

NELSON CITY COUNCIL



Bylaw 217

Water Supply

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Incorporating amendments approved by Council Resolution 17 March 2011.

Nelson City Council

Water Supply Bylaw 217

1.0 PREAMBLE

The Nelson City Council, in pursuance of the powers and authorities vested in it by the Local Government Act 2002, The Bylaws Act 1910, The Health Act 1956, and all other Acts, powers and authorities enabling it in that behalf, hereby makes the following bylaw.

2.0 SHORT TITLE AND COMMENCEMENT

These bylaws may be cited at the Nelson City Council Water Supply Bylaws 2008.

These bylaws come into effect on the 13th day of October 2008.

3.0 REPEALS AND SAVINGS

The following bylaw is hereby repealed.

The Nelson City Council Bylaw 199/99 “Water Supply”.

The repeal of the bylaws mentioned above shall not affect any document made, signed or acknowledged, or anything done or suffered, or any appointment, right or benefit created or conferred under or by virtue of such bylaws.

4.0 INTERPRETATION

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 an officer of the Council authorised for that purpose and approval has a corresponding meaning.

BACKFLOW means a flow of water or other liquid through any service pipe or supply pipe in a reverse direction to the normal supply flow.

CATCHMENT AREA means an area of land under the control of the Council from where a public water supply is drawn.

CITY means the territory contained within the City of Nelson as defined in Part 2 of Schedule 2 to the Local Government Act 2002.

CONNECTION means the installation of the service pipe and associated permanent fittings for the provision of water to any premises.

COUNCIL means the Nelson City Council, or any officer delegated the authority to exercise the powers of the Council under this bylaw, and includes any person authorised by the Council or an officer to undertake any work in relation to the water supply system.

CUSTOMER means any person who has made application for and obtained a permit to connect any premises in respect of which they are the ratepayer, to the water supply system, and includes the owner of the premises; and in respect of any vacant allotment means the owner thereof.

DIRECT CONNECTION includes any underwater outlet or any arrangement of pipes, hoses, or fittings temporary or otherwise, which renders possible back flow into the water supply system and directly connected has a corresponding meaning.

DISCONNECTION means the physical cutting off of the water supply to any premises.

DOMESTIC SUPPLY means the supply of water to a customer to be used solely for domestic purposes (that is to say water for the use of the customer, the customer's family and up to 4 other persons, all of whom constitute and conduct themselves as one household, for drinking, for ordinary personal ablution, for cooking, for washing linen or clothes, for washing or cleansing floors, windows, domestic or other furniture or utensils or any part of the consumer's dwelling house or premises, and for water closets, baths, and urinals except automatic flushing water closets and urinals). Such purposes shall also include the use of a hose for:

- i) Washing down a car, boat or other contrivance
- ii) Garden watering by hand or by sprinkler
- iii) Filling a spa or swimming pool of less than 100m³ capacity

And may include use in a fire sprinkler system installed in accordance with the appropriate standards for a domestic sprinkler system.

EXTRAORDINARY SUPPLY means any water supplied from the waterworks which is used for purposes other than that of a domestic supply.

FIRE HOSE REEL means a hose, permanently connected to the supply pipe on the customer's premises side of the water meter.

FIRE SPRINKLER SYSTEM means the system of pipes fitted with sprinkler nozzles which open by extraordinary rise in temperature to automatically drench an area for the purpose of extinguishing fire and is maintained with a superimposed pressure so that an alarm is actuated when a nozzle opens allowing the pressure to fall to mains pressure.

PERSON includes a corporation sole and also a body of persons whether corporate or not.

POINT OF METERING is the point at which the meter serving any premises is placed. Typically this will be at the point of supply but it may be situated anywhere along the supply pipe.

POINT OF SUPPLY means the termination point of the Service Pipe, where the service valve is located, as determined by the Council. This marks the boundary of responsibilities between the customer and the Council. Such point may or may not relate to the boundary of the customers' premises or the point of metering.

PREMISES means:

- a) Any property or allotment, or part thereof, which is held or capable of being held under a separate Certificate of Title whether freehold or leasehold or both.
- b) Any separately occupied portion of any land or building whether capable of being held under a separate Certificate of Title or not; and
- c) Includes any property consisting of two or more allotments which are occupied by a single customer and which are contiguous, or which are separated only by a road.

PUBLICLY NOTIFIED means published on one occasion in the Nelson Mail or Live Nelson; or under emergency conditions in the most effective way to suit the particular circumstances as determined by the Council.

RATEPAYER has the same meaning as in the Local Government (Rating) Act 2002.

