



# **AGENDA:**

## **Meeting of the RISK AND POLICY COMMITTEE**

**WEDNESDAY 14 JUNE 2017**

*commencing at 4.00pm*

at the Clocktower  
Palmerston Street, Westport

### **Risk Committee Members:**

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- Cr P Rutherford (Chair)
  - Cr G Hart
  - Cr J Cleine
  - Cr S Roche
  - Cr M Hill
  - Cr R Nahr
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## **Terms of Reference**

### **Risk and Policy Committee**

#### **Purpose**

- To identify, assess, monitor and manage risk. The Risk and Policy Committee is to oversee, report and make recommendations to the Council in respect of financial and non-financial risks faced by Council.
- To develop, review and recommend strategies, plans and policies to the Council that advance the Council's vision and goals, and comply with the purpose of the Local Government Act.
- Develop and recommend bylaws to the Council.
- Develop and approve submissions to government, local authorities and other organisations
- Review and monitor Council Health and Safety strategies, plans and policies.

#### **Delegated Powers**

- Review the risk identification and management processes developed by management to confirm it is consistent with Council's Strategy.
- Review management's assessment of risk (bi-monthly) and provide an update to Council.
- Oversee and monitor management's documentation of material risk.
- Assess the steps management has implemented to manage and mitigate identifiable risk, including the use of insurance.
- Review annually (at a minimum) Council policies for risk assessment and risk management.
- Recommend all strategies, policies and plans.
- Approve all submissions made by the Buller District Council to other Councils, central government and other bodies, other than those of a technical nature which have been delegated to staff.
- In relation to bylaws, approve for consultation and consider submissions.
- The Risk and Policy Committee will report to Council immediately after each Committee meeting, providing information on all matters within its duties and responsibilities.

#### **Reporting to Council**

#### **Reporting Timeline**

Bi-monthly dashboard report

#### **Frequency of Meetings**

Bi-monthly

#### **Membership**

Chair - Phil Rutherford

Members - Greg Hart

- Jamie Cleine
- Sharon Roche
- Martin Hill
- Robyn Nahr

# **RISK AND POLICY COMMITTEE**

## **FOR THE MEETING OF 14 JUNE 2017**

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# RISK AND POLICY COMMITTEE

FOR THE MEETING OF 14 JUNE 2017

Report for Agenda Item No 1

Prepared by - Mike Duff  
- Group Manager Assets and Infrastructure

## MEMBERS INTEREST

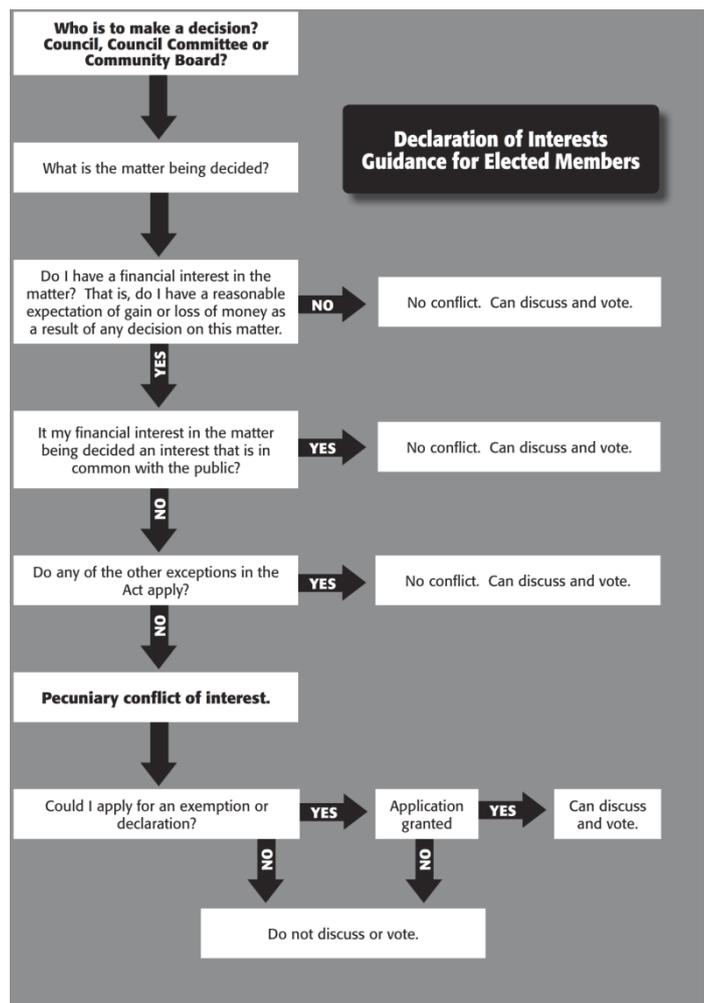
Councillors are encouraged to consider the items on the agenda and disclose whether they believe they have a financial or non-financial interest in any of the items in terms of Council's Code of Conduct.

Councillors are encouraged to advise the Personal Assistant, Operations, of any changes required to their declared Members Interest Register.

The following flowchart may assist Councillors in making that determination (Appendix A from Code of Conduct).

## RECOMMENDATION

That Councillors disclose any financial or non-financial interest in any of the agenda items.



**RISK AND POLICY COMMITTEE**  
**FOR THE MEETING OF 14 JUNE 2017**

**Report for Agenda Item No 2**

**Prepared by - Mike Duff**  
**- Group Manager Assets and Infrastructure**

**CONFIRMATION OF MINUTES**

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Minutes of the meeting held on 7 December 2016.

**DRAFT RECOMMENDATION**

**That the minutes from the meeting held 7 December 2016 are confirmed.**

**MINUTES OF THE MEETING OF THE BULLER DISTRICT COUNCIL RISK COMMITTEE, HELD IN THE CLOCKTOWER, PALMERSTON STREET WESTPORT ON WEDNESDAY 7 DECEMBER 2016 COMMENCING AT 6.15 PM.**

**PRESENT:**

Crs PJ Rutherford (Chairperson), GW Hart, SP Roche, RM Nahr and JW Cleine.

**IN ATTENDANCE**

His Worship the Mayor (Garry C Howard, Chief Executive (A Gowland-Douglas), Cr SM Barry, Group Manager Assets and Infrastructure (M Duff), Manager Corporate Services (DJ Phibbs), Team Leader Planning and Policy (RP Townrow) and PA Group Manager Assets and Infrastructure (L Hartigan).

**APOLOGIES:**

Cr MJ Hill.

1 MEMBERS' INTERESTS

No interests were declared.

2 CONFIRMATION OF MINUTES

**Resolved:** That the minutes of the meeting held on 14 September 2016 be confirmed.

**SP Roche/GW Hart**

**Carried Unanimously**

MATTERS ARISING

An action plan is to be added to meeting agendas.

3 INSURANCE REPORT – 2016/2017

The Manager Corporate Services updated the Committee on Council Insurances. The Committee asked him to produce a report for the next meeting on uninsured risks to Council.

**Resolved:**

**1. That Council receive the report for information purposes**

**JW Cleine/SP Roche**

**Carried Unanimously**

**4 OVERVIEW OF WORK UNDERTAKEN BY PREVIOUS RISK COMMITTEE AND FUTURE WORK PROGRAMME FOR THE RISK AND POLICY COMMITTEE.**

The Chairperson advised he would like a workshop with input from the Management team to review the current risk register and highlight any issues. He recommends Health and Safety and any risks external or internal to Council to be added to the register.

The Team Leader Planning and Policy addressed the meeting regarding the future working programme for the Committee and priorities. The Procurement Policy and the Local Alcohol Policy are not on the list included in the agenda but are to be factored into workloads.

**Resolved:**

**1. That the report be received for information.**

**RM Nahr/GW Hart**

**Carried Unanimously**

There being no further business the meeting concluded at 7.55 p.m.

Confirmed: ..... Date: .....

## RISK AND POLICY COMMITTEE

FOR THE MEETING OF 14 JUNE 2017

Report for Agenda Item No 3

Prepared by - Rachel Townrow  
- Team Leader Planning and Policy

**BYLAW REVIEWS - LIVESTOCK MOVEMENTS BYLAW, PUBLIC LIBRARIES BYLAW, CULTURAL AND RECREATIONAL FACILITIES BYLAW AND WATER SUPPLY BYLAW**

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### Report Summary

The Livestock Movements Bylaw 2010 (the LMB) must be reviewed, in accordance with sections 158 and 160 of the Local Government Act 2002 (the LGA), by 1 July 2017. A draft of the determinations required by sections 155 and 160 of the LGA is attached, along with a track-changes version of the Bylaw showing suggested amendments. The Committee is asked to review these documents prior to their inclusion on the June Council agenda.

