



# Bylaw 228

## Water Supply

2 September 2021

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## **PART A – General**

### **1 Introduction**

- (1) Nelson City Council makes this bylaw under the Local Government Act 2002 and the Health Act 1956.

### **2 Title**

- (1) The title of this bylaw is the Nelson City Council Water Supply Bylaw (no. 228)

### **3 Commencement**

- (1) This bylaw comes into force on the date the Bylaw is signed and sealed and will be reviewed no later than 5 years after the date that it was made (by December 2025).

### **4 Revocation**

- (1) The Nelson City Council Water Supply Bylaw 2014 (No. 223) is revoked on the coming into force of this bylaw.
- (2) The revocation of the 2014 Bylaw does not affect liability for an offence or for a breach of the 2014 Bylaw committed before the revocation of the 2014 Bylaw. The 2014 Bylaw continues to have effect as if it had not been revoked for the purpose of:
  - a) commencing or completing proceedings for the offence or breach; and
  - b) imposing a penalty for the offence or breach.

### **5 Purpose and application**

- (1) The purpose of this bylaw is to:
  - a) enable the Council to manage and provide public water supply services; and
  - b) protect the public water supply network from damage, misuse, and interference; and
  - c) protect the environment and the health and safety of the public and persons using the public water supply; and
  - d) provide for water restrictions when necessary.
- (2) This bylaw shall apply to Nelson City.

### **6 Interpretation**

- (1) In this bylaw, unless the context otherwise requires:

**Act** means the Local Government Act 2002.

**Air Gap Separation** means the vertical gap (minimum 100 millimetres) between the outlet of the public water supply fitting which fills a storage tank (fitted with a ballcock), and the highest overflow water level of that storage tank.

**Approval or Approved** means approval, or approved, in writing by the Council or an authorised agent or officer.

**Authorised Agent** means any agent or officer appointed by the Council.

**Authorised Officer** means any officer appointed by the Council as an enforcement officer under section 177 of the Act.

**Backflow** means a flow of water or other liquid in a reverse direction to the normal supply flow.

**Backflow Prevention Device** means a device approved by the Council that is designed to prevent backflow, and includes an air gap separation.

**Bylaw** means this Nelson City Council Water Supply Bylaw (no.228)

**Catchment Area** means an area or areas of land under the control of the Council from where a public water supply is drawn. These areas are shown on the map in Appendix B.

**Connection or Disconnection** means the physical connection to or disconnection from the public water supply network of any premises.

**Contaminant** means includes any substance (including gases, odorous compounds, liquids, solids, and micro-organisms) or energy (excluding noise) or heat, that either by itself or in combination with the same, similar, or other substances, energy, or heat:

- a) when discharged into water, changes or is likely to change the physical, chemical, or biological condition of water, or
- b) when discharged on to or into land or into air, changes or is likely to change the physical, chemical, or biological condition of the land or air on to or into which it is discharged.

**Council** means the Nelson City Council (NCC) and any person authorised or delegated to act on its behalf.

**Customer** means the owner or occupier of premises supplied with water by the Council.

**District** means the district within the jurisdiction of the Nelson City Council.

**Domestic Purposes** means the use of the public water supply for drinking, sanitary needs and other domestic uses, including (but not limited to);

- a) Washing down a car, boat, or similar;
- b) Watering a garden by either a hand held device or portable sprinkler;
- c) Irrigation systems for gardens and lawns on premises less than 1 hectare; and
- d) Fire protection systems approved by the Council.
- e) Filling a domestic swimming pool

This excludes all commercial, business, community services and industrial activities, which are deemed to be an extraordinary use.

**Drinking Water** has the same meaning as in section 69G Health Act 1956.

**Dwelling** means a building or part of a building for a single self-contained housekeeping unit, whether of one or more persons (where 'self-contained housekeeping unit' means a single integrated set of sleeping, ablution, and cooking facilities).



**Extraordinary Use** means the use of the public water supply for other than domestic purposes.

**Nelson City Council Water Restriction Protocols** means restrictions on the use of water required by Council in times of drought or other reduced supply. These are advertised on the Nelson City Council website [www.nelson.govt.nz](http://www.nelson.govt.nz).

**On Demand Supply** means a type of public water supply connection where water is available on demand directly from the point of supply, and is metered.

**Ordinary Use** means the use of the public water supply solely for domestic purposes.

**Permit** means permission granted by Nelson City Council to carry out an activity that is restricted by this Bylaw.

**Permit Holder** means the holder of a permit and includes any person acting with the express consent of the permit holder.

**Person** includes a corporation sole and also a body of persons whether corporate or unincorporated.

**Point of Supply** means the point on the service pipe leading from the water main to the premises which marks the boundary of responsibility between the customer and the Council irrespective of property boundaries. This point is generally the position of a valve, water meter or restrictor, whichever comes first. Examples of the point of supply are shown on the diagrams attached to this bylaw as Appendix A.

**Premises** means:

- a) a property or allotment which is held under a separate record of title or for which a separate record of title may be issued and in respect of which a building consent has been or may be issued; or
- b) a separate dwelling on a property or allotment held under one record of title; or
- c) a building that has been defined as an individual unit by a cross-lease, unit title or company lease and for which a record of title is available; or
- d) land held in public ownership (e.g. reserve) for a particular purpose; or
- e) an individual unit in a building, which is separately leased or separately occupied.

**Public Water Supply** means the water supplied by the Council through a public water supply network and includes community and rural water schemes supplied by the Council, and that the Council supplies to any person or place by truck or other vehicle.

**Public Water Supply Network** means all the pipes, pumps, pumping stations, storage tanks, and other related equipment and structures owned by or under the control of the Council for the purpose of public water supply (including any service pipe and point of supply).

**Raw Water** has the same meaning as in section 69G Health Act 1956.

**Restricted Flow Supply** means a type of public water supply connection where a limited flow is supplied through a restrictor, and storage is provided by the customer to cater for the customer's demand fluctuations.

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

**Service Pipe** means the section of pipe between a water main and the point of supply.

**Shut Off Valve** means the service valve at the customer’s end of the service pipe near the point of supply.

**Source Protection Zone(s)** means a delineated area(s) identified within this bylaw as including a source of raw water used by the Nelson City Council for the city Public Water Supply. Activities within the Source Protection Zones are subject to the controls within this bylaw. These areas are shown on the map in Appendix B.

Zone	Definition
Zone 1 is the Intake Protection Zone to control direct effects on the intake structures.	<ul style="list-style-type: none"> <li>• Surface water intakes - 35m landward of the water’s edge on both sides for the 1,000m upstream reach of the intake and 100m downstream, including all tributaries within that distance.</li> <li>• For lake intakes, a 500m radius from the intake and 35m landward of the water’s edge.</li> </ul>
Zone 2 is the Intermediate Zone for protection from microbial contamination and chemical discharges or spills.	<ul style="list-style-type: none"> <li>• Surface water intakes – 8 hours water travel time upstream of intake (for an assumed river water velocity of 1m/s), 100m downstream and 100m landward of the water’s edge for the reach of surface water this describes including all tributaries within that distance.</li> <li>• For lake intakes, the whole lake and 8 hours water travel time within tributaries with a 100m buffer strip as above.</li> </ul>
Zone 3 is the Entire Catchment/Capture Zone.	<ul style="list-style-type: none"> <li>• The entire surface water catchment upstream of a point 100m downstream of the intake.</li> </ul>

**Storage Tank** means any tank having a free water surface under atmospheric pressure to which water is supplied across an air gap separation.

**Supply Pipe** means the section of pipe downstream of the point of supply.

**Traffic Management Plan** means a document describing the implementation and maintenance of temporary traffic management measures that has been approved by the Council.

**Unit** is an allocation of water on a restricted water supply scheme (rural supply or urban extension). Units are paid for as an annual rate and a single unit equals up to 1000L (1m<sup>3</sup>) per day.



**Urban Water Supply Area** means an area serviced by an 'on-demand' public water supply network with firefighting capability owned and maintained by the Nelson City Council.

