

Tasman District Council Consolidated Bylaw

Chapter 10 – Public Water Supply Bylaw 2016

Statement of Proposal

The Council is proposing to amend the existing Public Water Supply Bylaw 2016. The most significant change to the bylaw is the inclusion a new water restrictions protocol for the purpose of better managing water resources during droughts or emergencies. Other amendments to the bylaw are of a minor or technical nature. These include the clarification of the rules for taking water from a hydrant, updates to the wording of various sections of the bylaw, updates to appendix diagrams and administrative corrections.

In accordance with section 83 of the Local Government Act (the Act), this statement of proposal seeks your view on the proposed amendments to Tasman District Council Consolidated Bylaw – Chapter 10 – Public Water Supply 2016 (proposed bylaw).

The Proposal

Tasman District Council has resolved to amend the existing bylaw. The proposed bylaw is being released for public consultation using the Special Consultative Procedure as outlined in section 86 of the Act.

In accordance with section 86(2) of the Act, the Council is required to include the following in a statement of proposal:

- a draft of the proposed bylaw, including the amendments;
- the reasons for the proposal; and
- a report on any relevant determinations by Council under section 155 of the Act.

The attached copy of the proposed **Public Water Supply Bylaw 2016** forms part of this statement of proposal.

Reasons for the proposal

The existing bylaw outlines how Council intends to provide, manage and protect the public water supply and its network infrastructure. The existing bylaw also outlines Council's authority to prohibit and restrict the use of public water supply because of drought or emergency. However, there is little guidance on how and when the Council intends to impose and escalate restrictions.

Council has determined that there needs to be clear and transparent guidance about how and when the Council (as a community water supplier) intends to impose and escalate restrictions on customers. This will help guide the Council when making decisions and provide clear guidance to customers about what to expect during times of drought or emergency. The protocol will provide some certainty about what is expected of customers and they can prepare ahead of time.

The restrictions are applicable to all customers connected to a community water supply throughout Tasman District. At present, the most vulnerable supplies are those that source their water from bores located on the Waimea Plains. This includes Brightwater/Hope, Mapua, Redwood Valley, Richmond and parts of Nelson supplied by Tasman.

If a water augmentation solution on the Waimea Plains does not progress, the Tasman Resource Management Plan (TRMP) rules for rationing within the Waimea Plains become stricter. The consequence of this will mean the Council (as water supply authority) will have to impose more stringent water restrictions on customers to stay within the abstraction limits set out in its resource consents. The proposed bylaw enables this, should it be needed.

Council has a responsibility to inform the public and provide advance notice of such significant changes because customers need time to plan and prepare ahead of time.

Options Considered by Council

Council have considered the following options:

1. Amend the existing bylaw to include the new water restrictions protocol and consult with the public.

The proposed bylaw will provide a more consistent organisational approach to water management by providing a mechanism for Council to comply with the rationing steps imposed by the TRMP. The water restrictions protocol provides a clear and transparent framework for Council's decision making process and offers guidance to customers so that they can better prepare for drought or emergency. Fully implementing and enforcing the water restriction protocol will involve time and effort from both the Council and the wider community. The inclusion of the water restrictions protocol in the bylaw is significant and warrants consultation using the special consultative procedure. Consulting on the proposed changes will provide an opportunity for the public to raise issues that Council has not yet considered.

2. Do not amend the bylaw for consultation

The existing bylaw is not required to be reviewed until 2026 and for the most part, is fit for the purpose of enabling the Council to manage and provide water supply services. The current bylaw provides wide ranging flexibility and discretion about how to manage restrictions. However, it does not provide a mechanism to comply with stricter rationing steps that could be imposed by the TRMP, particularly if a water augmentation solution for the Waimea Plains is not progressed. Customers may be unaware and unprepared to give effect to stricter restrictions.

The Council has concluded that Option 1 provides a sound, balanced approach to implementing water restrictions and provides a good basis for engaging with the public and eliciting feedback. Embedding the protocol in the proposed bylaw provides clear and unambiguous authority and guidance for water restrictions.

Ability to amend a bylaw

The Act sets the procedure for making and amending a bylaw.

Section 83 and 86 of the Act outline the procedure and requirements of the special consultative procedure in relation to making and amending bylaws. This includes a statement of proposal and summary of information.

Section 146 of the Act allows the Council to make a bylaw to manage, regulate, protect from damage, misuse or loss any infrastructure associated with water supply.

Section 155 of the Act requires the Council to determine whether a bylaw is the most appropriate way to address a perceived problem and section 155(2) requires the Council to determine whether the proposed bylaw:

- is the most appropriate form of bylaw, and
- gives rise to any implications under the New Zealand Bill of Rights Act 1990 (BORA)

The proposed bylaw is the most appropriate form of bylaw and meets the following tests:

- The bylaw is not repugnant to the general laws of New Zealand
- The bylaw provides certainty and clear direction
- The bylaw is reasonable
- The bylaw is not overly restrictive, onerous on any person, or impractical

Section 156 and 160 of the Act outlines the consultation requirements when amending a bylaw. Section 156(1) states the Council must use the special consultative procedure if

- the bylaw concerns a matter of significant interest to the public
- the Council considers there is likely to be a significant impact on the public due to the proposed bylaw or changes.

Consultation

The consultation process will take place for over a four weeks period, between 9 July 2018 and 10 August 2018.

The proposed amended Public Water Supply Bylaw 2016, Statement of Proposal and Summary of Information documents are available for viewing during normal hours at the following Council offices and libraries:

Tasman District Council Offices:

Golden Bay Office: 78 Commercial Street, Takaka 7142

Motueka Office: 7 Hickmott Place, Motueka 7143

Murchison Office: 92 Fairfax Street, Murchison 7007

Richmond Office: 189 Queen Street, Private Bag 4, Richmond 7050

Tasman District Council Libraries:

Motueka Public Library: 12 Pah Street, Motueka 7120

Murchison Public Library: 92 Fairfax Street, Murchison 7007

Richmond Library: 280 Queen Street, Richmond 7020

Takaka Memorial Library: 3 Junction Street, Takaka 7110

All documents are also available on the Council's website at: www.tasman.govt.nz (search phrase: public water supply bylaw)

Submissions

Any person or organisation is welcome to make a submission on the proposed bylaw. The Council will consider all submissions made when it decides on the final bylaw.



A submission form is available on the Council website www.tasman.govt.nz or can be obtained from the Tasman District Council offices and libraries listed above.

Submissions may be made:

Online: www.tasman.govt.nz

Posted to: Executive Assistant – Engineering, Tasman District Council, Private Bag 4, Richmond

Delivered to: Executive Assistant – Engineering, Tasman District Council, 189 Queen Street, Richmond

Faxed to: 03 543 9524 Attention Executive Assistant – Engineering

Emailed to: info@tasman.govt.nz Attention Executive Assistant – Engineering

Submissions should include your name, address, telephone number and email address and should state if you wish to speak to the Council in support of your submission.

Submissions close at 4.00pm on 10 August 2018.

Submitters should note that their submission will be copied and made available to the public after the submission period closes.

The Council will contact all submitters (who wish to be heard) in writing to advise the confirmed time, date, and venue of the hearing.