As a consultation process will have to be undertaken for the LMB, it is suggested that the opportunity is taken to revoke the Public Libraries Bylaw (the PLB) and the Cultural and Recreational Facilities Bylaw (the CRFB) at the same time.

### Draft Recommendation

That the Committee endorse the attached draft documents for inclusion on the agenda of the June Council meeting.

### Issues and Discussion

Section 158 of the LGA requires councils to review bylaws made under that Act, its predecessor or the Maritime Transport Act 1994. The review requirement comes into effect five years after the bylaw was made. Section 159 of the LGA requires the further review of such bylaws every 10 years. Section 160A of the LGA states that, "*a bylaw that is not reviewed as required under section 158 or 159, if not earlier revoked by the local authority concerned, is revoked on the date that is 2 years after the last date on which the bylaw should have been reviewed under that section.*"

Section 160 of the LGA outlines the procedure for bylaw reviews. It states that, "*a local authority must review a bylaw to which section 158 or 159 applies by making the determinations required by section 155*". Following the review, council must carry out consultation on the bylaw regardless of whether the outcome of the review is that the bylaw be retained unchanged, amended, revoked or replaced.

Section 155 of the LGA is reproduced below in its entirety:

***Determination whether bylaw made under this Act is appropriate***

*(1AA) This section applies to a bylaw only if it is made under this Act or the Maritime Transport Act 1994.*

- (1) A local authority must, before commencing the process for making a bylaw, determine whether a bylaw is the most appropriate way of addressing the perceived problem.*
- (2) If a local authority has determined that a bylaw is the most appropriate way of addressing the perceived problem, it must, before making the bylaw, determine whether the proposed bylaw—
  - (a) is the most appropriate form of bylaw; and*
  - (b) gives rise to any implications under the New Zealand Bill of Rights Act 1990.**
- (3) No bylaw may be made which is inconsistent with the New Zealand Bill of Rights Act 1990, notwithstanding section 4 of that Act.*

The LMB came into force on 1 July 2010. Its review was signalled in 2015 and must now be completed by 1 July 2017 to avoid automatic revocation under section 160A of the LGA. The attached draft report addresses the determinations required under section 155 of the LGA. The review has identified some suggested minor amendments to update the LMB and these are shown with tracked changes on the attached. As previously discussed, the LMB is generally considered to be working well and staff recommend that a bylaw addressing this issue remain in place.

The PLB and CRFB, both of which were adopted from New Zealand Standard Model General Bylaws without amendment, came into force on 1 September 2002. Copies are attached. They were reviewed under section 158 of the LGA on 10 June 2008 and are due for review under section 159 of the LGA on 10 June 2018. A preliminary review of Council's bylaws identified that these two bylaws may no longer be required. Further research has now been undertaken and a draft of the determinations under section 155 of the LGA has been completed for these Bylaws, as attached. It is recommended that these two Bylaws be revoked.

If the PLB and CRFB are to be revoked there are two options to complete this. The first is to simply leave these Bylaws as they are and wait until they are revoked by section 160A of the LGA on 10 June 2020. While this has the advantage of requiring no work or resources, it means that these Bylaws remain in place and will continue to apply despite being outdated and not required. The second and preferred option is to complete and notify the review and revocation of these Bylaws at the same time as the review and amendment of the LMB. This has the advantage of reducing the workload from what would be required if each of these Bylaws were put through the process individually. It also has the advantage of completing the review of three of the 22 bylaws requiring review between now and 10 June 2018.

If the Committee is happy with this approach, a report can be put to the June Council meeting asking full Council to resolve to begin the necessary consultation processes to complete these reviews.

## **Considerations**

### **1. Strategic Impact**

Council must ensure that its bylaws are necessary, fit for purpose and can achieve their desired outcomes.

### **2. Significance Assessment**

This is of low significance in accordance with our policy.

### **3. Risk Analysis**

Council must ensure that it is meeting its legislative requirements in relation to bylaws. These reviews are part of meeting those requirements. They also ensure that the bylaws remain necessary and fit for purpose and that they can continue to achieve their desired outcomes.

### **4. Policy/Legal Considerations**

The process outlined in the LGA must be followed.

### **5. Tangata Whenua Considerations**

None identified.

### **6. Views of Those Affected**

The required consultation process will give people the opportunity to make their views known before Council makes its final decision.

### **7. Costs**

There will be some costs involved with the consultation process, mostly in advertising. The biggest resource requirement will be staff time, which will come from existing budgets and workloads.

### **8. Benefits**

Three bylaw reviews will be completed in an efficient and cost effective manner. The LMB will be able to continue, with amendments to bring it up to date. Two redundant bylaws will be removed.

### **9. Media/Publicity**

None identified.

**REVIEW OF BULLER DISTRICT COUNCIL LIVESTOCK MOVEMENTS BYLAW 2010  
REPORT ON DETERMINATIONS UNDER SECTION 155, LOCAL GOVERNMENT ACT 2002**

**INTRODUCTION**

Section 158 of the Local Government Act 2002 (the LGA) requires councils to review bylaws made under the LGA or the Maritime Transport Act 1994.

Section 160 of the LGA outlines the procedure for the review and states that a review is carried out by council "*making the determinations required by section 155 [LGA].*"

The following determination is required under section 155 of the LGA:

- Whether a bylaw is the most appropriate way of addressing the perceived problem.

If it is determined that a bylaw is the most appropriate way of addressing the perceived problem, section 155 of the LGA requires the following further determinations:

- Whether the bylaw is the most appropriate form of bylaw; and
- Whether the bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990.

The *Buller District Council Livestock Movements Bylaw 2010* has been reviewed in accordance with the LGA.

This report outlines the findings of Council's determinations under section 155 of the LGA.

**WHETHER A BYLAW IS THE MOST APPROPRIATE WAY OF ADDRESSING THE PERCEIVED PROBLEM**

The perceived problem is the need to control the movement of stock on public roads.

Stock crossing roads and stock being driven along roads have been identified as a road safety concern ("*NZTA – Stock under control (crossing and droving)*", April 2015, *Road Controlling Authorities' Forum study*, December 2004). A lack of adequate advance warning to other road users has been identified as a contributing factor to these safety issues (ibid). A bylaw can set standards for advance warning of livestock crossings and movements to ensure that these are adequate and to address road safety matters.

Stock crossings can cause damage to roads. Control and management of stock crossings aims to reduce this damage. A bylaw can set standards for the management of livestock movements.

Setting these standards through a bylaw makes them enforceable, with penalties available if people do not comply. Council could set guidelines or procedures instead but these can be difficult to enforce and there are no penalties available in the case of non-compliance.

Council has determined that it wishes to continue to control the movement of livestock on public roads and that a bylaw is the most appropriate way of addressing the perceived problem.

#### **WHETHER THE BYLAW IS THE MOST APPROPRIATE FORM OF BYLAW**

The *Buller District Council Livestock Movements Bylaw 2010* (the Bylaw) is based on a bylaw developed by members of the Road Controlling Association with input from Federated Farmers. It was refined through a working group process with membership from Federated Farmers, Westland Dairy Company and Council. The Bylaw went through a public consultation process before being adopted by Council.

The Bylaw is considered to be working well and achieving its desired outcomes. Some minor amendments are proposed to 'tidy-up' the Bylaw and to update references. The proposed amendments are summarised below:

- Remove the "Introduction" and amend clause 6 "Compliance with other Acts" – the content is not necessary and by referencing legislation it can easily become outdated (e.g. the Transport Act 1962 was repealed 10 months after the Bylaw came into force).
- The New Zealand Transport Agency (NZTA) has provided updated traffic management guidance since the Bylaw was written. It is proposed to maintain the existing plans in Appendix A for use on roads that are not State

Highways, as these plans are still considered appropriate for these roads. It is further proposed to adopt the updated plans from NZTA for use on roads that are State Highways, as these plans are considered appropriate for those roads.

- Minor grammatical corrections and changes for consistency of drafting throughout the Bylaw.

Council has determined that, subject to the amendments outlined above, the Bylaw is the most appropriate form of bylaw.

### **WHETHER THE BYLAW GIVES RISE TO ANY IMPLICATIONS UNDER THE NEW ZEALAND BILL OF RIGHTS ACT 1990**

Consideration has been given to the provisions of the New Zealand Bill of Rights Act 1990 (the BoRA).

