

QLDC Council**27 August 2015****Report for Agenda Item: 6****Department: Legal and Regulatory****Review of the Water Supply Bylaw 2008****Purpose**

To consider approval of the proposed Queenstown Lakes District Council Water Supply Bylaw 2015 to enable the special consultative procedure to commence.

Recommendation

That Council:

1. **Note** the contents of this report;
2. **Approve** the proposed Queenstown Lakes District Council Water Supply Bylaw 2015 for public consultation using the special consultative procedure.
3. **Appoint** three Councillors to participate in a hearing panel to consider and hear submissions on the proposed Queenstown Lakes District Council Water Supply Bylaw 2015.
4. **Authorise** officers to make further minor changes to the Queenstown Lakes District Council Water Supply Bylaw 2015 without further recourse to the Council, where this is necessary to:
 - i. Fix identified minor errors and / or omissions.
 - ii. Ensure continuity with other proposed provisions.

Prepared by:



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12/08/2015

Reviewed and authorised by:



Lee Webster
Manager; Regulatory

12/08/2015

Background

- 1 The Local Government Act 2002 ("LGA2002") requires that bylaws made under this Act must be reviewed within five years after the date on which it was made.
- 2 Any bylaw not reviewed within five years ceases to have effect two years after this date.
- 3 The current Water Supply Bylaw 2008 will cease to have effect 1 December 2015.
- 4 A water supply bylaw is required to effectively manage and control water supply in the Queenstown Lakes District.
- 5 The review of this bylaw is part of the programmed review of Councils bylaws.

Comment

- 6 Section 146 of the LGA2002 provides specific provisions for Council to make a bylaw for the purpose of managing, regulating against, or protecting from, damage, misuse, or loss, or for preventing the use of, the land, structures, or infrastructure associated with water supply.
- 7 Additional to section 146 of the LGA2002, section 145 allows Council to make a bylaws to address local issues and provides the ability to operate proactively to:
 - a) Protect the public from nuisance;
 - b) Protect, promote, and maintain public health and safety; and
 - c) Minimise the potential for nuisance behaviour in public places.

Water Meter Trial

- 8 The bylaw provides Council with the ability to install water meters as part of the control of water supplies.
- 9 In April, 2015 installation of the first of 500 water meters began to be installed across Queenstown Lakes District as part of a project to understand water use across the District. The installation of these meters is still in progress.
- 10 This project will enable the improved management of our water supply and its demand, to ensure an effective and efficient water and wastewater network. The project will enable Council to assess:
 - a) the range of costs of installing meters across different schemes in the District;
 - b) the technical issues associated with meter installations;
 - c) the potential reduction in water usage as a result of metering;
 - d) the water leakage that is currently occurring on private property; and

e) the relative costs and benefits of metering.

- 11 Properties were selected at random for a one-year trial. They include apartments, lifestyle blocks, businesses and homes in all of the areas serviced by a reticulated Council water supply. The trial is in addition to the water metering already undertaken in Luggate and most of Lake Hayes, where properties are already connected to water meters.
- 12 It is likely that the findings from the project will be able to be reported back to Council at the end of the 2016 calendar year.

Bylaw Amendments

Clause 7.8.1 – Prohibition or restriction of supply for extraordinary use (2008 Bylaw)

- 13 The restriction of water supply during times of high demand and low rainfall is required to enable the management and continued supply of water to the district.
- 14 Council has historically put in place restrictions across the district as required, often controlling the use of irrigation and hose pipes e.g. watering of gardens.
- 15 Through the review of the bylaw, it is considered that clause 7.8.1 – *Prohibition or restriction of supply for extraordinary use* should be amended to enable more effective enforcement of the restrictions should any be put in place.
- 16 This clause shall be amended to read as follows:

8.5.3 Restriction or prohibition of use

The Council may at any time, by public notice, restrict or prohibit the use of water for any one or more of the following purposes, and immediately after that shall be a breach of this Bylaw.

- (a) The use of irrigation systems of any sort, or other outside watering; and
- (b) Any other reason Council sees as reasonable in the circumstances that apply at the time.

Any such restriction or prohibition applies until public notice is given that the restriction or prohibition has been rescinded.

Options

- 17 This report identifies and assesses the following reasonably practicable options for assessing the matter as required by section 77 of the Local Government Act 2002:
- 18 Option 1 No Bylaw

19 **Advantages:** Less regulation.

20 **Disadvantages:** Wastage of water, lack of ability to restrict water use when necessary.

21 Option 2 Status Quo

22 **Advantages:** The ability to restrict the use of water when necessary and take enforcement action.

23 The ability to install water meters, to better inform decision making regarding water usage.

24 **Disadvantages:**

25 Current water supply does not reward users for conserving water.

26 This report recommends Option 2 for addressing the matter.

Significance of Engagement

27 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy because the bylaw is relevant to the management of Council's water supply infrastructure which is a strategic asset.

28 Consultation will be undertaken following the special consultative procedure.

Risk

29 This matter related to the operational risk OR003 'Deliver infrastructure services', as documented in the Council's risk register. The risk is classed as low.

30 This matter relates to this risk in a situation of an extreme event (drought / long-lead time infrastructure failure) and water restriction provisions under the bylaw are necessary to mitigate the risk.

Financial Implications

31 There are no operational or capital expenditure requirements or other budget or cost implications resulting from the decision.

Council Policies, Strategies and Bylaws

32 The following Council policies, strategies and bylaws were considered:

- Policy for the Provision of New Water Supply and Sanitary Sewer Connections.
- Enforcement Strategy and Prosecution Policy 2014
- Water Supply Bylaw 2008
- QLDC Land Development and Subdivision Code of Practice

33 The recommended option is consistent with the principles set out in the named policies.

34 This matter is included in the 10 Year Plan under Part Two.

Local Government Act 2002 Purpose Provisions

35 The recommended option:

- Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses by ensuring that water is used in the most effective manner possible at present until such time that the water meter project has been concluded.
- Can be implemented through current funding under the 10-Year Plan and Annual Plan;
- Is consistent with the Council's plans and policies; and
- Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.

Consultation: Community Views and Preferences

36 No pre-consultation has been undertaken with the community.

37 Councils Chief Engineer has been consulted and advised the proposed bylaw is fit for purpose.

38 A special consultative procedure will be undertaken in accordance with the Local Government Act 2002 to implement this bylaw which will give the community the opportunity to submit and ensure the required consultation process has taken place.

Attachments

- A Proposed Water Supply Bylaw 2015
- B Statement of Proposal
- C Summary of Statement of Proposal