**Working Day** has the same meaning as in section 29 Interpretation Act 1999.

(2) In this bylaw:

- a) The Interpretation Act 1999 applies to this bylaw;
- b) Explanatory notes are for information purposes only, do not form part of this bylaw, and may be amended by the Council at any time.
- c) A reference in this bylaw to any Act, Regulation or Rule, includes any amendment thereof, and any Act, Regulation or Rule in substitution therefor.

## **7 Damage and faults**

(1) A customer shall inform the Council immediately:

- a) if the customer becomes aware that any part of the public water supply network located on or in the vicinity of premises owned or occupied by the customer is damaged or leaking, or the customer otherwise suspects that a fault in the public water supply network has occurred which is causing, or may cause, damage to property or injury to people; or
- b) if there is any interruption in the supply of water to premises owned or occupied by the customer.

## **8 Protection of Water Source**

### **8.1 Source protection zones**

- i) Three source protection zones are identified for each source of raw water for the Nelson City water supply. The zones are shown on the maps in Appendix B and are based on the Ministry of the Environment publication 'Technical Guidelines for Drinking Water Source Protection Zones. 27 June 2018'.

### **8.2 Access to catchments**

The following activities are permitted within all Source Protection Zones in the catchments subject to any restrictions necessary for fire prevention or Health and Safety requirements:

- i) Walking/jogging on Council approved tracks.
- ii) Mountain biking on Council approved tracks.
- iii) Subject to 8.3 (ix) hereunder, driving a motor vehicle (including a motorcycle) on the Maungatapu Track. (Note: This track is generally only suitable for four-wheel drive vehicles.)
- iv) Iwi carrying out activities in the reserves which are provided for in any legislation enacting Deeds of Settlement between Iwi and the Crown.
- v) Activities required for the undertaking of Council water supply, road, track and facility maintenance, regulatory or scientific functions - not covered by (i), (ii) or (iii)

above, where these have been authorised by Council, any regulatory consents granted and the caretaker has been consulted as to timing and location.

- vi) Motor vehicle access on formed public roads.

### **8.3 Activities permitted in catchments pursuant to a permit**

No person shall carry out any of the following activities within any Source Protection Zone within any catchment without first obtaining a permit and any building or resource consent (where required) from the Council authorising the same:

- i) Camping
- ii) Hunting, trapping, shooting or fishing or carrying any rifle or other hunting or fishing equipment
- iii) Depositing, damaging or removing any soil, rock, tree, shrub or other vegetation
- iv) Removing any mineral or any artefact or historic object
- v) Lighting or maintaining any fire other than in a Council barbeque
- vi) Using pesticides or other poisons or toxic substances other than personal insect repellents
- vii) Walking any dog or taking or allowing any livestock into any area
- viii) Walking/jogging/mountain biking off Council approved tracks.
- ix) Driving a four wheeled motor vehicle or any organised motor sport on the Maungatapu Track. (Note: This track is generally only suitable for four-wheel drive vehicles and a \$100 bond is required for the permit for four wheeled motor vehicles).
- x) Subject to 8.2(v) construction or maintenance activities not associated with the Nelson City Water Supply (Source Protection Zones 2 and 3 only).
- xi) Any activity that may lead to a conflict with the Nelson City Council maintenance contractors Health and Safety requirements.

### **8.4 Notification of Entry**

No person to whom any permit has been issued shall enter an area to which the permit relates without first notifying the Council or the water supply catchment Caretaker of his/her intended time of entry.

### **8.5 Prohibited activities**

No person shall carry out any of the following activities within any of the Source Protection Zones in any catchment:

- i) Washing, bathing or boating in any natural water or dam reservoir unless required by Council for water supply purposes
- ii) Depositing any contaminant (subject to 8.3(vi), refuse or waste material of any kind, including defecating, other than an authorised facility
- iii) Damaging or destroying any artefact or historic place or object



No person shall carry out any of the following activities within any Source Protection Zone 1 in any water supply catchment without a permit:

- i) Construction, maintenance or any other activity not associated with the Nelson City Water Supply.

## **9 Fees and charges**

- (1) The Council may under section 150 of the Act prescribe in its advertised Schedule of Fees and Charges the fees and charges payable to the Council for connection to the network, water used, approvals, inspections, meter readings, and other matters provided for in this bylaw.
- (2) Customers and permit holders shall be responsible to pay all fees and charges set by the Council under clause 9(1).

## **10 Continuation/cessation of supply**

- (1) A customer or permit holder shall be deemed to be continuing to use the water supplied by the Council, and shall be liable for all charges associated with such supply, until notice of cessation is given to the Council on the prescribed form:
  - a) by the customer and the final water meter reading has been carried out, or
  - b) by the permit holder and the permit is cancelled by the Council.

## **11 Transitional provisions: existing fire hydrant supply permits**

- (1) Every existing fire hydrant supply permit in force at the commencement of this bylaw shall continue in force as if it were a permit issued under this bylaw until it reaches its expiry date. The Council may however review and amend any conditions of an existing permit to ensure they align with this bylaw.

## **12 Final water meter reading**

- (1) Where a water meter is used in association with the supply of water to premises, a customer must give the Council five working days' notice to arrange a final water meter reading.
- (2) The customer shall pay the Council a fee for the final water meter reading in accordance with the Council's Schedule of Fees and Charges.

## **13 Transfer of Rights and Responsibilities**

- (1) A customer shall not transfer to any other customer or premises, the rights and responsibilities set out in this bylaw, without the written approval of the Council. In the event of domestic premises changing ownership the new owner shall automatically become the new customer for those premises unless specific arrangements to the contrary are agreed by Council.

## **14 Applications to the Council**

- (1) Whenever a person (the applicant) applies to the Council for approval to carry out an activity that is regulated by this bylaw;
  - a) the Council may at its discretion grant or decline the application;
  - b) any approval may be given subject to such conditions as the Council thinks fit;
  - c) the applicant shall comply with the conditions of any approval given by the Council to the applicant; and
  - d) the applicant shall pay the Council all fees and charges payable to the Council in connection with the application, and any approval given by the Council, as prescribed in the Council's Schedule of Fees and Charges.



## **PART B – Protection of the public water supply and public water supply network**

### **15 Water Quality**

- (1) Any person who owns or occupies premises, or otherwise uses the public water supply, shall ensure that water is used in a manner that does not give rise to a risk to public health, and does not have an adverse effect on the public water supply or the public water supply network.
- (2) No person shall contaminate or pollute any raw water or drinking water, or do any act likely to contaminate or pollute any raw water or drinking water.
- (3) Any person who becomes aware of a spillage or event which may contaminate, pollute or otherwise have an adverse effect on the public water supply or the public water supply network, must inform the Council immediately.
- (4) Any tampering or interfering by any person with any equipment forming part of the public water supply headworks or public water supply network either directly or indirectly, shall constitute an offence against this Bylaw. Without prejudice to its other rights and remedies, where the interference or tampering relates to any meter the Council shall estimate the water consumption which it has reason to believe has not been recorded and recover the charges for this water and any costs incurred in reinstating the public water supply network to its approved means of supply from the customer.

### **16 Backflow Prevention**

- (1) All connections to the public water supply network must have a Council approved backflow prevention device installed at or adjacent the point of supply to Council's requirements. This device must be matched to the type of activity carried out on the property and Council may require a testable backflow prevention device for higher risk activities. The customer shall be responsible for paying the cost of installing a backflow protection device. This is in addition to any backflow prevention device required by the Building Act 2004 and subsequent amendments.
- (2) No person shall interfere with a backflow prevention device owned by the Council without the prior written approval of the Council.
- (3) Where the Council has required a testable backflow prevention device to be installed at or adjacent the point of supply, the device shall be tested annually by an approved backflow technician and a copy of the testing certificate is to be provided to the Council. Where the backflow prevention device is an air gap separation, confirmation of the minimum 100 millimetre 'gap' will be required.
- (4) For backflow prevention devices that have been retrofitted by the Council on behalf of a customer, the Council may have the required testing carried out as per clause 16(3). In this case, the Council may recover all installation and testing costs from the customer.