A bylaw that controls the movement of stock on public roads is not considered to place an unreasonable limit on any of the rights and freedoms outlined in the BoRA and Council has determined that the Bylaw, including the proposed amendments, does not give rise to any implications under the BoRA.

### **CONCLUSION**

Council has determined that a bylaw is the most appropriate way of controlling the movement of stock on public roads and that the *Buller District Council Livestock Movements Bylaw 2010*, with the amendments proposed, is the most appropriate form of bylaw and does not give rise to any implications under the New Zealand Bill of Rights Act 1990.

**REVIEW OF BULLER DISTRICT COUNCIL PUBLIC LIBRARIES BYLAW AND  
BULLER DISTRICT COUNCIL CULTURAL AND RECREATIONAL FACILITIES BYLAW  
REPORT ON DETERMINATIONS UNDER SECTION 155, LOCAL GOVERNMENT ACT 2002**

**INTRODUCTION**

Section 159 of the Local Government Act 2002 (the LGA) requires councils to review bylaws made under the LGA or the Maritime Transport Act 1994.

Section 160 of the LGA outlines the procedure for the review and states that a review is carried out by council "*making the determinations required by section 155 [LGA].*"

The following determination is required under section 155 of the LGA:

- Whether a bylaw is the most appropriate way of addressing the perceived problem.

If it is determined that a bylaw is the most appropriate way of addressing the perceived problem, section 155 of the LGA requires the following further determinations:

- Whether the bylaw is the most appropriate form of bylaw; and
- Whether the bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990.

The *Buller District Council Public Libraries Bylaw* and the *Buller District Council Cultural and Recreational Facilities Bylaw* have been reviewed in accordance with the LGA.

This report outlines the findings of Council's determination under section 155 of the LGA.

## **WHETHER A BYLAW IS THE MOST APPROPRIATE WAY OF ADDRESSING THE PERCEIVED PROBLEM**

The perceived problem is the need to control and set standards for the operation of libraries and other cultural and recreational facilities under the ownership or control of Council.

Both the *Buller District Council Public Libraries Bylaw* and the *Buller District Council Cultural and Recreational Facilities Bylaw* were adopted from New Zealand Standard (NZS) Model General Bylaws without amendment. They came into force on 1 September 2002 and were reviewed under section 158 of the LGA on 10 June 2008, after which they were continued without amendment.

Both the *Model General Bylaws – Public Libraries* and the *Model General Bylaws – Cultural and Recreational Facilities* have subsequently been withdrawn by NZS and have not been replaced.

Around New Zealand, bylaws covering public libraries have been phased out by other councils. There is no longer a need to have a specific bylaw covering libraries. While some councils have retained bylaws covering public facilities under their ownership or control, many have not.

The relevant matters can be covered by policies and procedures which can more easily be tailored and adapted to meet changing needs and circumstances. Without the need to go through formal processes with associated time and costs, these are seen as a more efficient and effective means of addressing the perceived problem. As such, it is considered that the *Buller District Council Public Libraries Bylaw* and the *Buller District Council Cultural and Recreational Facilities Bylaw* are no longer the most appropriate means of addressing the perceived problems.

## **CONCLUSION**

Council has determined that bylaws are not the most appropriate way of setting standards for the operation of libraries and other cultural and recreational facilities under the ownership or control of Council.

Following their review, Council proposes that the *Buller District Council Public Libraries Bylaw* and the *Buller District Council Cultural and Recreational Facilities Bylaw* be revoked.

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## NEW ZEALAND STANDARD

# MODEL GENERAL BYLAWS

## Part 15

### PUBLIC LIBRARIES

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#### 1500 SCOPE

The purpose of this Part of the bylaw is to allow Council to exercise control over the operation of public libraries within the District.

This bylaw is made pursuant to section 684 of the Local Government Act 1974 and its amendments.

#### 1501 DEFINITIONS

For the purposes of this bylaw the following definitions shall apply:

**BOOK** means a book, magazine, newspaper, periodical, pamphlet, manuscript, standard or other article of a similar nature, or any part thereof which is the property of the Council or under the control of Council.

**BORROWER** means any person to whom the Council has by registration granted the privilege to borrow library books or documents.

**BORROWER'S CARD** means any card issued by a librarian as a means of identification of any borrower from the library.

**DOCUMENT** means any map, chart, print, photograph or negative film, plan, picture, broadsheet, card, cutting, microfilm or microfile, photocopy, engraving or etching, video tape, or piece of music including a manuscript, compact disc, record, or audio tape or any other article of a similar nature, or any part of it, whether the property of the Council or for the time being under the control of the Council.

**LIBRARIAN** includes any person for the time being appointed by the Council to control or manage or to assist in the control and management of the library.

**LIBRARY** means any library established and operated for the time being by the Council for use by the public or any section of the public, and includes every portion of any building used for such purposes, and includes a mobile library.

**LIBRARY MANAGER** means the appointed manager of a Council library.

**1502 COUNCIL MAY MAKE RULES FOR LIBRARIES**

Council may, from time to time by resolution, make rules for the following areas that shall apply to one or more libraries:

- (a) For the internal control, management, and use of the library;
- (b) For determining the number of books or documents to be lent to any one borrower at one time;
- (c) For determining the times and hours during which the library and any specified parts thereof shall be open and the holidays, days, and times upon which it may be closed;
- (d) For determining the time to be allowed for the return of any library book or document;
- (e) For maintaining good order and conduct within the library; and
- (f) For fees and charges payable by persons for library membership, overdue books and for any other services of any department of the library.
- (g) For the appropriate use of electronically accessible information.

**1503 UNAUTHORIZED USE OF BORROWER'S CARD**

Any person who is not named in any borrower's card, or duly authorized by the person so named, shall not make use of any such card for the purpose of obtaining any book or document from a library.

**1504 BORROWING**

**1504.1**

No person shall take or borrow any library book or document without having the issue of the library book or document recorded in the library record system.

**1504.2**

No person shall be entitled to borrow any library book or document specified as reference only, except with the permission of a librarian, and subject to such conditions as laid down by the librarian.

**1505 DAMAGE TO LIBRARY BOOKS OR DOCUMENTS**

**1505.1**

If any library book or document is lost or returned in a damaged condition the borrower shall pay to the Council such a sum of money as will replace such library book or document or as will be full compensation for any damage or loss to the Council.

**1505.2**

If a lost book or document is subsequently found and returned within two years of the date of borrowing, a refund of all or part of the charge made for the loss may be paid to the borrower at the discretion of a librarian.

**1506 UNPAID MONEY**

No person owing any money to the Council in connection with any library service shall take out or borrow any library book or document, and a librarian may revoke that Borrower's card until all such charges have been paid in full.

**1507 CHANGE OF ADDRESS**

Every holder of a borrower's card shall notify any change in his/her address to a librarian within one month of their obtaining a new address.

**1508 UNAUTHORIZED TAKING OF LIBRARY BOOKS  
OR DOCUMENTS**

Any person (other than as a borrower) taking or attempting to take any library book or document, or other article from a library, and any person knowingly pledging, pawning, selling, or purchasing or advancing money on any such library books or documents or article or attempting to do so, shall commit an offence against this Part of this bylaw, in addition to any other offence of which such offender shall be guilty.

**1509 EXPULSION OF OFFENDERS**

A librarian may require any person behaving in a disorderly manner in the library, or any person who is not bona fide using the library for the purpose for which it is intended, to leave the library, and any refusal on the part of the person to do so will constitute an offence against this bylaw.

**1510 BREACH**

Where in the opinion of a librarian, any person has contravened any of the provisions of this bylaw or any rules made by the Council relating to the library use, or has otherwise acted in an unlawful manner in the library, a librarian may exclude that person from the library, until notice is given for the person to return.

## NEW ZEALAND STANDARD

# MODEL GENERAL BYLAWS

## Part 16

### CULTURAL AND RECREATIONAL FACILITIES

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#### 1600 SCOPE

The purpose of this Part of the bylaw is to enable the Council to control and set standards for the operation of the cultural and recreational facilities under the ownership or control of the Council.

This bylaw is made pursuant to sections 613 and 684 of the Local Government Act 1974 and its amendments.

#### 1601 DEFINITIONS

For the purposes of this bylaw the following definitions shall apply:

**COUNCIL FACILITY** includes any swimming pool, aquatic centre, recreational, cultural or community centre, museum, art gallery, hall, zoo or golf course under the ownership or control of Council.