RESTRICTED FLOW SUPPLY means a connection to the Water Supply System through which a limited flow is available, due to the presence of a flow control device, to a storage tank provided by the customer.

ROADING AUTHORITY means the Council, Land Transport Agency or such other body having jurisdiction in respect of any road.

RURAL WATER SUPPLY means any area of the City designated by the Council as an area serviced by a reticulated water supply system which supplies water via restricted flow supplies.

SPRINKLER means any hose which is not held by hand and includes a revolving spray or other sprinkler pipe to distribute water for garden or lawn watering, including a fixed irrigation system.

SCHEDULE OF RATES AND CHARGES means the list of items and terms for services associated with the supply of water from time to time as approved by the Council by resolution publicly notified.

SERVICE PIPE means that section of water pipe between a watermain and the point of supply and includes the service valve and fittings at its connection to the supply pipe. This pipe is owned and maintained by the Council.

STANDARD FORM means such forms as the Council shall supply for use under this bylaw.

STREET means any public street or other roadway which is under the ownership of or the control of the Council.

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

URBAN WATER SUPPLY AREA means any area of the City designated by the Council as an area serviced by a reticulated water supply system which supplies water on demand.

WATER METER MANIFOLD means the water meter and all fittings associated with the meter, and where the water meter is located at the point of supply includes the service valve at the junction of the service and supply pipes.

WATER SUPPLY SYSTEM means the arrangement of pipes, fittings, temporary or otherwise, that conveys water from the water works to the point of supply, and includes the fittings associated with the point of supply and point of metering.

WATER WORKS includes all rivers, streams, lakes, waters, and underground waters, and all rights appertaining thereto, and all land, watersheds, catchment areas, water collection areas, reservoirs, dams, bores, tanks, and pipes, and all buildings, machinery, and appliances of every kind, vested in the council or acquired or constructed or operated by or under the control of the council, for or relating to the purpose of water supply, whether within or outside the district.

5.0 PROTECTION OF WATER SUPPLY

5.1 Access to water supply system

No person shall without the consent of the Council have access to or carry out any work on any part of the water supply system.

5.2 Fire hydrants

No person other than the following shall access and draw water from any fire hydrant:

- i) The Council or its duly authorised agents;
- ii) Fire Service personnel for fire fighting, practice and testing;
- iii) Fire hydrant permit holders during the period for which the permit has been issued and the appropriate fee paid.

Without prejudice to other remedies available, the Council may remove and retain possession of any equipment used by any person to gain unauthorised access to any fire hydrant or to facilitate any unauthorised use of water from any fire hydrant.

5.3 Supplies from standpipes or hydrants

The Council may authorise an extraordinary supply of water to be taken by means of a standpipe placed upon a specified fire hydrant. Application for such supply shall be submitted in writing on the standard form together with the appropriate application fee. A successful applicant shall be required to pay a charge set to cover the estimated volume of water used.

5.4 Working around below ground services

Any person proposing to carry out work involving excavation shall before commencing such work consult with the Council regarding the potential location of water supply services, and comply with any requirements which may be imposed by the council on such work.

Any person causing damage to any part of the water supply system shall meet all costs associated with the repair of the damage so caused and any other costs incurred by the Council, as a result of the incident.

Note: Information relating to the location of the Council below ground services shall be available for inspection at the Council's offices free of charge during normal office hours. Charges will be levied to cover the costs of making copies of any records so held.

6.0 PROTECTION OF WATER SOURCE

6.1 Access to catchments

The following activities are permitted within the catchments:

- i) Walking/jogging on existing tracks
- ii) Mountain biking on existing tracks
- iii) Subject to 6.2(vii) hereunder, driving a motor vehicle on the Maungatapu Track.
(Note: This track is generally only suitable for four wheel drive vehicles.)

6.2 Activities permitted in catchments pursuant to a permit

No person shall carry out any of the following activities within any catchment without first obtaining a permit authorising the same:

- i) Camping
- ii) Hunting, trapping, shooting or fishing or carrying any rifle or other hunting or fishing equipment
- iii) Distributing or removing any soil rock or 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 barbeque or other contained cooking apparatus
- vi) Using pesticides or other poisons or toxic substances other than personal insect repellents
- vii) Using the Maungatapu Track for organised motor sport
- viii) Walking any dog or taking or allowing any livestock into any area
- ix) Walking/jogging off existing tracks.

6.3 Presentation of permit

Unless otherwise authorised, no person to whom any permit has been issued shall enter an area to which the permit relates without notifying the Council of his/her intention of entering, and the anticipated length of their stay in such area.

