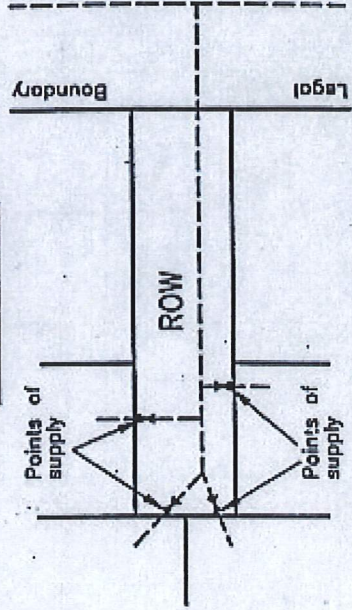
**PRIVATE MAINS**



Watermain in right of way in joint private ownership, (generally applies to all mains installed before 1995, unless retrospectively accepted by KDC as a public main - see below)

The point of supply is the tail piece of the boundary box or service valve (toby), regardless of property boundary. See fig.7 for fittings details

**PUBLIC MAINS**



The point of supply is the tail piece of the boundary box or service valve (toby), regardless of property boundary. See fig.7 for fittings details

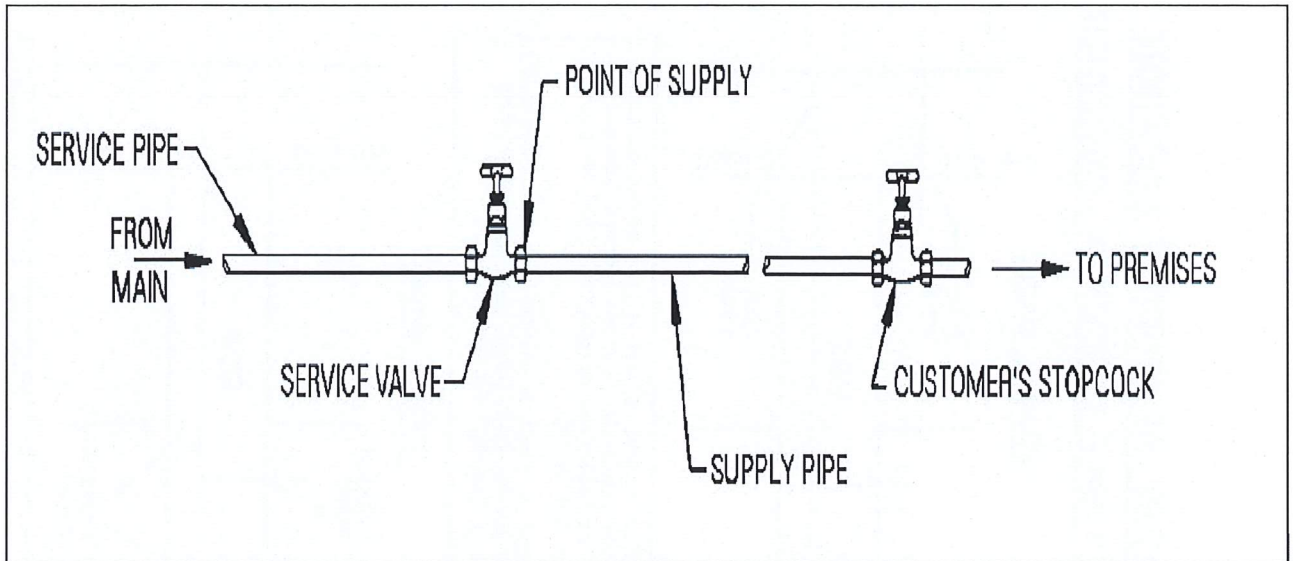


Figure 7a: Typical layout at point of Ordinary Supply

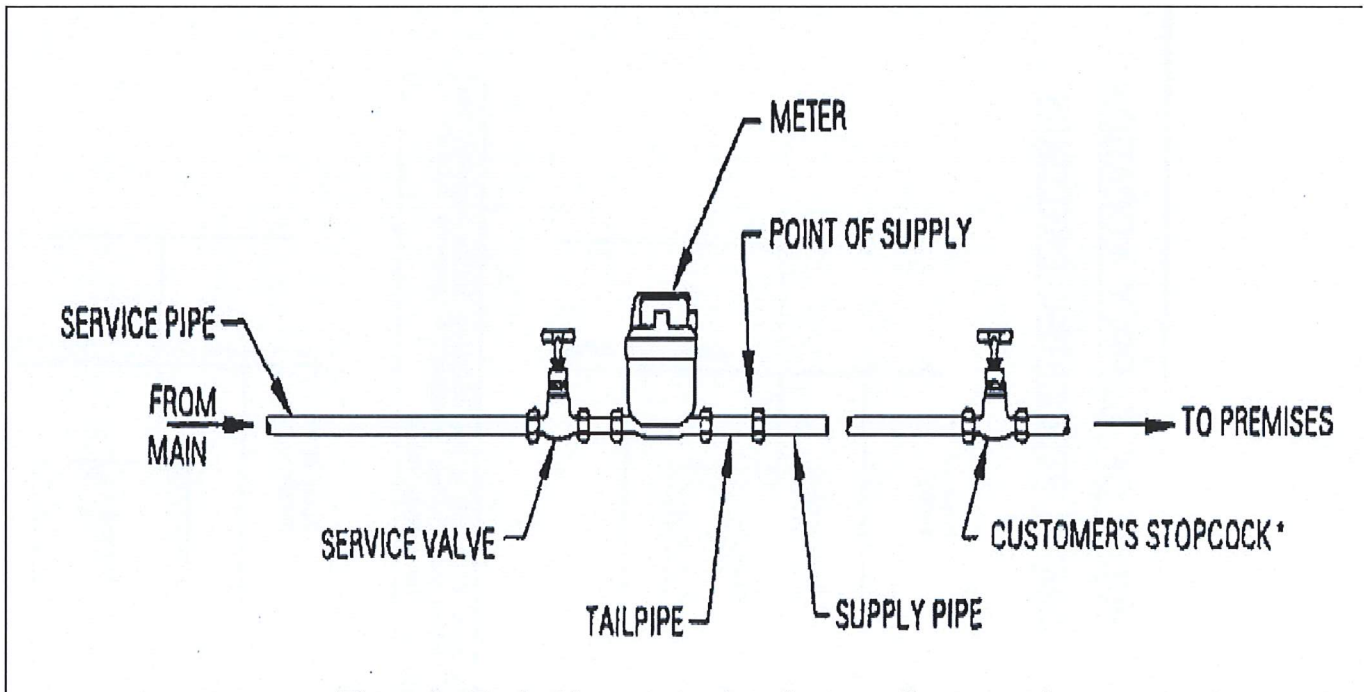
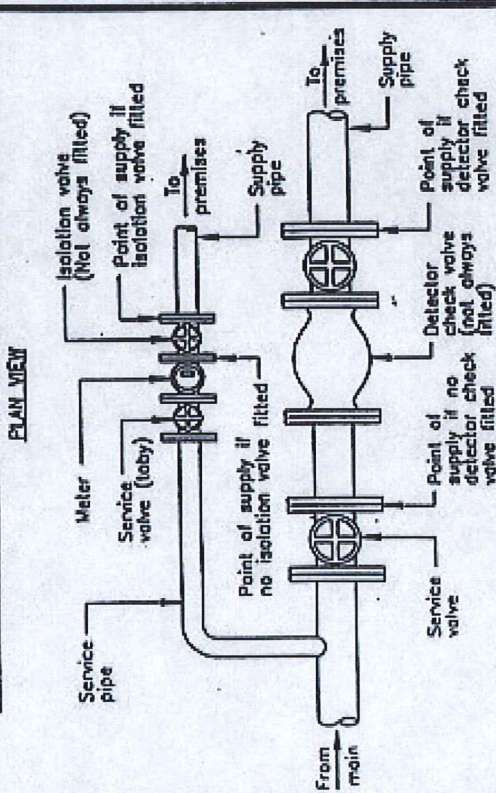