**MANAGER** means the appointed manager of a council facility, or his or her appointed deputy.

#### 1602 COUNCIL MAY MAKE RULES FOR COUNCIL FACILITY

##### 1602.1

Council may from time to time, by resolution, make rules for the following areas that shall apply to one or more council facilities:

- (a) For the control, management and use of the Council facility;
- (b) For determining the hours during which the council facility and any specified parts thereof shall be open and the holidays, days, and times upon which it will be closed;
- (c) For maintaining good order and conduct whilst persons are in or on a council facility;

- (d) For fees and charges payable for entry to, or use of a council facility;
- (e) For the closure of that facility or part thereof or for setting aside of part or all of that facility for the exclusive use of individuals or groups.

**1602.2**

The Manager of a council facility shall post the rules that apply to any member of the public using that facility, in a visible place as near as is reasonably practical to the entrance to that facility.

**1603 EXPULSION OF OFFENDERS**

Any person responsible for any Council facility may require any person behaving in a disorderly manner in or on a council facility, or any person who is not bona fide using the council facility for the purpose for which it is intended, to leave the council facility, and any refusal on the part of the person to do so will constitute an offence against this Part of this bylaw.

**1604 BREACH**

Where in the opinion of a Manager any person has contravened any of the provisions of this bylaw or any rules made by the Council relating to the use of the council facility, or has otherwise acted in an unlawful manner in or on the council facility, the Manager may exclude that person from the council facility, until notice is given for the person to return.

## **RISK AND POLICY COMMITTEE**

**FOR THE MEETING OF 14 JUNE 2017**

**Report for Agenda Item No 4**

**Prepared by - Sam Murphy**  
**- Co-ordinator 3 Waters**

**Reviewed by - Mike Duff**  
**- Group Manager Assets and Infrastructure**

### **PUBLIC WATER SUPPLY BYLAW 2017**

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#### **Report Summary:**

The attached draft bylaw is for consideration by the Risk and Policy Committee(R&P Committee). This proposed “Buller District Council Water Supply Bylaw 2017” (Bylaw 2017) will replace the existing “Buller District Council Water Supply Bylaw 2008”.

The new bylaw will assist Council in managing its water supply assets and water allocations.

#### **Recommendation/draft resolution:**

That the R&P Committee receive this bylaw for information and then schedule discussions with the 3 Waters Coordinator at either the next Risk and Policy meeting or an extraordinary workshop to make any required changes and amendments prior to submission to Council for adoption.

#### **Issues & Discussion**

It is proposed that the R&P Committee meet directly with the 3 Waters Coordinator following the committee reading the bylaw and making comment at either the next Risk and Policy meeting or an extraordinary workshop to make any required changes and amendments prior to submission to Council for adoption.

#### **Considerations**

##### **1. Strategic impact**

As part of the strategic direction of the water supplies, the Buller District Council has adopted a five-point plan which is summarised below:

1. Responsibility – Waterworks owned or under the control of the Water Supplier
2. Authority – Relevant consents and access permissions held by the Water Supplier
3. Application – Protection of waterworks, environment and public safety
4. Coordination – Organised management of water supply programs of work
5. Implementation – Best-practice processes for delivering water supply projects

This bylaw addresses Point 3 of this five-point plan whereby the adoption and application of the proposed bylaw will protect BDC waterworks including infrastructure and ensure environmental and public safety.

The updated “Bylaw 2017” is critical to the management of the BDC’s water infrastructure and the supply of potable water to ensure ongoing compliance as per the NZ Drinking Water Standards 2008 and the Drinking Water Amendment Act 2007.

## **2. Significance assessment**

The supply of potable water and management of water supply infrastructure is considered very significant.

## **3. Risk analysis**

Water supply compliance and infrastructure management can change over time, due to technological advancement and increased compliance levels. So while the current bylaw was fit for purpose at the time of adoption, it is critical that the bylaw is kept current and relevant to any changes that have occurred over the years. The proposed “Buller District Council Water Supply Bylaw 2017” will address any changes since 2008 and reduce any new risks that have arisen during this time.

The proposed bylaw will also clarify and reinforce BDC’s approach to water metering and leakage as well as the implementation and installation of backflow prevention across the various water reticulation networks.

## **4. Policy / legal considerations**

This bylaw will assist Council compliance with the NZ Drinking Water Standards 2008 and the Drinking Water Amendment Act 2007.

BDC is also currently in the process of developing a Wastewater bylaw. Consideration was given to combining both bylaws to avoid duplication and to allow a single consultation process. However, due to the specific nature of these utilities with differing issues and little overlap in terms of clauses, this was discounted. Other factors that influenced this decision were; less risk of resistance to one element that might then hold up adoption, which due to the urgency of current water issues, ensures the process is kept moving. In the future, it will also make any subsequent amendments easier to review and implement.

## **5. Tangata whenua considerations**

It is not expected that consultation will be required with iwi.

## **6. Views of those affected**

No public consultation has been carried out.

## **7. Costs**

Costs associated to the BDC are development of the new bylaw. Due to required installation of new compliance and monitoring components, there will be costs for processing new applications by staff. Ratepayers who are required to retrospectively fit compliance fittings etc will be required to pay capital and maintenance costs.

## **8. Benefits**

Consumers connected to BDC water supplies will benefit due to added compliance and monitoring of the water supplies. Reducing the likelihood of consumers being affected by water quality/quantity issues.

## **9. Media / publicity**

Media are expected to cover this bylaw development.



**Buller District Council**

# **Public Water Supply Bylaw 2017**

**Council Resolution**

This bylaw was made by resolution of Buller District Council at a meeting of the full Council on **date.**

The common seal of the Buller District Council is attached hereto **this date**, in the presence of:

\_\_\_\_\_

Garry Howard, Mayor

\_\_\_\_\_

Andy Gowland-Douglas, Chief Executive

# Public Water Supply Bylaw 2017

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## PART A – General

### 1 Introduction

- (1) Buller District Council makes this bylaw (the Bylaw) in accordance with the Local Government Act 2002.

### 2 Title

- (1) The title of the Bylaw is the **Buller District Council Public Water Supply Bylaw 2017**.

### 3 Commencement

- (1) The Bylaw comes into force on [date].

### 4 Repeal

- (1) The **Buller District Council Water Supply Bylaw 2008** (2008 Bylaw) is repealed on the coming into force of the Bylaw.
- (2) The repeal of the 2008 Bylaw does not affect liability for an offence or for a breach of the 2008 Bylaw committed before the repeal of the 2008 Bylaw. The 2008 Bylaw continues to have effect as if it had not been repealed 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 the 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.
- (2) The Bylaw shall apply to Buller District.
- (3) If any provision of the Bylaw is inconsistent with any other Buller District Council bylaw, then the provisions of the Bylaw prevail.

## 6 Interpretation

(1) In the 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 officer.

**Authorised agent** means any person authorised or 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 Public Water Supply Bylaw 2017.

**CAR** means the Council's access request system.

**Connection or disconnection** means the physical connection to or disconnection from the public water supply network.

**Council** means Buller District Council.

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

**District** means the district within the jurisdiction of the Buller District 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 using either a hand held device or portable sprinkler;
- c) Irrigation systems for gardens and lawns on premises of less than 1 hectare in area;
- d) Fire protection systems approved by the Council.

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

**Drinking water** has the same meaning as in section 69G of the 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, including (but not limited to);

- a) Commercial and business;
- b) Industrial;
- c) Agricultural and horticultural;
- d) Domestic – spa or swimming pool exceeding 10 m<sup>3</sup> capacity,
- e) Irrigation systems for gardens and lawns on premises of more than 1 hectare in area;;
- f) Fire protection systems other than sprinkler systems installed to comply with NZS 4517 Fire Sprinkler Systems for Houses;
- g) Out of district (supply to, or within another local authority);
- h) Temporary supply.

**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 to take water from a fire hydrant.

**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 water meter or restrictor. Examples of the point of supply are shown on the diagrams attached to the Bylaw as Appendix A.

**Premises** means:

- a) A property or allotment which is held under a separate certificate of title or for which a separate certificate 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 certificate 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 certificate 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 urban and rural water supply areas supplied by the Council.

**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 of the 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.

**Rural water supply area** means an area served by a reticulated water supply system that is intended to supply water via restricted flow supplies and/or on demand supplies but not necessarily with a firefighting capability.

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

**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.

**Toby** means the service valve at the customer's end of the service pipe near 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.

**Urban water supply area** means an area served by an 'on-demand' public water supply network with firefighting capability.