Every person in any area shall upon demand produce any such permit for inspection by the Council.

No person to whom any permit has been issued shall permit any other person to make use of or attempt to make use of such permit.

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

6.4 Prohibited activities

No person shall in any catchment carry out any of the following activities:

- i) Washing or bathing in any natural water
- ii) Depositing any refuse or waste material of any kind, including defecating, in other than an authorised facility
- iii) Damaging or destroying any artefact or historic place or object

6.5 General Requirements

- i) Spillages and adverse effects

Any person who accidentally or inadvertently causes spillage, or any event which has the potential to compromise the water supply shall advise the Council with due urgency, and take all reasonable steps to contain the spillage or otherwise limit the effect on the water supply.

- ii) Interference with users

No person whether or not holding any permit (other than a duly appointed officer of the Council), shall commit or cause or 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 catchment.

7.0 SUPPLY OF WATER

7.1 Application for supply

Every person wishing to obtain a supply of water to any premises or to replace an existing connection with a new connection shall make application in writing on the standard form for a permit to connect to the water supply system.

Every application shall be accompanied by the appropriate application fee, a plan showing the details of the pipe work and fittings for the proposed connection and the location of the service pipe, and such other information as the Council might require.

7.2 Applicant is not the owner

The applicant, if not the owner of the premises, shall supply such evidence as the Council considers appropriate to show that they have authority to act on behalf of the owner of the premises for which the supply is sought.

7.3 Agreement for supply of water

The Council may require any applicant to enter into a separate specific agreement in relation to the supply for which the application is made.

Any person to whom water is supplied pursuant to this bylaw shall be deemed to have accepted the provisions of this bylaw and the terms and conditions set out within the permit under which the said supply is provided, and any fees or charges levied in respect of that supply.

7.4 Extraordinary supply

The Council may refuse an application for an extraordinary supply.

7.5 Installation

The applicant for a supply of water shall be responsible for all costs associated with the supply and installation of the connection including the supply and installation of the service pipe to the point of supply including the meter and all fittings.

No person other than a contractor nominated or approved by the Council shall undertake the installation.

7.6 Use of water

The supply of water to any premise shall be for the purposes detailed within the approved application and no person shall use or permit the use of any water for other than the purposes so detailed. Where water is being supplied to any premises at the date of the coming into effect of this bylaw such supply shall be deemed to be a new supply as at that date and thereafter subject to the provisions of this bylaw and the terms and conditions pertaining to a new supply.

No person shall, without the consent of the Council, use water or water pressure directly from the water system for driving lifts, machinery, eductors, condensers, or any other similar device.

7.7 Change of use

Any customer to whom water is supplied pursuant to this bylaw who wishes to change the use of the water or to change the supply from a domestic to extraordinary supply, or vice versa, shall lodge a new application for supply.

7.8 Disconnection

Any customer wishing to disconnect any premises from the Water Supply system shall give notice to the Council in writing on the standard form.

7.9 Point of supply (Refer Appendix A)

The point of supply for individual dwelling units shall be located adjacent to the front or street boundary of the site as shown in Appendix A, or as close as possible to such boundary where fences, walls, other permanent structures or physical features make it difficult to locate it at the required position. Location of the point of supply in any other position shall be with the specific approval of the Council.

The point of supply in relation to multiple units having access to any street via a private street, access lot or right of way shall be located adjacent to the front or street boundary of the private street, access lot, or right of way, or in such other position as the Council might approve.

For each individual customer there shall be one point of supply unless otherwise approved.

The supply pipe from such point of supply shall not be extended by hose or any other pipe beyond that customer's property without approval.

Any water supplied to a customer in respect of specific premises shall not be provided to any other premises without approval.

No person shall, without the consent of Council, make any connection to any service pipe between the watermain and the point of supply.

8.0 METERING OF WATER SUPPLY

8.1 Point of metering (Refer Appendix A)

The point of metering in relation to any customers' premises will generally be at the point of supply but in relation to multiple premises, whether served by a single supply pipe or multiple supply pipes may be located at a position along the supply pipe serving the premises concerned at the discretion of the Council.

i) Single Dwelling Units

The point of metering will be located adjacent to or as near as practical to the point of supply.

ii) Multiple Dwelling Units

The point of metering for each unit within a multiple dwelling complex shall be located at a point on the supply pipe serving that unit which ensures that only the water being supplied to that unit passes through the meter installed on that supply. This may be on private property.