## **17 Access to and work on the public water supply network**

- (1) No person shall, without the prior written approval of the Council, make any connection to or disconnection from, repair, tamper with or otherwise interfere with, any part of the public water supply network, except to:
  - a) operate the shut off valve at the point of supply to isolate the supply. The Council gives no guarantee of the serviceability of the shut off valve and reserves the right to charge the customer for any replacement or repair if damage occurs; or
  - b) clear an inline filter that is installed upstream of a restrictor.
  - c) take emergency action to prevent or reduce damage to water supply network infrastructure, provided verbal approval is given by the Council or Council's authorised agent.

## **18 Working near the public water supply network**

- (1) Any person proposing to carry out work to excavate or otherwise interfere with land shall, prior to undertaking such work, establish whether any part of the public water supply network is located in the vicinity of the proposed work. Locating the position and depth of any public water supply network is the responsibility of the person proposing to carry out the work and must be undertaken by Council approved contractors at the applicants cost.
- (2) The Council maintains an online web map of the public water supply network and this information can be requested at the Council's Nelson Office during normal business hours. A charge may apply for copies of this information.
- (3) No person shall, without giving the Council at least 5 working days' notice and obtaining the prior written approval of the Council, excavate or otherwise interfere with land:
  - a) within 5 metres of any part of the public water supply network, or
  - b) in the vicinity of the public water supply network if the excavation or interference is likely to compromise the structural or functional integrity of the public water supply network (e.g. trenching, drilling, piling or using plant with strong ground vibrations).
- (4) The Council may give approval under clause 18(3) subject to such conditions as the Council thinks fit, including a condition requiring independent supervision of the work.
- (5) The Council may with 5 working days' notice, and at its discretion, mark out on the ground the location of the public water supply network. The Council may charge for this service.
- (6) Any as-built location plans supplied by the Council, or location markings placed on the ground by the Council, shall not be deemed to be an exact representation of the location of the public water supply network and must be treated as a guide only.
- (7) Every person who fails to reinstate land in accordance with the conditions of Council's approval under clause 18(3) shall be liable for the costs incurred by the Council for completing such work.
- (8) Any damage that occurs to any part of the public water supply network shall be reported to the Council immediately. Any repairs will be undertaken by an authorised agent of the Council and the Council may seek to recover the costs from the person that caused the damage.



*Note: All excavation and trenching work carried out within the road corridor is also subject to the permit process of the appropriate road controlling authority.*

## **19 Building or placing materials over or near a public water supply network**

(1) No person shall construct or erect any building or structure within 3 metres measured horizontally from the outside of any public water supply network, without first obtaining the Council's written approval to:

- a) construct or erect the building or structure within 3 metres; or
- b) divert the public water supply network to achieve the 3 metre distance.

The Council may recover the costs of removing any materials, machinery, equipment, building or structure from any person who commits a breach of this clause.

(2) No person shall, without the prior written approval of the Council, place or allow to be placed any materials, machinery, equipment or temporary structure over or near any part of the public water supply network, which in the opinion of the Council may compromise the structural or functional integrity of the public water supply network or may interfere with access to the public water supply network. The Council may recover the costs of removing any covering materials, machinery, equipment or temporary structure from any person who commits a breach of this clause.

(3) The Council's approval under clauses 19(1) or 19(2) may be given subject to such conditions as the Council thinks fit, including a condition that the person to whom approval is given pays the fees charged by the Council for the supervision of the works, and the costs incurred by the Council in connection with the design and construction of the works, and the preparation of as-built drawings.

(4) In the event of a pipe diversion, the pipe diversion work must be undertaken by the Council's authorised agent(s).

## **20 Interference by trees and shrubs**

(1) Trees and shrubs must not be planted in a location where the roots or branches of the trees or shrubs are likely to interfere with the public water supply network.

(2) The owner of premises shall comply with any notice by the Council requiring the owner to remove or trim any trees or shrubs on the premises that have interfered with, or in the opinion of the Council are likely to interfere with, the public water supply network or access to the public water supply network. The cost of complying with the Council's notice shall be met by the owner of the premises unless otherwise agreed in writing by the Council.

## **PART C – Conditions of public water supply**

### **21 Continuity of supply and pressure**

- (1) Due to practical and physical limitations, and unforeseen circumstances, the Council cannot guarantee an uninterrupted supply of water, a supply of water of a particular quality, or a supply of water at a particular pressure either in the short or longer term.
- (2) Where the Council shuts down a public water supply for maintenance, repair or other works, the Council will whenever practicable, make every reasonable effort to notify the customer. Where immediate action is required and notification is not practicable, the Council may shut down a public water supply network without notice.
- (3) If a customer has a requirement for an uninterrupted public water supply (e.g. manufacturing process, fire sprinklers, cooling/heating, health, day to day business operations) it is the responsibility of the customer to provide measures such as storage, pumps, solar hot water back-up facilities, or the equipment necessary to maintain the required supply. For customers connected to an on demand supply the Council suggests a minimum of 12 hours of storage should be allowed for.
- (4) Customers on a restricted flow supply shall have storage tanks with the capacity to store a minimum of 7 days' supply of water in accordance with clause 26.2(2).
- (5) The Council shall not be liable for any loss, damage, or inconvenience which the customer may incur as a result of deficiencies in, or interruptions to, the public water supply.

### **22 Connection**

- (1) No person shall, without the Council's prior written approval:
  - a) connect to the public water supply network;
  - b) alter a connection to the public water supply network; or
  - c) use the public water supply for fire protection.
  - d) change a connection from an ordinary to an extraordinary supply.
- (2) All new connections, including all pipes, fittings and any other equipment from Council mains up to the point of supply, shall only be installed by Council's authorised agent(s) and shall be at the cost of the person to whom approval has been granted under clause 22(1).
- (3) Applications must be made in the form prescribed on the Nelson City Council website [www.nelson.govt.nz](http://www.nelson.govt.nz). The Council may seek further information in order to process, or set conditions on, an application for approval under clause 22(1). Examples include (but are not limited to) a modelling assessment (at the applicants cost) of the hydraulic capacity of the public water supply. Advertised fees and charges must be paid in accordance with the application terms and conditions.
- (4) The Council may decline an application for approval under clause 22(1). Reasons for declining an application may include (but are not limited to):
  - a) insufficient capacity to accommodate the requested allocation; or
  - b) incompatible design.



- (5) Where more than one connection per premises to the public water supply network is requested, or a requested connection is outside of an urban water supply area, approval shall be at the Council's discretion.
- (6) If an approved connection to the public water supply network is physically not made within 6 months of approval, then the approval is deemed to have lapsed and a new application will need to be made, including any additional costs that may be incurred. Water allocated for any approved connection may not be available for reallocation after this 6-month period.

## **23 Disconnection**

- (1) No person shall, without the Council's prior written approval, disconnect from the public water supply network.
- (2) Any person seeking approval under clause 23(1) shall give the Council at least 7 working days' notice on the prescribed form and pay the prescribed fees and charges prior to works commencing.
- (3) If the Council approves disconnection, the disconnection shall generally be at the water main, must be undertaken by an authorised agent of the Council, and may include removal of the service pipe or sealing at the point of supply. The cost of such work shall be payable by the person to whom approval has been given under clause 23(1).
- (4) If the disconnection involves the demolition or removal of a building and a replacement building is proposed and reconnection to the previous point of supply will take place within a six-month period, the Council may approve a temporary disconnection at the Council's discretion.
- (5) A disconnection shall be deemed complete once all fees and charges as are fixed by the Council have been paid, an inspection has taken place, and the work has been signed off by the Council as satisfactory.

## **24 Permission to take water from a fire hydrant**

- (1) No person shall, without the prior written approval of the Council, take any water from a fire hydrant connected to the public water supply network unless that person is:
  - a) a member of Fire and Emergency New Zealand for the purpose of fighting fires, training, and testing;
  - b) a permit holder acting in accordance with the terms and conditions of a current permit issued by the Council; or
  - c) the Council and its authorised agents.
- (2) The holder of a permit to take water from a fire hydrant shall, upon payment of the fee fixed by the Council, be entitled to use the specified number of Council approved fire hydrant upstand pipe(s) incorporating a water meter and backflow prevention device for the term of the permit. In addition to the obligations imposed on the permit holder by the permit and this bylaw, a permit holder shall not take any water from a fire hydrant unless they are using a fire hydrant upstand pipe approved by the Council, which incorporates a water meter and backflow prevention device. The cost of the fire hydrant upstand pipe is the responsibility of the applicant.