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

(2) In the Bylaw:

- a) The Interpretation Act 1999 applies to the Bylaw;
- b) Explanatory notes, (denoted by the word "Note:" and all in *italics*) are for information purposes only, do not form part of the Bylaw, and may be amended by the Council at any time.
- c) A reference in the Bylaw to any statute, regulation, standard or code, refers to the latest amendment or substitution for the statute, regulation, standard or code.
- d) The supply and sale of water by the Council is subject to the statutes, regulations, standards and codes listed in Section 5 of NZS 9201.7 Model General Bylaws – Water Supply.

## 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 Fees and charges

- (1) The Council may prescribe in its Schedule of Fees and Charges the fees and charges payable to the Council for approvals, inspections, meter readings, and other matters provided for in the Bylaw.
- (2) Customers and permit holders shall be responsible to pay by the due date all fees and charges associated with connection and disconnection of their premises to the public water supply network, and any other fees and charges set by the Council under 8(1).

## 9 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:
  - a) By the customer and, if metered, the final water meter reading has been carried out, or
  - b) By the permit holder and the permit is cancelled by the Council.

## 10 Transitional provisions: existing permits

- (1) Every existing permit in force at the commencement of the Bylaw shall continue in force as if it were a permit issued under the 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 the Bylaw.

## 11 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.

## 12 Transfer of Rights and Responsibilities

- (1) A customer shall not transfer to any other customer or premises, the rights and responsibilities set out in the Bylaw, without the written approval of the Council.

## 13 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 the 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 public water supply and network**

### 14 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.

### 15 Backflow Prevention

- (1) All connections to the public water supply network must have a backflow prevention device. The customer shall be responsible for paying the cost of installing a backflow protection device.
- (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, 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. In this case, the Council may recover all installation and testing costs from the customer.
- (5) Cross-connection between the public water supply network and the following are prohibited:
  - a) Any other water supply or source (potable or non-potable);
  - b) Any storage tank;
  - c) Any other pipe, fixture or equipment containing non-potable substances.

## 16 Access to and work on the public water supply network

- (1) No person shall, without the prior written approval of the Council (using CAR), 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 toby at the point of supply to isolate the supply. The Council gives no guarantee of the serviceability of the toby 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.

## 17 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.
- (2) The Council maintains as-built location plans of the public water supply network and this information can be viewed electronically at the Council's Westport Office and Reefton Service Centre during normal business hours. A charge may apply for printed 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 (using CAR), excavate or otherwise interfere with land:
  - a) Within **2 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. piling).
- (4) The Council may give approval under 17(3) subject to such conditions as the Council thinks fit, including a condition requiring independent supervision of the work.
- (5) The Council may, subject to the notice period in 17(3) 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 17(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.*

## 18 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.
- (2) No person shall, without the prior written approval of the Council (using CAR), 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 18(1) or 18(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).

## 19 Interference by trees and shrubs

- (1) Tree and shrubs should 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.

## 20 Catchment protection

- (1) At the time of writing the Bylaw, the Westport water supply is drawn from a creek catchment in the hills behind Westport and is transferred to the reservoirs by a series of underground tunnels and races. The Reefton water supply is pumped from an infiltration gallery adjacent to the Inangahua River. The Punakaiki water supply is drawn from a creek in the hills above the town.
- (2) Entry to and permitting in Department of Conservation (DOC) controlled catchment areas shall be in accordance with DOC requirements applicable at the time the access is required.
- (3) Restrictions on activities in non-DOC controlled catchment areas shall comply with the provisions of applicable West Coast Regional Council plans, Buller District Council plans and National Environmental Standards.
- (4) Access to or work on or near the public water supply infrastructure in a catchment area, whether DOC controlled or not, must comply with the Bylaw sections 16, 17 and 18.

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

### 21 Continuity of supply and pressure

- (1) Due to practical and physical limitations, and possible 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.
- (2) Where the Council shuts down a public water supply for maintenance, repair or other works, it shall 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, it is the responsibility of the customer to provide measures such as storage, back-up facilities, or the equipment necessary. Council shall not be responsible if a customer fails to make adequate storage provision in such circumstances.
- (4) Customers on a restricted flow supply should have storage tanks with the capacity to store a minimum of **7 days'** supply of water in accordance with Table 1 of 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.
- (2) All new connections, including all pipes, fittings and any other equipment 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 22(1).
- (3) The Council may seek further information in order to process, or set conditions on, an application for approval under 22(1). Examples include (but are not limited to) a modelling assessment (at the applicant's cost) of the hydraulic capacity of the public water supply.
- (4) The Council may decline an application for approval under 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 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 23(1) shall give the Council at least **5 working days'** notice.
- (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 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 **6 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 the New Zealand Fire Service (including volunteer units) or the Rural Fire Authority (West Coast Rural Fire District) 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 receive a single fire hydrant upstand pipe incorporating a water meter and backflow prevention device for the term of the permit.
- (3) Fire hydrant upstand pipes remain the property of the Council and the permit holder shall compensate the Council for any loss or damage to the fire hydrant upstand pipe.
- (4) The holder of a permit to take water from a fire hydrant shall pay the Council for water taken from the fire hydrant at a rate per cubic metre that is fixed by the Council.
- (5) If the holder of a permit to take water from a fire hydrant requires more than one fire hydrant upstand pipe, they will be required to obtain an additional permit to take water (one permit per fire hydrant upstand pipe).
- (6) The holder of a permit to take water from a fire hydrant shall only take water from any fire hydrant approved by the Council.
- (7) A traffic management plan for all the fire hydrant sites will be included with the permit and it is the permit holder's responsibility to comply with the traffic management plan when taking water from a fire hydrant.

## 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 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 the Bylaw coming into force, the Council has approved a point of supply that is in a different location to that described in the 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', as per the definitions of these terms in 6(1).

### 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:
- Change from an ordinary use of water to an extraordinary use of water; or
  - Significantly increase the quantity of water supplied to the premises; or
  - Change from an activity that is a medium risk to a high risk to the water supply and/or network in respect of backflow e.g. a warehouse to an abattoir. In such cases, the Council approval may include additional backflow prevention.
- (4) With the exception of water used for drinking and sanitary purposes, an on demand supply shall be subject to the prohibition or restriction of supply provisions set out in clause 28.

### 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 should have storage tanks with the capacity to store water for **7 days**. The minimum storage requirements are:

**Table 1: Minimum Storage Requirement for Restricted Flow Supply**

Customer Supplied With	Minimum Storage
1 to 3 cubic metres of water	<b>25 cubic metres</b>
Greater than 3 cubic metres of water	<b>7 cubic metres</b> for every cubic metre supplied (e.g. 7 cubic metres supplied = 49,000 cubic metres of storage)

- (3) All customers whose premises are connected to a restricted flow supply as at the commencement of the Bylaw and do not have the storage tanks required by 26.2(2) must comply with that requirement by 1 November 2018.

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

- a) That the Council is not responsible or liable to fill storage tanks within the 7 day period, and  
b) Of the relevant firefighting provisions contained within the Buller District Plan and Long Term Plan.
- (4) With the exception of water used for drinking, sanitary purposes, and stock drinking water, a restricted flow supply shall be subject to the prohibition or restriction of supply provisions set out in clause 28.

## 27 Meters and restrictors

- (1) Meters for on demand supplies, and restrictors for restricted flow supplies, will be supplied, installed and maintained by the Council and shall remain the property of the Council.
- (2) Meters and restrictors will be located in a position where they are readily accessible for reading and/or maintenance.
- (3) Should any meter cease to register, or be removed, the Council shall be entitled 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.
- (4) Should any restrictor be found to be tampered with or otherwise interfered with, the Council shall be entitled to estimate and charge for the additional water allowed to pass, and recover any associated costs.
- (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.

## 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 premises, to the use of water for any specified purpose, and for any specified period.
- (2) Such restrictions or prohibitions may include, but are not limited to:
- a) A general notice to conserve water wherever possible; or  
b) Restricting water use for individual users, classes of activity, or types of water use, which may include but need not be limited to; hand-held hosing of productive gardens only, car washes, water blasting, or aesthetic water features; or

c) Essential health needs.

- (3) The Council may amend or revoke a restriction or prohibition made by the Council under 28(1).
- (4) 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.
- (5) Restrictions and prohibitions on use of the public water supply shall be advised by public notice.
- (6) Notwithstanding 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.