Multiple dwelling units under a company scheme (Body Corporate) may be regarded as a single dwelling unit for the purposes of metering at the discretion of the Council.

iii) Any single dwelling unit or any unit being part of a multiple dwelling unit complex in existence at the time of the coming into effect of this bylaw shall be provided with a meter on a single supply pipe at a point to be determined by the Council, such point may be on private property.

8.2 Connections

No person shall, without the consent of the Council, carry out any connection to the water supply system between the point of metering and the point of supply.

8.3 Rights of access

Where the point of metering is on private property no person shall obstruct or prevent Council access to, and about the point of metering.

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

Where free access is not available and a return visit is required to effect a read of the water meter a fee may be charged as for "Special Water Meter" reading.

8.4 Fees and charges

The customer shall be responsible to meet all fees and charges relating to the availability and/or supply of water to their premises as may from time to time be imposed by the Council.

9.0 CONTINUITY OF SUPPLY AND PRESSURE

9.1 Continuity of supply and pressure

The Council provides no guarantee that an uninterrupted supply of water will be available to any premises or that any specific maximum or minimum pressure will be maintained in the water supply system.

9.2 Uninterrupted flow

Any customer or any other person using the water supplied to any premises, having particular requirements for an uninterrupted level of service, (being pressure, flow or quality) shall provide all necessary measures on the premises to ensure this service, including all storage, back up facilities and equipment.

9.3 Liability

The Council shall not be liable for any loss, damage or inconvenience which the customer (or other person using the supply) may sustain as a result of any change in or interruption to the water supply including change of pressure, change of rate of flow and change in quality of water supplied.

10.0 PROHIBITION AND RESTRICTION OF SUPPLY

10.1 Demand management

All persons using water supplied to any premises shall comply with any water usage restriction, which may be imposed by the Council from time to time to manage high seasonal or other demands and/or water supply shortages. Such restrictions will be publicly notified and the user shall be deemed to have notice thereof as from the date of such public notification. It shall be an offence for any person to use water supplied from the water supply system contrary to any water usage restrictions in respect of which such notice has been given.

10.2 Emergency

The Council may declare any natural event (such as a flood, drought or earthquake) or an accident which results in any disruption to the supply of water by the Council, to be an emergency.

During an emergency the Council may restrict or prohibit the use of water for any specified purpose, for any specified period, and for any or all of its customers. Any restrictions imposed shall be publicly notified and the customer and any other users of the water shall be deemed to have notice thereof as from the date of such public notification. It shall be an offence for any person to use water from the water supply system contrary to any water usage restrictions imposed in relation to any emergency.

11.0 FIRE PROTECTION

11.1 Connection

Any proposed connection to the water supply system for the sole purpose of fighting or extinguishing a fire (hereinafter referred to as a fire protection supply) shall be the subject of a separate application to the Council. Any approved connection shall be subject to the provisions of these Bylaws.

11.2 Fire sprinkler systems

All fire sprinkler systems shall be constructed, installed and maintained in good order, and where an unmetered connection has been provided for an approved fire protection supply, any water so supplied shall be used for no purpose other than fighting or extinguishing a fire and testing the customer's fire protection system. The Council may at any time install or require the installation of a meter on any connection used for the purposes of a fire protection supply in which case the provisions of Clause 9 shall then apply.

11.3 Fire hose reels

No supply of water to a fire hose reel shall be permitted through an un-metered connection.

11.4 Supply

The Council shall be under no obligation to provide water to any approved fire protection supply at any particular rate of flow or pressure and shall not be responsible for any damage that may arise as a result of any interruption in the supply of water via any approved connection, or any failure in the water supply system howsoever occurring.

11.5 Adequacy

It shall be the customer's responsibility to ascertain and monitor whether the fire protection supply available is adequate for the intended purpose and the Council's approval of any connection and/or supply shall not be interpreted as in any way relieving the customer of this responsibility.

12.0 OFFENCES AND ADMINISTRATION

12.1 Breach of bylaw

In the event of a breach of this bylaw, the Council will serve notice on the customer advising the nature of the breach and the steps to be taken to remedy it. If the customer persists in the breach, and/or fails to take proper steps to remedy the breach to the satisfaction of the Council, the Council may, in respect of a domestic supply restrict the supply without further notice.

Provided that where the breach is such as to threaten the integrity of the water works or the water supply system or likely to create a hazard or cause damage to any property, the Council may disconnect the supply at the same time as giving notice to the customer.

Where the offence relates to an extraordinary supply the Council may temporarily or permanently disconnect the supply without further notice.