- (3) The holder of a permit to take water from a fire hydrant shall ensure the upstand pipe is serviced to Council's satisfaction annually and supply test certificates from a Council approved service agent confirming the correct functioning of the back flow prevention device and accuracy of the water meter. The holder of the permit shall also supply Council with monthly meter readings confirming the volume of water taken from the network and pay the Council for water taken from the fire hydrant at a rate per cubic metre that is fixed by the Council and advertised in the Council's Schedule of Fees and Charges.
- (4) The holder of a permit to take water from a fire hydrant shall only take water from any fire hydrant listed on a schedule approved by the Council.

## **25 Point of supply**

- (1) The Council is responsible for maintenance of the public water supply network up to and including the point of supply.
- (2) The customer (or property owner if they are different) owns the supply pipe beyond the point of supply and is responsible for maintenance of the supply pipe beyond the point of supply.
- (3) A supply pipe shall serve only one customer and shall not extend by any other pipe or hose beyond the premises owned or occupied by the customer and supply any other person without the prior written approval of the Council.
- (4) Typical points of supply are illustrated by the diagrams contained in Appendix A.
- (5) Where, prior to this bylaw coming into force, the Council has approved a point of supply that is in a different location to that described in this bylaw, the point of supply shall be deemed to be the existing arrangement.
- (6) The Council reserves the right to change the point of supply should a change to the existing point of supply for any connection become necessary due to any physical or legal reason or where there is a significant change in water demand or risk to the public water supply.

## **26 Types of public water supply**

- (1) All connections to the public water supply network shall be classified as either 'on demand supply' or 'restricted flow supply' and the use of water shall be either 'ordinary' or 'extraordinary'.

### **26.1 On Demand Supply**

- (1) Except with the prior written approval of the Council, all customers whose premises are connected to an on demand supply shall only use the on demand supply for ordinary use.
- (2) No person shall, without the prior written approval of the Council, use an on demand supply for an extraordinary use.
- (3) No customer whose premises are connected to an on demand supply shall, without the prior written approval of the Council:
  - a) change from an ordinary use of water to an extraordinary use of water; or
  - b) significantly increase the quantity of water supplied to the premises; or



- c) change an activity that will, in Council's opinion present an increased risk to the water supply and/or network in respect of backflow. In such cases, the Council approval may include additional backflow prevention.
- (4) An on demand supply shall be subject to the prohibition or restriction of supply provisions set out in clauses 27 and 28 of this bylaw.

## **26.2 Restricted Flow Supply**

- (1) All customers whose premises are connected to a restricted flow supply may use the supply for ordinary use and extraordinary use.
- (2) All customers whose premises are connected to a restricted flow supply must have minimum water storage capacity of 25m<sup>3</sup>. This provides a buffer against water supply interruptions.

*Note: Customers connected to a restricted flow supply are reminded:*

- a) *Council strongly recommends that customers have at least seven days storage, and that customers increase their water storage capacity above the minimum water storage capacity listed in 26.2(2) to provide this if needed;*
  - b) *that the Council is not responsible or liable to fill storage tanks following supply disruptions;*
  - c) *of the relevant firefighting provisions contained within the Nelson Resource Management Plan;*
  - d) *all customers whose premises are connected to a restricted flow supply must obtain the Council's written approval to increase or decrease their allocated units of water.*
- (3) A restricted flow supply shall be subject to the prohibition or restriction on use of public water supply provisions set out in clause 28 of this bylaw.

## **27 Meters and restrictors**

- (1) Meters for on demand supplies, and restrictors for restricted flow supplies, shall be supplied, installed and maintained by the Council and shall remain the property of the Council. All costs associated with the supply and installation of a new meter shall be payable by the customer unless otherwise agreed in writing by the Council.
- (2) Meters and restrictors shall be located in a position where they are readily accessible for reading and/or maintenance and in a position as set out in the Nelson-Tasman Land Development Manual or its successor.
- (3) Should any meter cease to register, be damaged, show evidence of tampering or be removed, the Council shall be entitled to charge for water used in accordance with any advertised charges under section 9(1) or to estimate the water use for the period since the previous reading. This estimate will be based on the average of the previous 4 billing periods for that meter. The Council may consider seasonal or other fluctuations when determining an estimate if the average of the previous 4 billing periods would be unreasonable. The following details apply to this clause:
  - i) Where the seal or dial of a meter is broken, or where there is evidence of tampering, the Council may declare the reading void and charge for water used as provided for in (3) above.



- ii) The accuracy of meters shall be tested as and when required by the Council to ensure performance to within +/- 4% of its reading
  - iii) A customer who disputes the accuracy of a meter may apply to the Council for it to be tested provided that it is not within 3 months of the most recent test.
  - iv) Tests will be undertaken at an approved, recognised testing facility and a replacement meter will be installed. If the test shows non-compliance with the accuracy requirement above then the customer will not be charged for the test or for the installation of a replacement meter. If the test shows compliance then the customer shall pay for the removal, testing, and re-installation costs.
    - a) Meters shall be tested by running a measured quantity of not less than 400 litres through the meter in accordance with BS 5728: Part 3. A copy of an independent certification of the test result will be made available to the customer.
    - b) Should any meter, after being tested, be found to register a greater or lesser consumption than the quantity of water actually passed through such meter the Council shall correct any errors and issue amended assessments and invoices as required in accordance with the Local Government (Rating) Act 2002. Any adjustment shall be backdated for a period at the discretion of the Council but not exceeding 12 months, and the customer shall pay according to such adjustment.
- (4) Should any restrictor be found to be tampered with or interfered with, the Council shall be entitled to replace the restrictor assembly and recover any associated costs (Refer also clause 15(4) and 27(3)).
- (5) Restrictors may be tested by measuring the time required for 10 litres of water to pass through the restrictor. A copy of the certification of the test result shall be made available to the customer on request.
- (6) Any remission or credit for water lost from the customers private reticulation will be at the discretion of Council and in accordance with any remissions policy advertised on the Nelson City Council website [www.nelson.govt.nz](http://www.nelson.govt.nz) .

## **28 Prohibition or restriction on use of public water supply**

- (1) The Council may restrict or prohibit the use of the public water supply because of drought, emergency or any other reason. Such restrictions or prohibitions may apply to all or any part of the District, to the use of water for any specified purpose, and for any specified period.
- (2) Such restrictions or prohibitions under clause 28(1) may include, but are not limited to:
- a) a notice to conserve water wherever possible; or
  - b) a notice that the restrictions and prohibitions applicable to a stage described in the NCC Water Restriction Protocols are in force, and must be complied with, until such notice is amended or revoked.
- (3) The Council may amend or revoke a restriction or prohibition made by the Council under clause 28(1) of this bylaw.



- (4) The Council may at any time, by resolution, prescribe or amend baselines for the purposes of determining reductions in water usage under the NCC water restriction protocols.
- (5) No person shall use the public water supply contrary to a restriction or prohibition on the use of the public water supply that is issued by the Council.
- (6) Restrictions and prohibitions on use of the public water supply shall be advised by public notice.
- (7) Notwithstanding clause 28(1) above, any restriction or prohibition shall not compromise the Council's obligations (if any) to provide water for essential health needs. The Council may also have specific arrangements with individual users to maintain a public water supply during times of water restrictions.
- (8) The Council has the power to issue a notice restricting or prohibiting the use of the public water supply in accordance with clauses 28(1) and 28(2) of this bylaw for all stages, and to amend or revoke such notice.