Figure 7b: Typical layout at point of extra-ordinary Supply

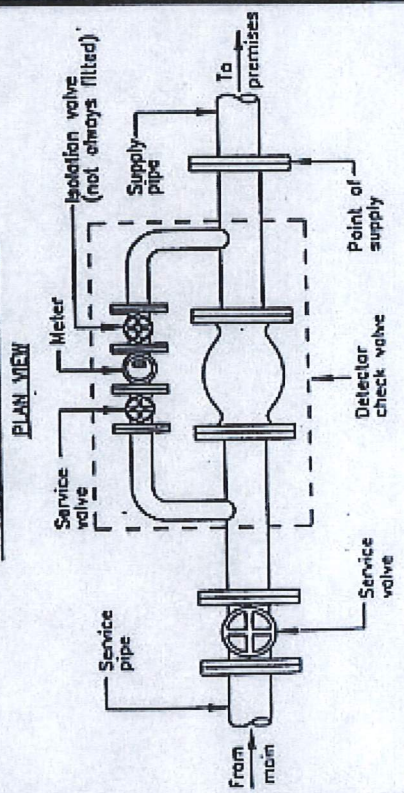


**FIGURE 7 EXAMPLES OF FITTINGS DETAILS SHOWING POINTS OF SUPPLY**

**Fig.7d SEPARATE FIRE & METERED SERVICE CONNECTION WITH COMMON LINE FROM MAIN**

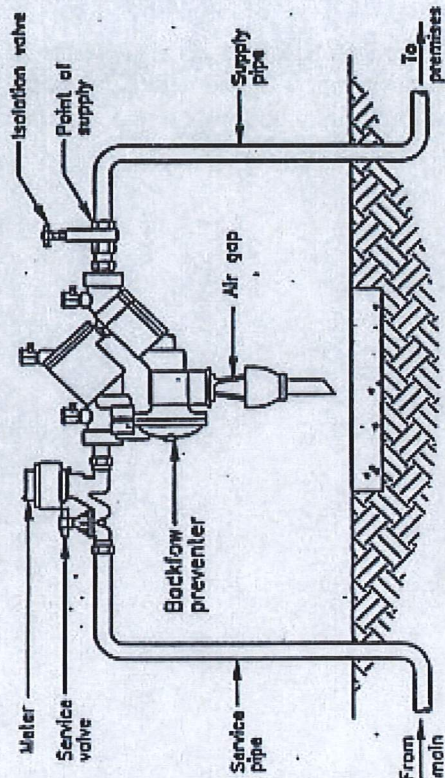


**Fig.7e COMMON FIRE & METERED SERVICE CONNECTION**

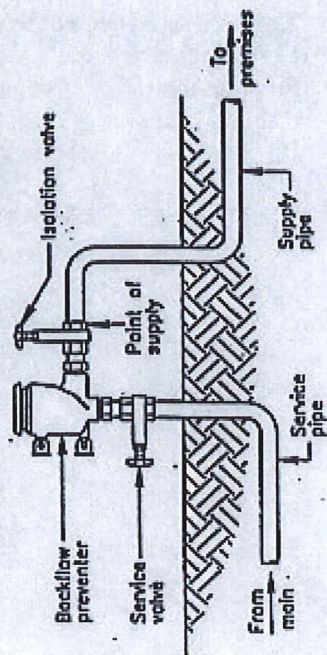


**FIGURE 7 EXAMPLES OF FITTINGS DETAILS SHOWING POINTS OF SUPPLY**

**Fig.7f METERED SUPPLY WITH REDUCED PRESSURE BACKFLOW PREVENTER OWNED & MAINTAINED BY THE COUNCIL\***

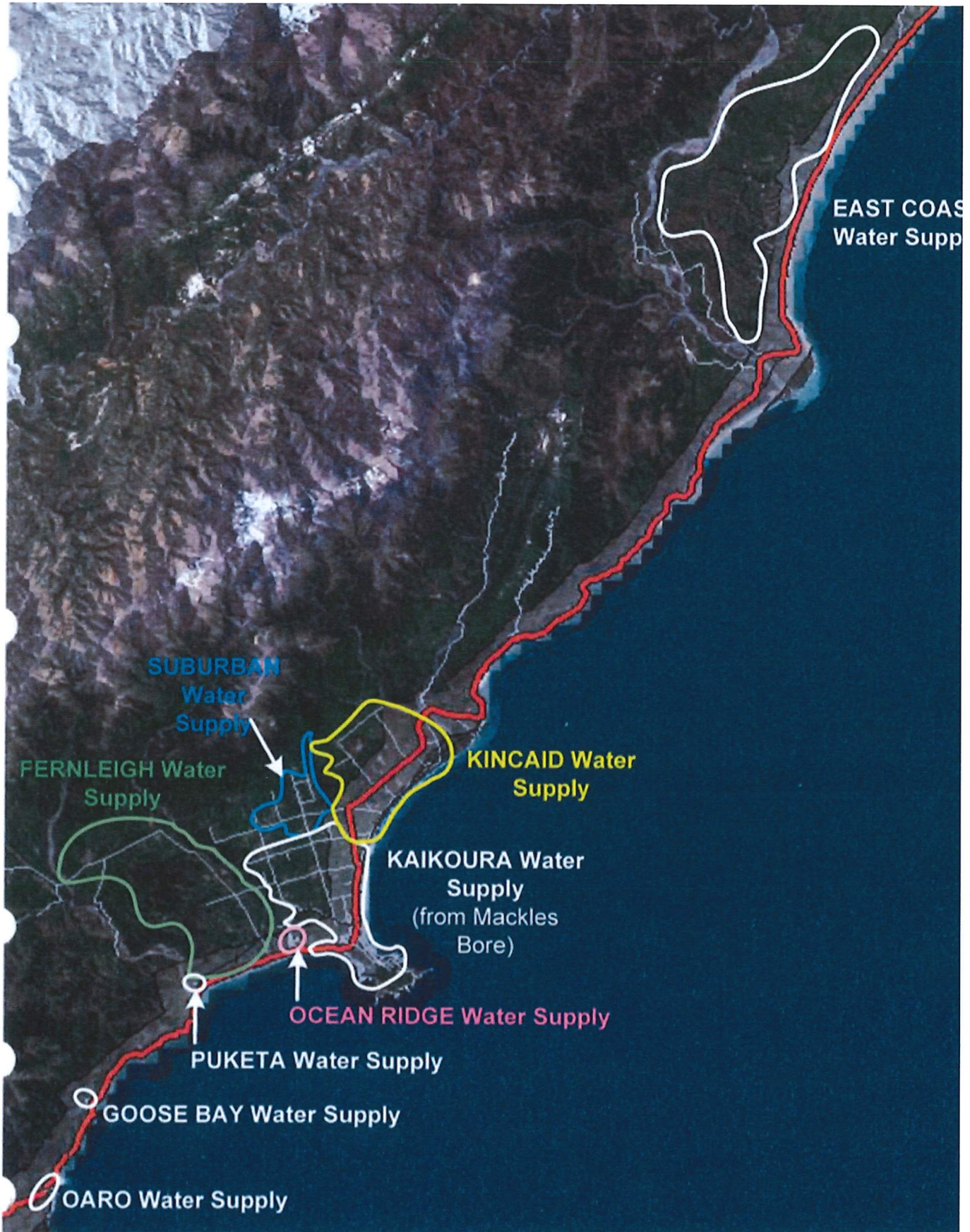


**Fig.7g UNMETERED SUPPLY WITH VACUUM BREAKER BACKFLOW PREVENTER OWNED & MAINTAINED BY THE COUNCIL\***



\* The building code may require the customer to install additional backflow preventers within the site, which will remain the responsibility of the customer

ZONAL MAP



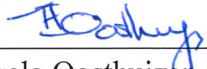
The Kaikōura District Council, pursuant to the Local Government Act 2002, confirmed this Kaikōura District (Water Supply) Bylaw 2020 to come into force on the 7 December 2020, and resolved to affix the common seal thereto at a meeting of 25 November 2020.

Confirmed this 4<sup>th</sup> day of DECEMBER 2020.

Signed by  
Mayor

  
\_\_\_\_\_  
Craig Mackle

Signed by  
Chief Executive Officer

  
\_\_\_\_\_  
Angela Oosthuizen