12.2 Reconnection

Any resumption of the supply of water, including removal of any restriction on the supply to the customers' premises shall only occur after all outstanding charges and any additional fees and charges as determined by the Council have been paid and all other breaches of this Bylaw have been remedied to the satisfaction of the Council.

12.3 Interference

Any tampering or interfering by any person with any equipment forming part of the water works or water supply system either directly or indirectly, shall constitute an offence against this Bylaw. Without prejudice to its other rights and the 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 water system to its approved means of supply from the customer.

12.4 Wastage of water

Any person who is supplied with water from the Water Supply System must not waste the water or allow it to be wasted.

12.5 Prosecution

The Council may in addition to or instead of taking the action outlined in the preceding paragraphs in respect of any breach, prosecute any person offending against this bylaw.

Any person convicted of an offence against the bylaw is liable to a fine not exceeding \$20,000.

Any person convicted of an offence in relation to the unauthorised use of water from a fire hydrant is liable for a fine not exceeding \$5,000.

The Council will take whatever action is appropriate to ensure that any leak which occurs on any supply pipe is repaired in a timely manner, and any person who wastes any water or allows it to be wasted after receiving a written requisition from the Council to repair the leak commits an offence and is liable on conviction to a fine not exceeding \$5,000.

12.6 Administration

The Council may by resolution publicly notified set the fees and charges payable in respect of any service given or provided in relation to the water works or water supply system.

The foregoing bylaw was duly made by the Nelson City Council at the ordinary meeting of the Council held on the 2nd day of October 2008 and amended by Council resolution at the ordinary meeting of the Council held on the 17th day of March 2011.

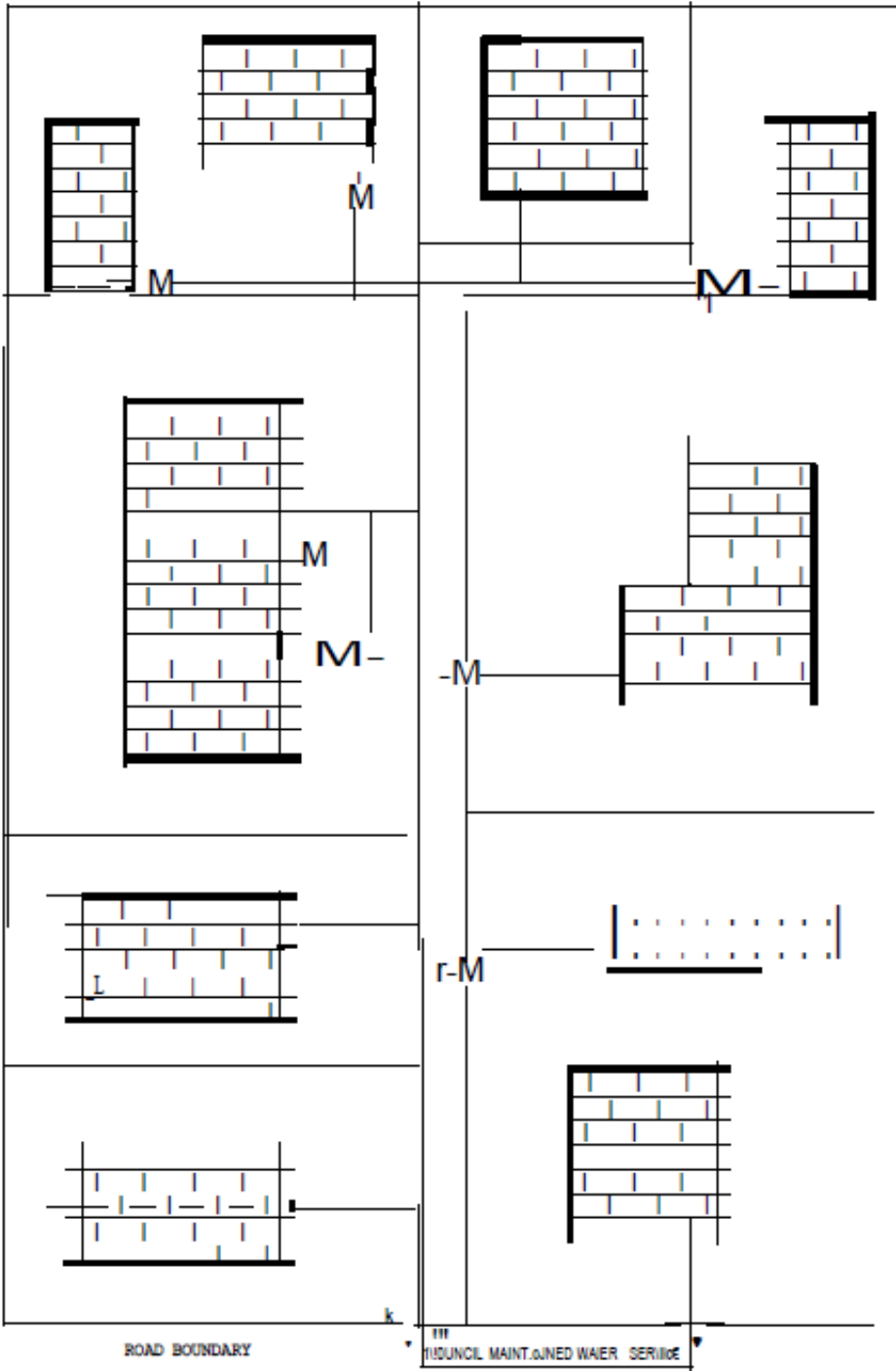
The COMMON SEAL of the (
NELSON CITY COUNCIL (
was hereto affixed in the (
presence of:

Mayor

Chief Executive

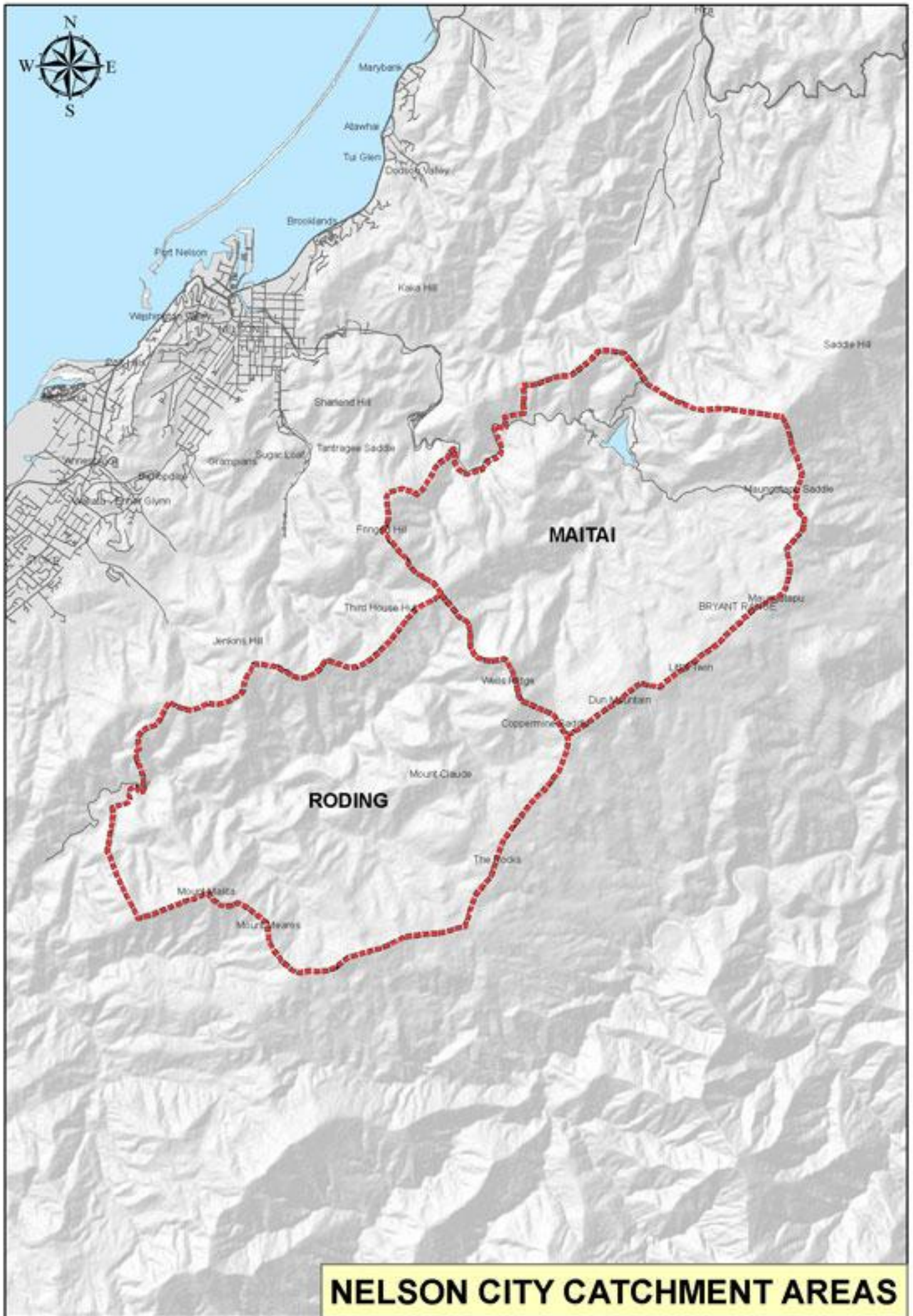
APPENDIX A
POINT OF SUPPLY and POINT OF METERING LOCATIONS
(SCHEMATIC ONLY)