## **29 Fire protection connection**

- (1) Any connection for fire protection shall be subject to an application and approval in writing by the Council. If a connection is approved, it shall be subject to the terms and conditions specified by the Council. All firefighting supplies approved after the date of adoption of this bylaw must be metered using a Council approved water meter.
- (2) It is the responsibility of the customer to identify the required flow and pressure information to operate their intended fire protection system and satisfy themselves that they have put in place at their cost measures necessary to ensure these have been provided and maintained on their property should the public water supply pressures and flows vary with time or be interrupted for long periods of time. Should the Council need to complete a modelling assessment of the hydraulic capacity of the public water supply network to process the application, this shall be at the customer's expense.
- (3) Any unmetered fire protection connection that pre-dates this bylaw shall not be used for any purpose other than firefighting and testing of the fire protection system. Council may estimate the volume of water used in testing the installation and charge the property owner the advertised water fees and charges.
- (4) 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.
- (5) Where the fire protection connection is metered and water has been used for firefighting purposes, the Council may estimate the quantity of water used, and make a corresponding credit to the customer's account.
- (6) All fire protection systems must have a Council approved backflow prevention device fitted.
- (7) Water supplied from fire hydrants on the public water supply network conform to the level of service set out in the Council's Long Term Plan.

### **30 Customer responsibility**

- (1) It is the customer's responsibility to prevent backflow.
- (2) It is the customer's responsibility to advise the Council of any change of use as described in 26.1(3).
- (3) Customers must not allow water to run to waste including the unattended operation of hoses, allow the condition of plumbing within the premises to deteriorate to the point where leakage or waste occurs, or allow leaks to continue unchecked or leaking pipes and fittings unrepaired.
- (4) Where a customer ignores advice from the Council to repair an on-going leak, the Council may repair the leak and charge the customer all associated costs. Any reinstatement of the property required subsequent to repairs carried out by Council is the responsibility of the property owner.
- (5) A customer shall not use water or water pressure directly from the public water supply for driving lifts, machinery, eductors, generators, or any other similar device, unless specifically approved by the Council.
- (6) Pumps, hydraulically driven equipment, quick closing valves of any kind or any other equipment which may cause pressure surges to be transmitted or compromise the ability for the Council to maintain the public water supply, shall not be connected directly to the supply pipe.
- (7) The customer shall take all appropriate steps to protect from damage all Council equipment including pipe work, valves, and meters.
- (8) Where the point of supply, or any Council meter, is on private property or on public property where the customer has placed driveways, landscaping or fencing materials the customer shall maintain the area in and around the meter or point of supply keeping it free of soil, growth, or other matter or obstruction which prevents, or is likely to prevent convenient access.
- (9) Where a meter or restrictor is located on private property, the customer shall grant reasonable access to the Council's authorised agent. Where access has not been possible or arranged, (for example locked gates and/or unrestrained dogs), the Council may after written notice and a period of 14 days move the point of supply to a position outside the premises.
- (10) Where clause 30(9) applies, the customer will then become responsible for maintenance of the existing pipework downstream of the new point of supply.



## **PART D – Enforcement**

### **31 Offences and Penalties**

- (1) Every person who fails to comply with this bylaw commits an offence under section 239 of the Act and is liable to enforcement action by the Council and the penalties set out in the Act.
- (2) Breaches of this bylaw include but are not limited to:
  - a) taking water from a fire hydrant without the required authority;
  - b) misuse of or interference with the public water supply or the public water supply network;
  - c) any illegal connection to the public water supply network;
  - d) failure by the customer or permit holder to comply with the conditions of supply or customer responsibilities;
  - e) failure to prevent backflow;
  - f) failure to pay the appropriate fees and charges;
  - g) failure to comply with water use restrictions or prohibitions imposed by the Council;
  - h) failure to prevent leaks or wastage of water.
- (3) If a person fails to comply with this bylaw, the Council may (without prejudice to any other powers) restrict the water supply to that person's land or building in accordance with section 193 of the Act.

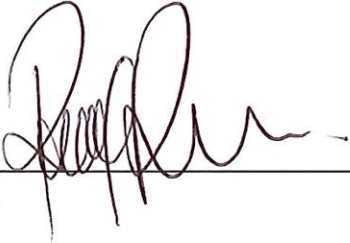
### **32 Removal of works and recovery of costs**

- (1) The Council may:
  - a) remove or alter a work or thing that is, or has been, constructed in breach of this bylaw; and
  - b) recover on demand the costs of removal or alteration from the person who committed the breach.
- (2) If any person defaults in undertaking any action required under this bylaw the Council may at its discretion, upon giving notice to that person, undertake that action and recover on demand from them the full cost of undertaking that action from that person.

## Council Resolution

This bylaw was made by Nelson City Council at a meeting of the Full Council on 2 September 2021.

The common seal of the Nelson City Council is attached in the presence of:



\_\_\_\_\_

Mayor



\_\_\_\_\_

Chief Executive

Date: 21 September 2021





# Appendix A – Point of Supply Diagrams

Figure 1: Typical Point of Supply -On Demand Supply-Outside Premises

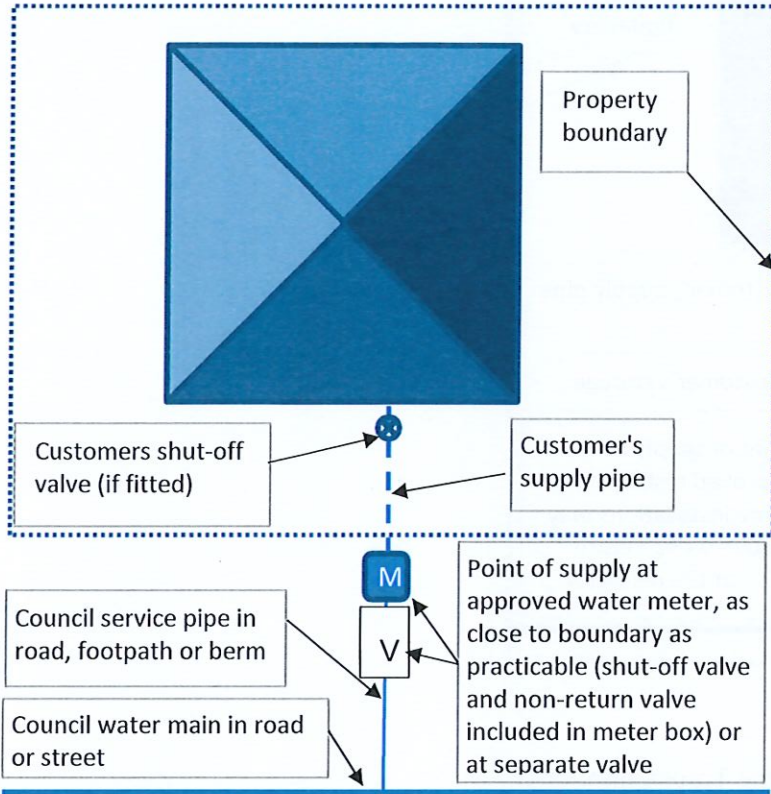


Figure 2: Typical Point of Supply-Restricted Flow-Outside Premises

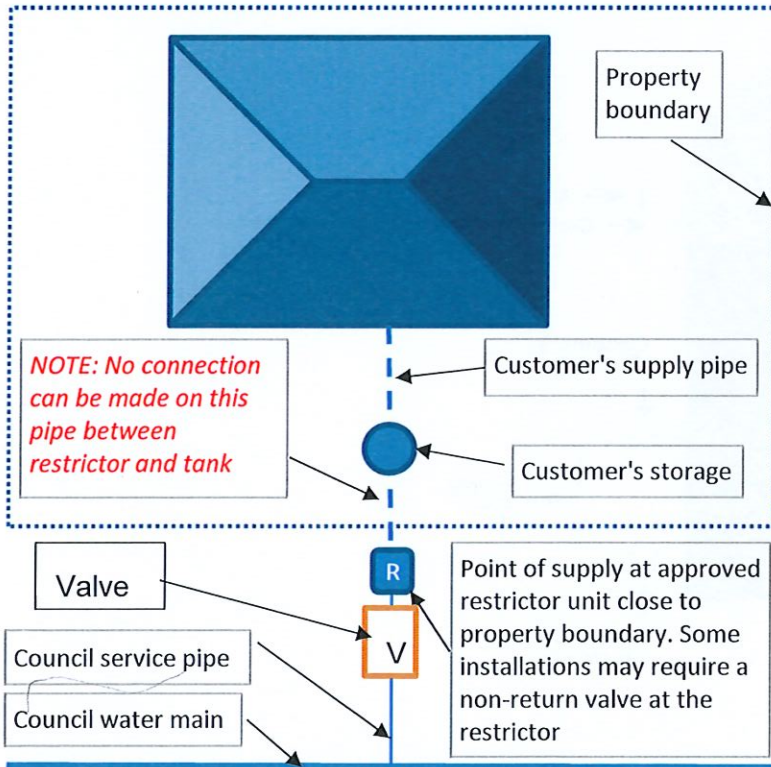


Figure 3: Typical Point of Supply-Restricted Flow-Inside Premises

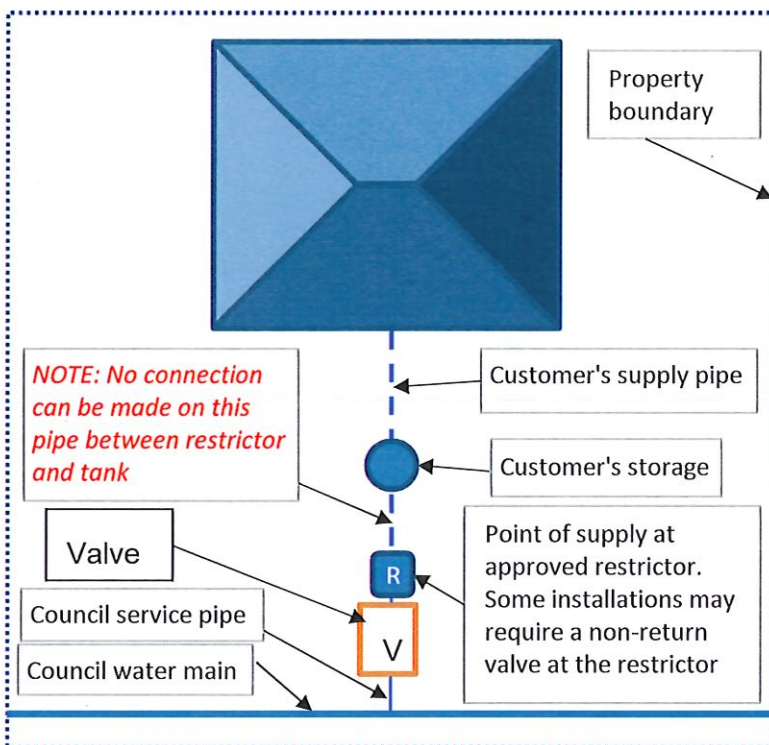


Figure 4: Typical Restricted Flow Supply Tank Connection

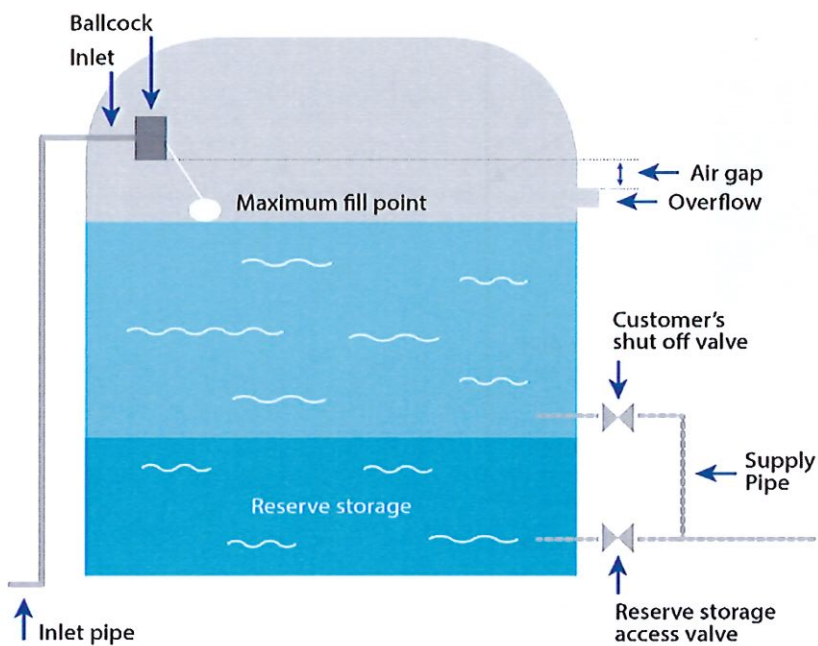




Figure 5: Typical Point of Supply-On Demand Supply-Multiple Premises (accessed by right of way, new connections)

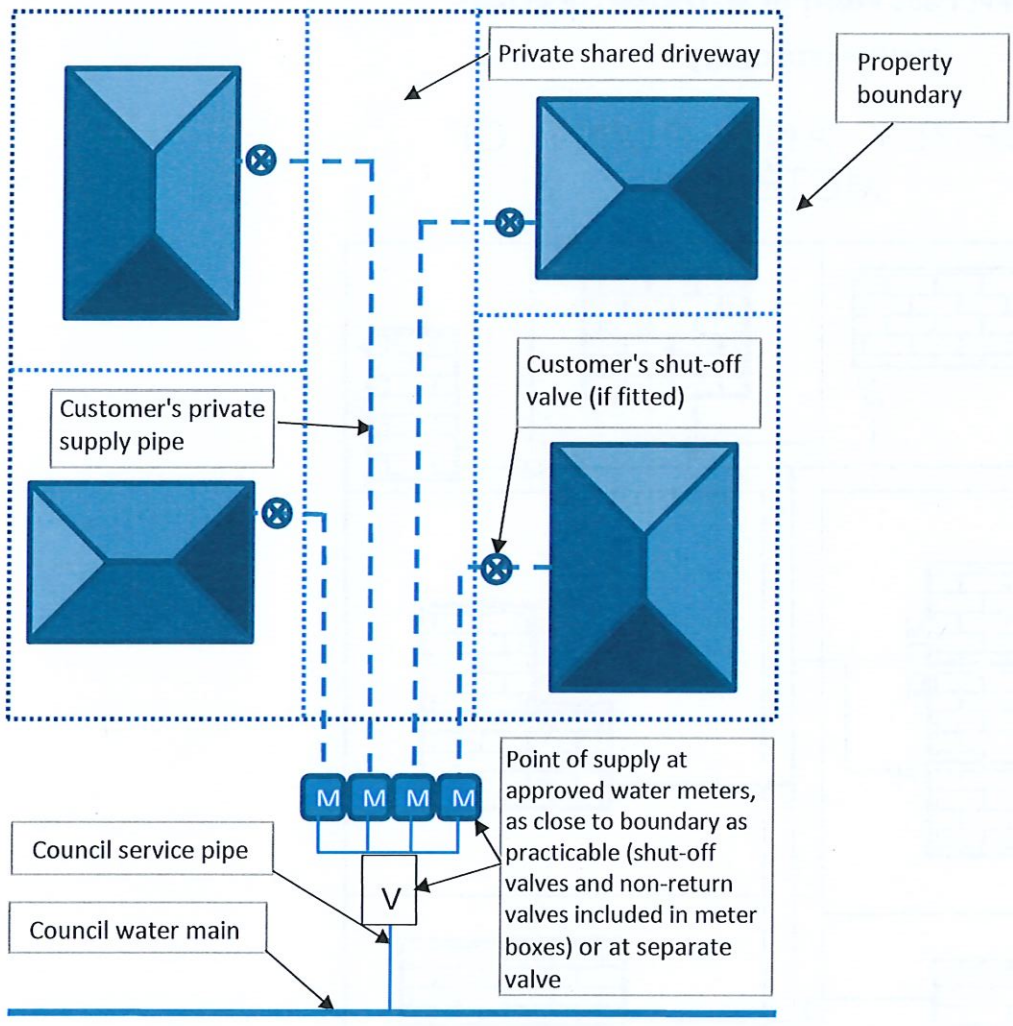
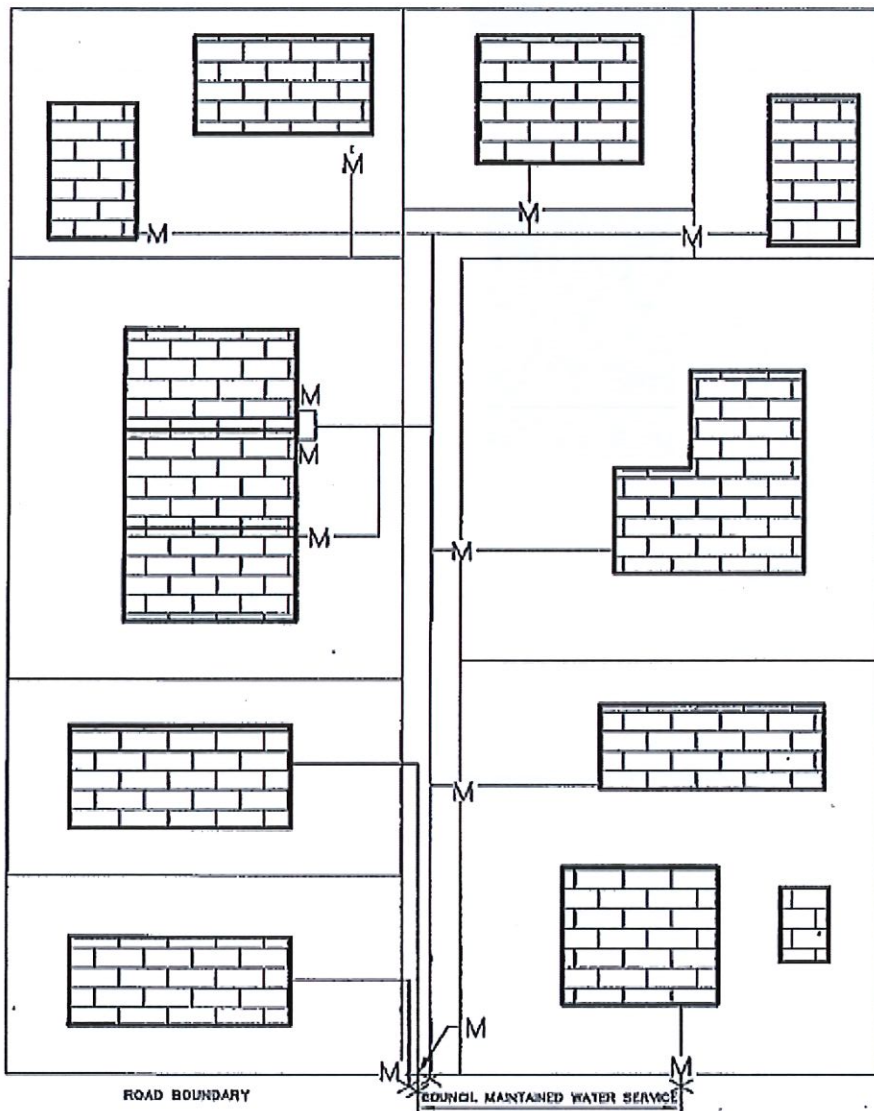