## 29 Fire protection connection and use

- (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.
- (2) It is the responsibility of the customer to provide the required flow and pressure information to operate their intended fire protection system. 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 shall not be used for any purpose other than firefighting and testing of the fire protection system.
- (4) Where the supply of water to a premises is metered, the Council may allow the supply of water for the purposes of firefighting to be made in a manner which bypasses the meter provided that it is only possible to draw water in connection with the sounding of automatic fire alarm and a backflow prevention device is fitted on the bypass.
- (5) 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.
- (6) 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.
- (7) All fire protection systems must have a Council approved backflow prevention device fitted.
- (8) Water supplied from fire hydrants on the existing public water supply network conform to the level of service set out in the Council's Long Term Plan. New subdivisions shall provide firefighting as per SNZ PAS 4509:2008 New Zealand Fire Service firefighting water supplies code of practice.

## 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 repaired.
- (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.
- (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 or fluctuations 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 maintain the area in and around the point of supply keeping it free of soil, growth, or other matter or obstruction which prevents, or is likely to prevent convenient access.
- (8) 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.
- (9) Where 30(8) applies, the customer shall then become responsible for maintenance of the existing pipework downstream of the new point of supply.
- (10) Subject to the provisions of the Act, the customer shall allow the Council access to any area of the premises, along with reasonable equipment, for the purposes of determining compliance with the Bylaw.

## PART D – Enforcement

### 31 Offences and Penalties

- (1) Every person who fails to comply with the 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 the Bylaw include but are not limited to:
  - a) An incorrect application for supply which materially affects the conditions of supply;
  - b) Failure by the customer to meet and comply with the conditions of supply;

- c) Failure to meet any obligation placed on the customer by statute or regulations;
  - d) Frustration of the Council's ability to adequately and effectively carry out its obligations in respect of water supply;
  - e) An act or omission including but not limited to the following:
    - a. failure to pay the appropriate fees and charges by the due date;
    - b. failure to repair a leak, or in any way wilfully allowing water to run to waste, or to be misused;
    - c. the fitting of equipment which may cause pressure surges or fluctuations to be transmitted within the water supply system or compromise the ability of the Council to maintain stated levels of service;
    - d. failure to prevent backflow;
    - e. failure to comply with water use restrictions or prohibitions imposed by the Council;
    - f. using water to drive equipment, machinery, eductors or other device not specifically approved by the Council;
    - g. using water for a cooling or heating system or to dilute trade waste prior to disposal, unless specifically approved by the Council;
    - h. extending by hose or other pipe a private water supply beyond the customer's property;
    - i. providing water drawn from the public water supply network to any other party without approval of the Council;
    - j. taking water from a fire hydrant without the required authority;
    - k. misuse of or interference with the public water supply or the supply network;
    - l. any illegal connection to the public water supply network.
- (3) If a person fails to comply with the 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

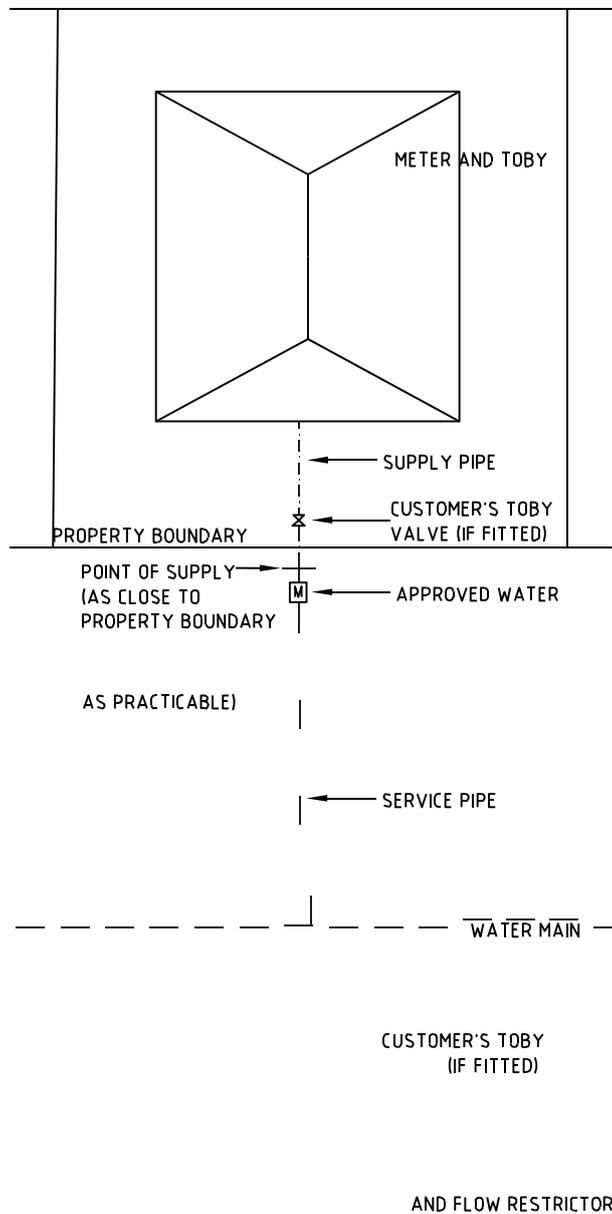
- (1) The Council may:
- a) Remove or alter a work or thing that is, or has been, constructed in breach of the Bylaw; and
  - b) Recover on demand the costs of removal or alteration from the person who committed the breach.
- (2) If any person defaults in undertaking any action required under the Bylaw 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.