SUPPLY AND POINT OF METERING



- x POINT OF SUPPLY
- M WATER METER LOCATION
- Edl RESIDENTIAL DWELLING

APPENDIX B
CATCHMENTS



NELSON CITY COUNCIL



Bylaw 217

Water Supply

Terms and Conditions of Connection to the Water Supply System

TERMS AND CONDITIONS OF CONNECTION TO THE WATER SUPPLY SYSTEM

1. CUSTOMER'S RESPONSIBILITY

Plumbing systems

The customer shall ensure that the plumbing system serving the premises is designed, installed and maintained, both in its component parts and its entirety, in compliance with the Building Act and the Building Code at the time applying to the system.

No quick-closing valve of any kind, or other equipment which may cause pressure surges to be transmitted, shall be used on any pipe work directly connected to the supply pipe, that is, in any position where it is required to close against mains pressure. The Council may approve the use of such valves subject to a suitable air chamber being fitted in the supply pipe.

Care of equipment

The customer shall take all appropriate steps to protect from damage all Council equipment including pipe work, valves, and meters.

Prevention of waste

The customer shall take all reasonable steps to prevent and shall not intentionally allow water to run to waste from any pipe, tap or other fitting.

Backflow prevention

It is the customer's responsibility under the Building Act 1991 and the Health (Drinking Water) Amendment Act 2007, and pursuant to these Bylaws, to take all necessary measure 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.

For premises covered in the Building Act 1991, this includes:

- i) 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;
- ii) The prohibiting of any direct cross connection between the Council water supply and
 - a) Any other water supply
 - b) Any other water source
 - c) Any storage tank
 - d) Any other pipe, fixture or equipment containing chemicals, liquids, gases or other non-potable substances.

Customers with supplies serving premises not covered by the Building Act and the New Zealand Building Code, e.g. stock or horticultural water supplies, shall at all times comply with the relevant sections of the Health (Drinking Water) Amendment Act 2007 regarding protection of the water supply system from pollution.

Each water supply point available to shipping, including fire connections pursuant to a fire protection supply, shall be equipped with an approved backflow prevention device located to prevent the flow of water from the ship to any supply and/or service pipe.

Notwithstanding the above the Council may (at the customers cost) fit a backflow prevention device on the Council side of the point of supply.

Access to water meter

The Customer shall permit access by the Council to the water meter for meter reading purposes.

Change of ownership

The outgoing customer shall notify the Council of the proposed change of ownership at least two working days prior to the change taking effect, whereupon the Council shall arrange for a final reading of the water meter. In addition to all water consumption and other charges up to the final reading of the water meter, an additional 'special reading' charge shall be levied and included in the outgoing customer's final account.

Unless the Council is otherwise notified, in the event of a change of ownership of any premises to which water is supplied the Council will automatically record the new owner as being the customer at those premises, and the supply of water to the premises shall continue on the same terms and conditions as the supply immediately prior to the change of ownership.

Disconnections

When for any reason a supply of water is no longer required by the customer, the customer, after giving notice to the Council of their requirement for termination of the supply shall arrange, at their cost, for the disconnection to be undertaken.

Replacement connection

Where the application is for a replacement connection the customer shall be responsible for arranging the disconnecting of the existing service pipe at the watermain, and to meet the cost of such work.