Figure 6: Typical Point of Supply-On Demand Supply-Multiple Premises (accessed by right of way, existing/historical connections)

**POINT OF SUPPLY and POINT OF METERING LOCATIONS**

(SCHEMATIC ONLY)

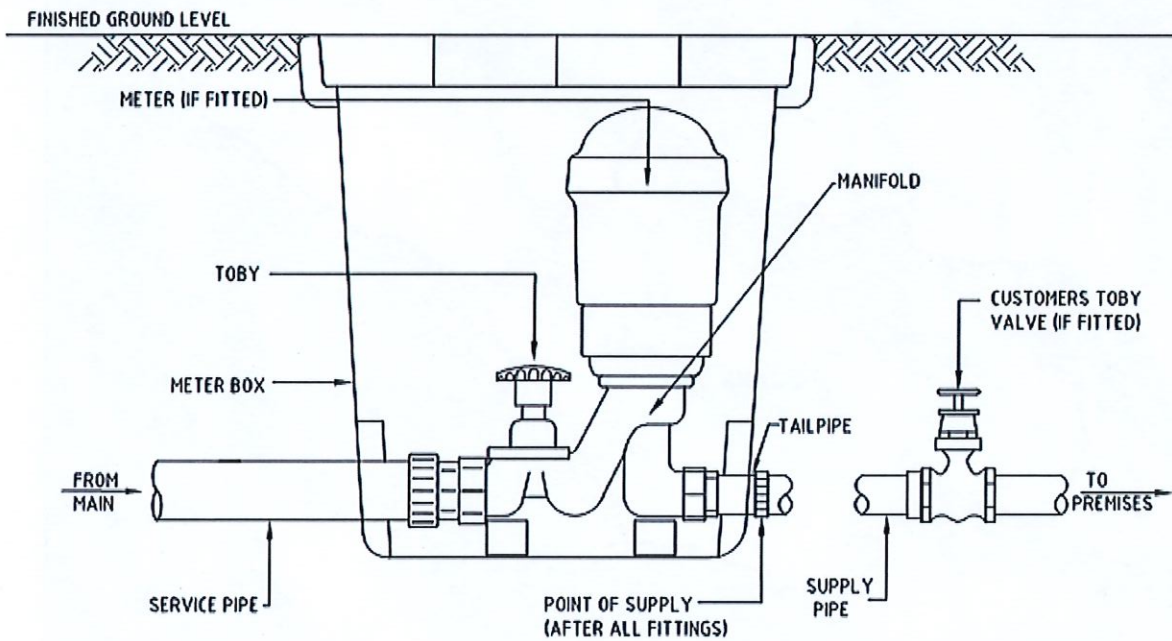
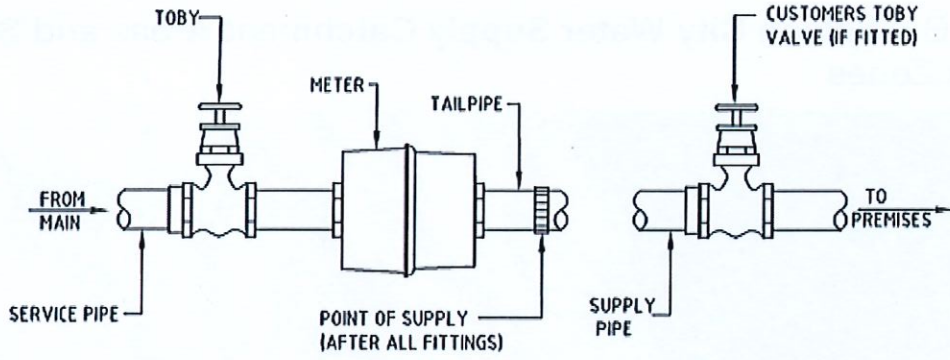
SUPPLY AND POINT OF METERING



