

REPORT

Kaikoura District Council

Statement of Proposal

Making of Water Supply Bylaw 2020

1. Introduction

Kaikoura District Council adopted a Water Supply Bylaw in 2008.

Bylaws need to be periodically reviewed in accordance with Section 158 of the Local Government Act 2002 (the Act).

The Act empowers Council to make Bylaws for its district for one or more of the following purposes (Section 145):

- a. Protect the public from nuisance
- b. Protect, promote and maintain public health and safety
- c. Minimise the potential for offensive behaviour in public places.

The Act also requires Council to consider whether a Bylaw is the most appropriate way of addressing the relevant issues, whether the Bylaw is in the most appropriate form, and that it does not give rise to any implications under the NZ Bill of Rights Act.

2. Purpose of this Statement of Proposal

The Council must follow the Special Consultative Procedure contained in the Local Government Act for community consultation and comment in respect of a review or making of a Bylaw.

As part of the Special Consultative Procedure the Council must produce a Statement of Proposal, which contains a summary of information that is a fair representation of the major matters in the proposal and make it available to the community. This document is the Statement of Proposal. The information contained in this Statement of Proposal has been approved by Council for notification and consultation.

3. Water Supply Bylaw 2008

Council introduced its Water Supply Bylaw 2008 to provide controls on the use and protection of the water supply systems that it operates. Without such controls there is potential for adverse effects in respect of public health, nuisance and financial burdens on the community.

The main provisions of the 2008 Bylaw can be summarised as follows:

- a. Setting conditions for access to and use of public water supplies;
- b. Definition of the point at which responsibility for water supply transitions between private and public;
- c. Enabling protection and maintenance of public water supply infrastructure including control of construction over pipes and other interference.
- d. Protecting water supply catchments.

The Bylaw has generally been implemented with little difficulty or objection from those affected and has clear potential to contribute to public health and reduce public nuisance and hence is considered to be in accordance with Section 145 of the Act.

4. **Proposal**

Whilst the content of the Water Supply Bylaw 2008 is considered to be largely appropriate to current and likely future needs, there are two minor deficiencies are considered to need remedy. Towards this end it is proposed:

That the content of the Water Supply Bylaw 2008, subject to minor amendment and updating, be retained in a new Bylaw, titled the Kaikoura District Council Water Supply Bylaw 2020, with only the following significant changes:

- a) *That additional provisions are incorporate to deter wasteful use of water by customers who are receiving 'ordinary' (non-metered) on-demand waters supplies from the Kaikoura Urban, Ocean Ridge, Oaro and Peketa.*

In particular use of sprinklers or other fixed garden irrigation systems for more than 2 hours per day or other wasteful use of water will not be permitted on 'ordinary' supplies.

- b) *That building over public water mains is prohibited.*

Upon adoption of the new bylaw the Water Supply Bylaw 2008 would be revoked.

5. **Report under Section 155 of the Local Government Act 2002**

In proposing a Bylaw, Section 155 of the Local Government Act 2002 requires the Council to:

- a. determine whether a Bylaw is the most appropriate way of addressing the "perceived problem", and
- b. if so, determine whether the proposed Bylaw is the most appropriate form of Bylaw, and whether it gives rise to any implications under the New Zealand Bill of Rights Act 1990

Bylaws cannot be inconsistent with the New Zealand Bill of Rights Act.

The perceived problem in this case is that without appropriate controls the operation of water supplies can result in adverse effects in respect of public health and financial burdens on the community.

The making of Bylaws for such a purpose is specifically authorized under sections 145 and 146 of the LGA. The making of such Bylaws by local authorities is widespread and generally accepted.

The Water Supply Bylaw 2008 has not been subject to any significant challenges since it was introduced. This suggests that the content of that Bylaw is generally appropriate.

The proposed new Bylaw is considered to be consistent with the NZ Bill of Rights Act. It is not considered to impose any unreasonable restrictions on individuals and is not discriminatory.

It is therefore considered that the proposed Water Supply Bylaw 2020, having similar functional content to the Water Supply Bylaw 2008, meets all of the tests set by the Act.

Dave Clibbery
Senior Manager Operations

Proposed Advertisement

Making of Kaikoura District Water Supply Bylaw 2020

Kaikoura District Council (KDC) introduced its Water Supply Bylaw 2008 to provide controls on the use and protection of water supply systems operated by Kaikoura District Council. Without such controls there is potential for adverse effects in respect of public health, nuisance and financial burdens on the community.

The content of this Bylaw has been reviewed, and its content is believed to meet statutory requirements and - with two proposed significant amendments - the likely needs of the community currently and in the future. These two amendments are:

- a) *That additional provisions are incorporated to deter wasteful use of water by customers who are receiving 'ordinary' (non-metered) on-demand water supplies from the Kaikoura Urban, Ocean Ridge, Oaro and Peketa schemes.*

In particular use of sprinklers or other fixed garden irrigation systems for more than 2 hours per day or other wasteful use of water will not be permitted on these 'ordinary' supplies.

- b) *That building over public water mains is prohibited.*

A more detailed Statement of Proposal, a copy of the proposed new Bylaw and associated information is available from Council on request.

Submissions in respect of the making of the Water Supply Bylaw 2020 can be made in writing, and should be addressed to:

The Chief Executive
Kaikoura District Council
PO Box 6
KAIKOURA 7300

Submissions must be received by Monday 9 November 2020.