2. METERING

The Customer acknowledges that:

- i) Both ordinary and extraordinary supplies of water shall be metered and charged for.
- ii) All water meters required to meter the supply of water to any premises shall be owned and maintained by the Council.
- iii) Each water supply will be metered separately.
- iv) 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 in a reasonable and fair manner with all available information, and the customer shall pay according to such an estimate. Where, by reason of a large variation of consumption due to seasonal or other causes the Council considers it would be an unreasonable estimate of the consumption to take an average consumption, the Council may take into consideration other evidence for the purpose of arriving at a reasonable estimate and the customer shall pay all charges according to such an estimate. The Council's decision on the appropriate estimate of consumption shall be final.
- v) 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 estimate consumption as provided in (iv) above.
- vi) The accuracy of meters shall be tested as and when required by the Council to ensure performance to within + 4% of its reading
- vii) 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.
- viii) 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 make an adjustment in accordance with the results shown by such tests backdated for a period at the discretion of the Council but not exceeding 12 months, and the customer shall pay according to such adjustment.
- ix) The Council will retain ownership of and responsibility to maintain the service pipe as well as all fittings between the watermain and the point of supply, as well as the water meter and its manifold whether or not such is sited at the point of supply or along the supply pipe.

Note: The water meter manifold, irrespective of its position, remains the property of the Council.

3. CHARGING

Payment

The Customer agrees:

- i) To pay for the supply of water in accordance with the Council current schedule of rates and charges which will be reviewed, and set each year as part of the Council's Annual Plan Process
- ii) To meet all other fees or charges levied in respect of the services provided in relation to the water supply as may be set by the Council pursuant to Clause 12.6 of the bylaw.
- iii) In the case of Company Share/Block Schemes (Body Corporate) the customer will pay the amount invoiced and he/she will be responsible to claim from individual users in the scheme.
- iv) In the case of Unit Title where each owner cannot be invoiced separately, the payment will be as in (iii) above.
- v) Where a customer requests a special reading of the water meter serving his premises, being a reading which is taken at a time other than the 'normal reading time', for reasons including change of ownership, change of commercial tenants, etc, the outgoing consumer/owner will be charged a special reading fee, as set and published in the Annual Plan, or such other amount as the Council may, from time to time, resolve.
- vi) Where a customer's water supply has been restricted by the Council, for whatever reason, the consumer will be charged a fee as set and published in the Annual Plan. The fee will cover all the Council's costs for installing and subsequently removing the restrictor.
- vii) Where a customer's water supply is temporarily disconnected by the Council for whatever reasons, the customer will be charged a fee as set and published in the Annual Plan. The fee will cover all the Council's costs in disconnecting and where appropriate re-connecting the water supply.
- viii) All premises with an unmetered fire protection supply connection, including a connection to a fire sprinkler system, will be subject to a daily charge for that connection.

Meter Reading

The Customer acknowledges and agrees that:

- i) Meters will be read and accounts rendered at monthly, 3 monthly or 6 monthly intervals, or as the Council may from time to time decide.

Remission of Charges for Excess Water Arising from Leaks

The customer acknowledges and agrees that:

- i) Credits for excess water charges arising from the following will always be processed:
 - a. Misreading of the meter or faulty meter.
 - b. Errors in data processing.
 - c. The meter was assigned to the wrong account.
 - d. Leak on a Council fitting adversely impacting on the metered usage

Other Conditions and Criteria include:

- ii) Leaks from pipes or fittings on farms*, commercial, industrial properties and un-occupied properties (regardless of temporary or long term) or reserves or from irrigation, stock water, swimming pools, ponds, landscaping or similar systems on occupied properties. No credit.

** For the purpose of assessing credits for excess water arising from leaks "farm" is defined as any property that is or can be used for the growing of crops, including trees or rearing of livestock, with a land area greater than 5000 square metres.*

- iii) Leaks from pipes that are, or should be visible, such as header tanks, overflows from WC's, above ground pipes or fittings and attached to raised flooring or in walls or ceilings. No credit.
- iv) Where the leak is a previously unknown underground leak on the main lateral between the water meter and a residential dwelling or under the concrete floor of a residential dwelling. Credit the lost water where the leak has been repaired with due diligence. Only one leak per property, and maximum two consecutive water supply invoices covering the leak, per five year rolling timeframe will be credited. Credit will be based on Council's assessment of the property owner's usual usage for the period.
- v) Due diligence is defined as within two weeks of the earliest of the following:
 - The date of the first invoice to identify a higher than usual usage or the date of discovery or when it could have reasonably been discovered. Usual being the amount used in the same period as last year, these amounts are shown on every water account.
- vi) The leak must be repaired by a Licensed or Certifying plumber with a brief report on the leak by that person to establish where on the line the leak was found, dates and an opinion, if possible, as to how long the leak had been occurring.
- vii) Extraordinary circumstances outside of the above, which could lead to cases of genuine financial hardship for owner / occupier, or where timely detection of a leak could not have reasonably occurred, could be granted at the discretion of the Council's Chief Financial Officer.

This section inserted by Council resolution at the ordinary meeting of Council held on the 17th day of March 2011.