- X POINT OF SUPPLY
- M WATER METER LOCATION
- ▣ RESIDENTIAL DWELLING



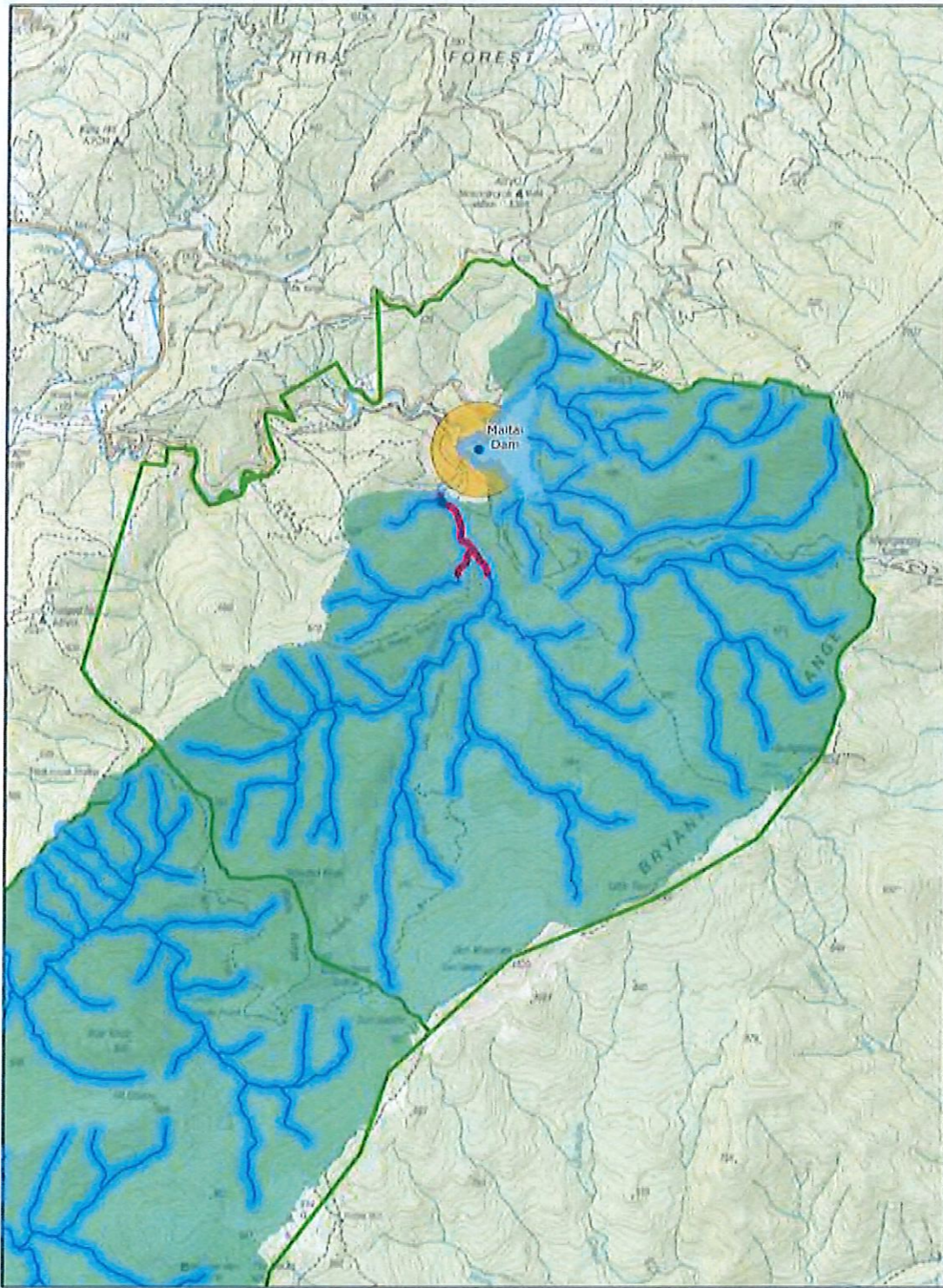
Figure 6: Typical On Demand (Metered) Supplies



## Appendix B – Nelson City Water Supply Catchment Areas and Source Protection Zones







The map is an approximate representation only and must not be used to determine the location or size of items shown, or to identify legal boundaries. To the extent permitted by law, the Nelson City Council, their employees, agents and contractors will not be liable for any costs, damages or loss suffered as a result of the data or plan and no warranty of any kind is given as to the accuracy or completeness of the information represented. Nelson City Council information is licensed under a Creative Commons Attribution 4.0 International License, and the use of any data or any information disseminated must be in accordance with the terms of that license. For more information please contact us. Cadastral information derived from Land Information New Zealand. CROWN COPYRIGHT RESERVED.

**Maitai Water Reserve**  
**Drinking Water Protection Zones**

- Drinking Water Intake
- Drinking Water Protection Tributaries
- Source Protection Zone 1 (Lake Intake Protection Zone)
- Source Protection Zone 1 (Intake Protection Zone)
- Source Protection Zone 2 (Intermediate Zone)
- Source Protection Zone 3 (Entire Catchment/Capture Zone)
- Reserve Boundary

0 0.5 1 km  
 Scale 1:55,000

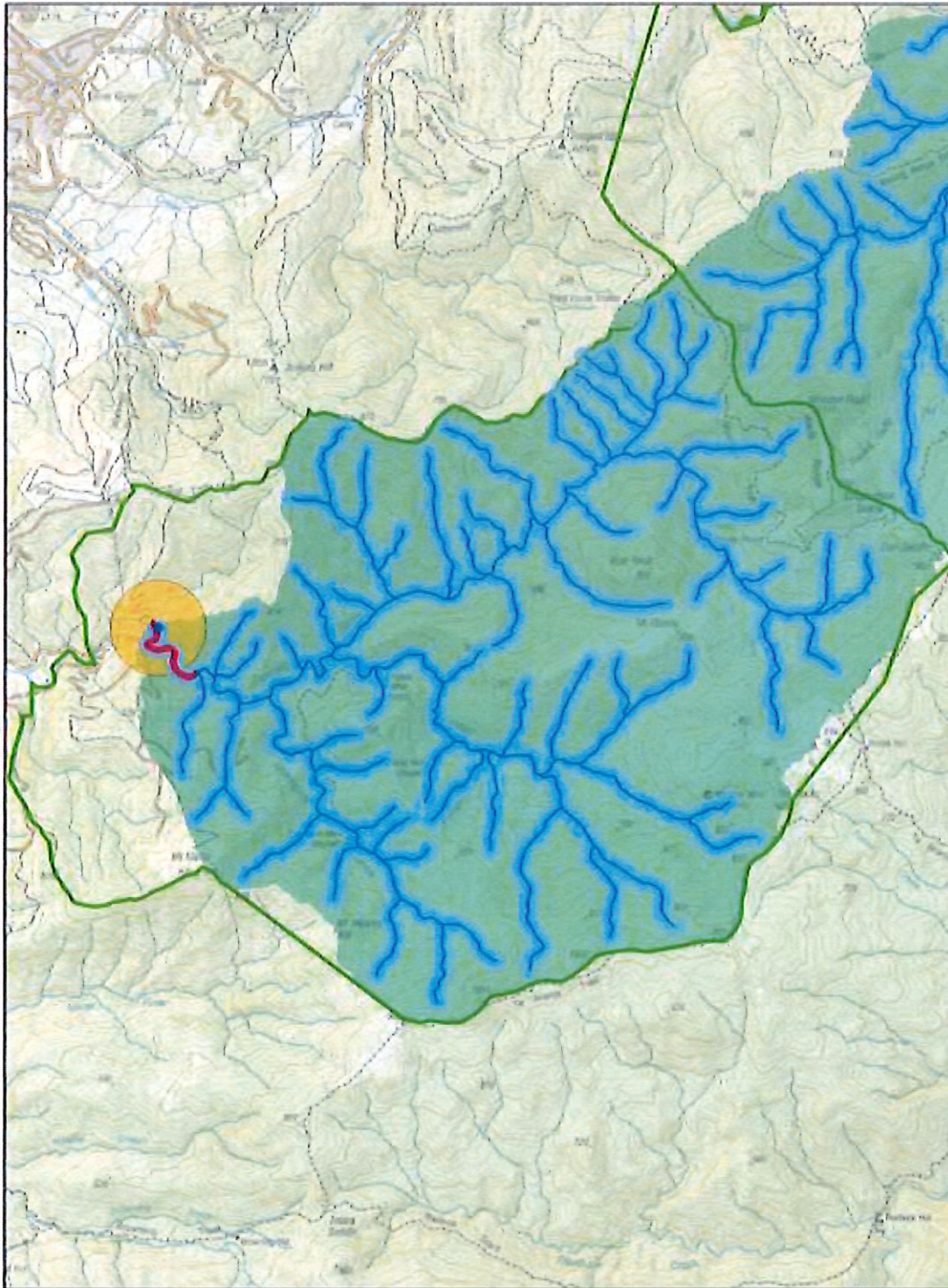
**Nelson City Council**  
 Te Kaunihera o Whakatū

September 2021

File Ref: A2542026  
 DM/SL - Original map size

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**Roding Water Reserve**  
**Drinking Water Protection Zones**

- Drinking Water Intake
- Drinking Water Protection Tributaries
- Source Protection Zone 1 (Lake Intake Protection Zone)
- Source Protection Zone 1 (Intake Protection Zone)
- Source Protection Zone 2 (Intermediate Zone)
- Source Protection Zone 3 (Entire Catchment/Capture Zone)
- Reserve Boundary

0 0.5 1 km  
 Scale 1:55,000  
 N  
 September 2021

**Nelson City Council**  
 Te Kaunihera o Whakatū

File Ref: A2547026  
 Date: 08/09/2021  
 Original map size: A4

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