

**Chairperson and Committee Members  
REGULATORY MANAGEMENT COMMITTEE**

1 AUGUST 2013

Meeting Status: **Public**

Purpose of Report: For Decision

**CONSIDERATION OF SUBMISSIONS ON THE PROPOSED  
DRAFT WATER SUPPLY BYLAW 2013**

**PURPOSE OF REPORT**

1. This report presents submissions (3) on the Draft Water Supply Bylaw (2013) and to refer the report to Council for revocation of the existing bylaw and adoption of the 2013 version.

**SIGNIFICANCE OF DECISION**

2. This report does not trigger the Council's Significance Policy.

**BACKGROUND**

3. The purpose of the Water Supply Bylaw is to regulate the water supply activity and the water supply service provided by Council. The introduction of water meters and a new charging regime are changes to the water supply service, and therefore the current 2010 Bylaw needs to be amended to reflect these changes.
4. Council approved the release of the Statement of Proposal on the replacement of the 2010 Bylaw for public consultation on 6 June 2013 (IS-13-900). A special consultative procedure has been undertaken. The submission period was from 13 June 2013 to 16 July 2013. The Statement of Proposal, including the draft 2013 Bylaw is attached as Appendix 2.

**CONSIDERATIONS**

**Submissions**

5. This report summarises the submissions received on the proposal to replace the 2010 Bylaw. Of the three submissions received, all raised opposition, or suggested additions, to specific sections within the draft 2013 Bylaw.
6. The submission form encouraged the interested parties to supply their views on the draft 2013 Bylaw in its entirety. The submission form was broken into three sections:
  - Do you support the adoption of the Draft Water Supply Bylaw 2013?
  - Do you support Council's Water Conservation initiatives?

- General Feedback

7. Copies of the submissions are provided in Appendix 3.

**Summary of key concerns outlined in the submissions received:**

8. The submissions received raised four specific points that need consideration.
- The use of a macron in Kapiti and its legal implications specific to the draft 2013 Bylaw;
  - Financial hardship implications from the cost of leak repairs on private pipes;
  - The availability (Council's responsibility) of public water points and fountains; and
  - Situations of financial hardship within the water charging regime.

These are dealt with separately below.

9. The use of the macron in Kapiti is not within the legal content of the draft 2013 Bylaw, but rather is limited to the Council logo, and the header reference on the first page of the draft 2013 Bylaw. Legal advice provided by Simpson Grierson has indicated that where Council is required to use its legal name, Kapiti should be spelt without the macron. In situations where it is not necessary to use the formal legal name the Council has the discretion to spell Kapiti with a macron, for example the Council logo.
10. Simpson Grierson have advised that the draft 2013 Bylaw is not illegal just by virtue of someone asserting that the macron needs to be removed, and that a Court would be most unlikely to overturn a Bylaw just because of the use of a macron.
11. With reference to the two submissions relating to financial hardship and water leaks, Council considered these issues through its deliberation of the 2013/14 Annual Plan. As a result the 2013/14 Annual Plan has increased the Rates Relief for Financial Hardship Policy provision for the 2013/14 year from \$125,000 to \$150,000, increasing to \$200,000 by 2014/15. This provision includes one off consideration of expenditure relating to water leaks and financial hardship associated with water charging. In consideration of submissions, it is considered that the policy amendments relating to financial hardship sufficiently accommodate the issues raised.
12. There are already available a number of public water points and fountains across the district. There are no current plans to remove these and no plans to charge the general public for their use. The cost associated with the provision of drinking water fountains is already provided for within the operational budgets associated with the Parks and Open space activity.
13. In summary no issues of significance were raised through consultation so no changes to the draft bylaw are recommended.

## Financial Considerations

14. There are no financial considerations associated with this report.

## Legal Considerations

15. A special consultative procedure, as required by the Local Government Act 2002, has been undertaken. Simpson Grierson was significantly involved in reviewing the draft 2013 Bylaw prior to public consultation.

## Delegation

16. The Committee has delegated authority to recommend the draft 2013 Bylaw be adopted by Council by virtue of the following -

### **Section B.2 Bylaws**

*7.12 Authority to review all or any Council bylaws, to approve draft bylaws for public consultation, to hear submissions, and to recommend to the Council amendments to the bylaws.*

## Consultation

17. The review of the draft 2013 Bylaw has followed the special consultative procedure as prescribed in sections 83 and 86 of the Local Government Act 2002.

## Policy Implications

18. This proposal is consistent with other Council initiatives, such as the Water Conservation Plan, the Water Supply Project and the Long Term Plan.

## Tangata Whenua Considerations

19. There are no issues for consideration relating to Iwi or the Treaty of Waitangi.

## Publicity Considerations

20. Once the Council has made decisions, staff will draft responses to notify submitters of decisions made and to respond to points raised.

## **RECOMMENDATION**

21. That the Committee recommends to the Council that it revokes the Kapiti Coast District Council Water Supply Bylaw 2010 and approves the adoption of the Kapiti Coast District Council Control Water Supply Bylaw 2013, included as Appendix 1 of the Statement of Proposal attached to report IS-13-952, subject to any amendments made by the Committee.

**Report prepared by:**

**Approved for submission by:**

**Haig Meyer**

**Sean Mallon**

**ACTING WATER & WASTEWATER  
ASSET MANAGER**

**GROUP MANAGER,  
INFRASTRUCTURE SERVICES**

**Attachments:**

- Appendix 1: Current Water Supply Bylaw 2010
- Appendix 2: Statement of Proposal to adopt the Kapiti Coast District Council Water Supply Bylaw 2013 *(including the draft Water Supply Bylaw 2013 attached as Appendix 1 to this document)*
- Appendix 3: Submissions Received