Appendix A – Point of Supply Diagrams

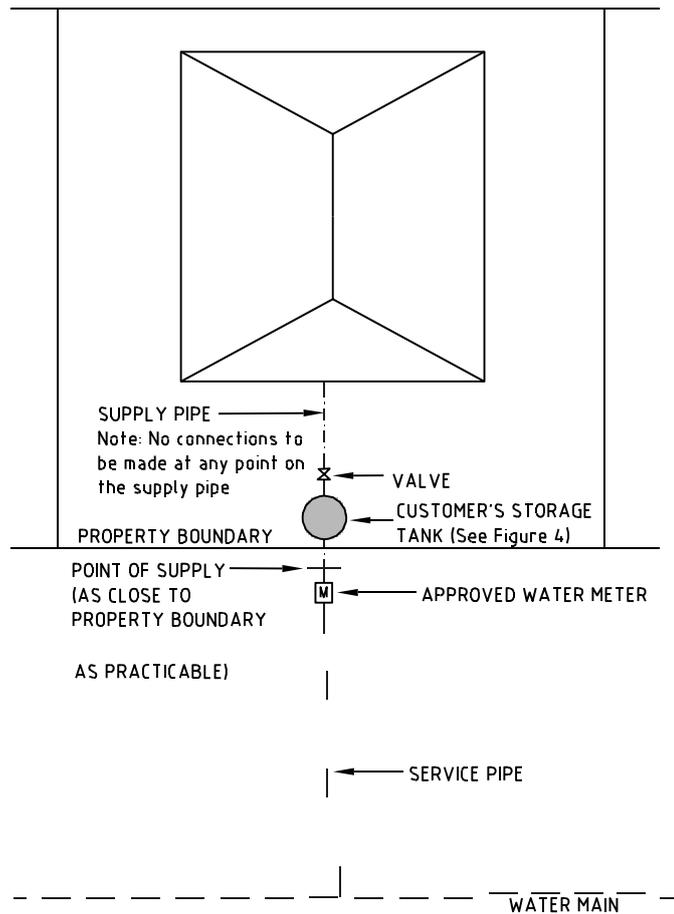
**Appendix A:**

Typical Point of Supply – On demand supply – Outside premises

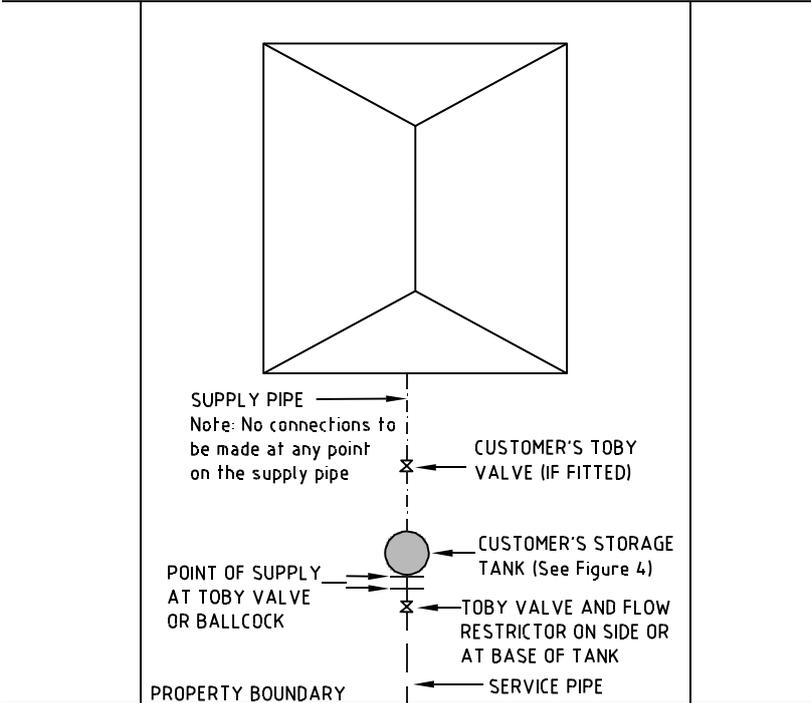
**Figure 1·**



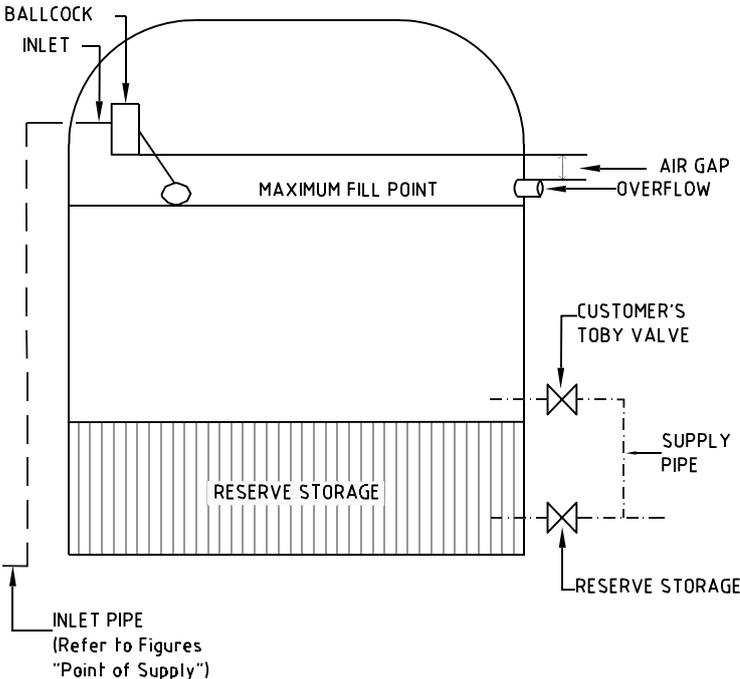
**Figure 2: Typical Point of Supply - Restricted Flow Supply - Outside Premises**



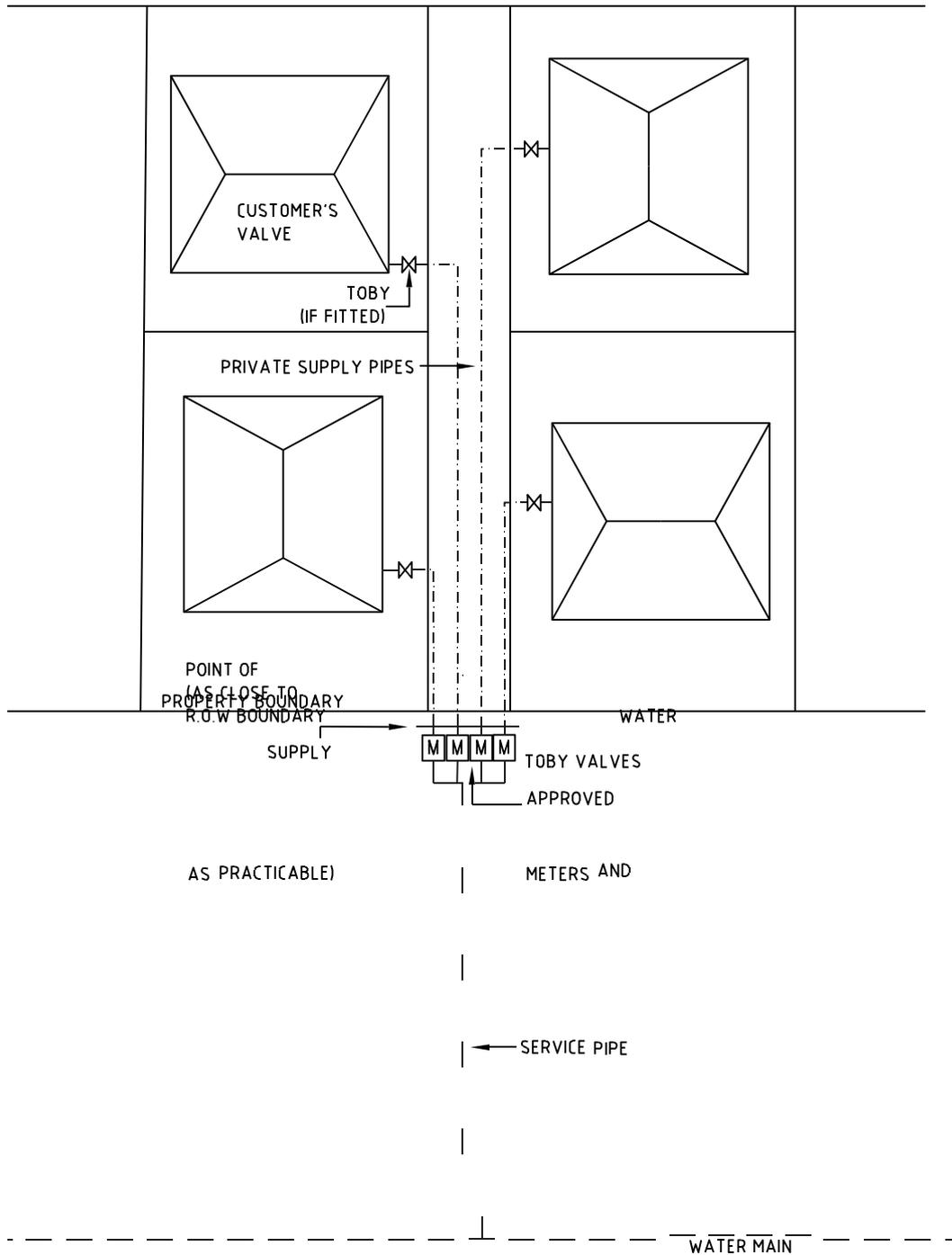
**Figure 3: Typical Point of Supply - Restricted Flow Supply - Inside Premises**



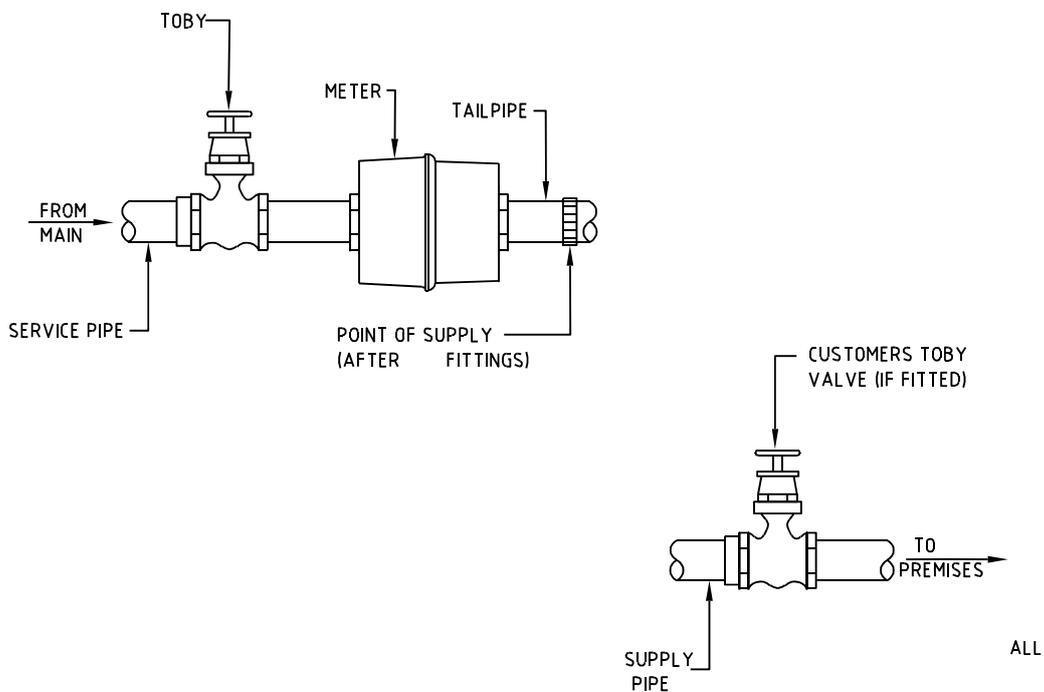
**Figure 4: Typical Restricted Flow Supply Tank Connection**

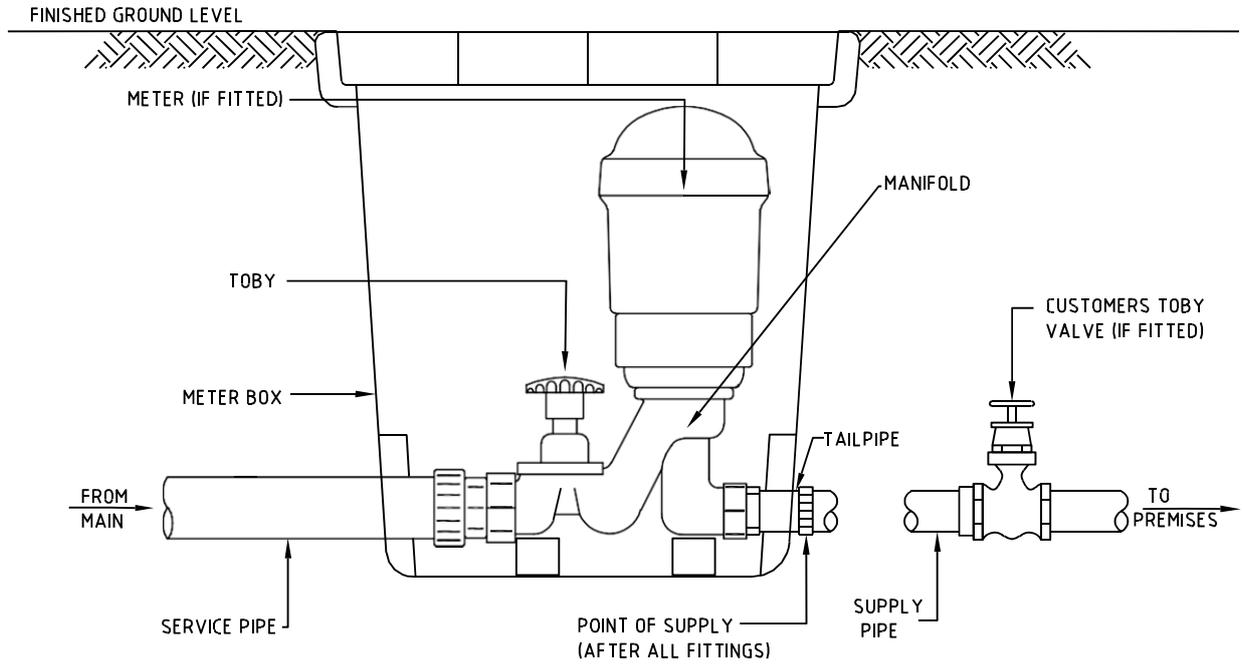


**Figure 5: Typical Point of Supply - On Demand Supply - Multiple Premises (accessed by Right of Way, new connections)**



**Figure 6: Typical On Demand (Metered) Supplies**





## RISK AND POLICY COMMITTEE

FOR THE MEETING OF 14 JUNE 2017

Report for Agenda Item No 5

Prepared by - Rachel Townrow  
- Team Leader Planning and Policy

### POLICY REVIEWS – COMMUNITY GRANTS POLICY, NZLGA ANNUAL CONFERENCE AND ZONE MEETINGS POLICY, OLD SEWER CONNECTIONS POLICY AND WEEDSPRAYING POLICY

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#### Report Summary

Among the policies reviewed by the previous Risk Committee in 2014 were the *Community Grants Policy*, *NZLGA Annual Conference and Zone Meetings Policy*, *Old Sewer Connections Policy* and the *Weedspraying Policy*. It was suggested that Council review each policy once every three years so that every policy is reviewed within the term of each Council. Those policies reviewed in 2014 are now due to be reviewed again based on a three-yearly review cycle.

It is suggested that the policies referred to above remain appropriate and can continue largely unchanged. Once the Committee has reviewed the policies and is happy with them it is suggested that a report be put to full Council to complete the review of these policies.

#### Draft Recommendation

That the Committee recommend to full Council that the *Community Grants Policy*, *NZLGA Annual Conference and Zone Meetings Policy*, *Old Sewer Connections Policy* and the *Weedspraying Policy* continue, with the minor amendments as shown in the attached.

#### Issues and Discussion

Under the previous Risk Committee, once the review of a policy was completed that policy was given a three-yearly review cycle. This would ensure that each policy comes up for review at least once within the term of each Council.

That Committee completed the review of six policies in 2014 and these are now due for review again. Of those six, four are considered to remain appropriate largely as they

are, requiring only minor amendments to address matters such as changes to committee and job titles. These four policies are attached with suggested changes shown tracked. The Committee is asked to review these policies. Once the Committee is happy with their content a report can be put to a Council meeting asking full Council to resolve to confirm the reviewed policies for another three years.

The other policies reviewed in 2014 were Fencing of Swimming Pools and Building on Reserve Land. Recent legislative and process changes mean that these policies will require amendment. This has been factored into the work programme for the year.

## **Considerations**

### **1. Strategic Impact**

Council must ensure that its policies are necessary, fit for purpose and can achieve their desired outcomes.

### **2. Significance Assessment**

This is of low significance in accordance with our policy.

### **3. Risk Analysis**

These reviews ensure that Council's policies remain necessary and fit for purpose and that they can continue to achieve their desired outcomes. Without review, policies can become outdated or obsolete and can result in unintended consequences, including both having regulation where it is not needed and not having regulation where it is needed.

### **4. Policy/Legal Considerations**

None identified.

### **5. Tangata Whenua Considerations**

None identified.

### **6. Views of Those Affected**

Those interested in the content of these policies will have the opportunity to present their views at the public forum of the full Council meeting where the reviews were being considered.

### **7. Costs**

The only cost is in staff time. This will come from existing budgets and workloads.

### **8. Benefits**

Four policy reviews will be completed, ensuring that these policies are up to date and remain fit for purpose.

### **9. Media/Publicity**

None identified.

**RISK AND POLICY COMMITTEE**  
**FOR THE MEETING OF 14 JUNE 2017**

**Report for Agenda Item No 6**

**Prepared by - Rachel Townrow**  
**- Team Leader Planning and Policy**

**ACTION LIST**

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**1. Background**

1.1 To provide the Committee with an action list from the last meeting.

**Draft Recommendation**

**That the report be received for information.**

### Risk and Policy Committee Action List

Item	Previous Action	Proposed Action	Progress	Assigned	Completion Date
Policy and Bylaw Reviews	<p>Top four bylaws on priority list to be considered over the next two meetings /workshops</p> <p>Livestock Movement – staff to report following further investigation with NZTA</p> <p>Freedom Camping – separate process underway</p> <p>Banning of Liquor in Public Places – to consider in June</p> <p>Trading in Public Places and Public Places – information provided at April workshop</p>	<p>Livestock Movements – covered in this agenda</p> <p>Freedom Camping – separate process underway</p> <p>Banning of Liquor in Public Places – to consider in August</p> <p>Trading in Public Places and Public Places – information provided at April workshop, to be addressed after those matters that need to be addressed in this calendar year</p>	<p>Livestock Movements – covered in this agenda</p> <p>Freedom Camping – separate process underway</p> <p>Banning of Liquor in Public Places – work to commence after reviews addressed in this month’s agenda are completed</p> <p>Trading in Public Places and Public Places – previously completed work remains relevant</p>	Team Leader Planning and Policy (TLPP)	Ongoing

Water Supplies – Metering of Long Lines Policy	To be reviewed as part of larger review relating to water	To be reviewed as part of larger review relating to water	In progress. Draft Water Supply Bylaw on this agenda to begin discussion	Group Manager Assets and Infrastructure (GM)	Ongoing
Dog Control Bylaws and policies	To be considered at the June meeting	To be addressed after those matters that need to be addressed in this calendar year	Preliminary work is underway	TLPP	By 10 June 2018
Fires in the Open Air Bylaw	Clarification to be sought on Council's role in enforcement/ responding to complaints		In progress	Chief Executive	June
Baches on Road Reserve Policy review	Discussed at April workshop. Further information to be provided to the Committee prior to a report going to full Council	To be addressed in August	In progress, preliminary work is underway	TLPP/Property and Reserves Officer	Ongoing