

From: [Rachel Chrystall](#)
To: [James McKibbin](#)
Subject: Research - Water Supply Bylaw
Date: Wednesday, 27 June 2018 12:28:04 PM

Hi James,

As per your research request, this email summarises research done on Council papers prepared for the previous review of the Water Supply Bylaw, and notes the names of other bylaws applying in the Wellington region. It also notes the points made by Phil Gorman in a conversation that I had with him today.

Previous UHCC reports:

I have managed to track down two reports relating to the 2008 review of the Water Supply Bylaw. Both reports were written by Andrea Hilton for Ordinary Council. The reports involve the following:

- **Andrea's report dated 7 May 2008** (also constituting the Statement of Proposal: This report was presented to Ordinary Council on 14 May 2008. It was approved for release at this Council meeting – see minutes of Ordinary Council dated 14 May 2008; and
- **Andrea's report dated 24 June 2008:** This report commented on the one submission received on the SOP (Regional Public Health), recommended that various amendments be made to the Bylaw in light of Regional Public Health's submission plus some others and recommended that Council adopt the Bylaw attached to the report. This report was presented to Ordinary Council for 25 June 2008. The minutes of Ordinary Council dated 25 June 2008 recorded that Council resolved to adopt the Bylaw and to make and note various changes to the Manual of Delegations.

The result of the 2008 review was to pass a new Bylaw rather than amend and renew the existing Bylaw, and the reasons for the new Bylaw were due to:

- Changes in definitions, e.g., obligations, conditions of supply, customer responsibility, and fire protection;
- Changes in the law regarding breaches of the Act (for example, the Local Government Act 2002) and changes in the law regarding water supply standards (e.g., the New Zealand Drinking Water Standards 2005); and
- The new Bylaw being the most appropriate way to meet Council's obligations and to manage the supply of water to consumers.

The above reports did not raise any controversial issues or concerns. For completeness, I note that there were two issues raised by Councillors (as outlined at page A10-2 of Andrea's report dated 24 June 2008). The first issue related to clause 9.6.3 (allowing Council to impose restrictions on water use), and this clause was amended to make the Council's power to impose restrictions to manage demand definitive. The second issue related to Councillor's concerns that clause 9.11.1.1 could enable the Council to install water meters. In terms of the latter query, clause 9.11.1.1 was amended to reference it to clause 9.11.1.4 which enabled meters to be installed if the water consumption on a property was unusually high.

The only other key changes that the 2008 Bylaw brought into force is outlined at page A7-3 of the SOP (Andrea's report dated 7 May 2008), which I have quoted in full below:

"The proposed Bylaw has a new definition for the point of supply. The point of supply is the point that determines whether a service is public or private, whether the responsibility for repair is the Council's or the consumers. This definition has been changed in the proposed Bylaw. While it is a small change in terms of words it has a big impact on the document.

The LGA has increased the penalties for offences and breaches and introduced infringements. Although Councils are now able to give infringements for breaches or offences the Regulations that stipulate the infringement offences and penalties have not yet been passed. Accordingly, the proposed Bylaw has to be prepared to enable Council to deal with the minor offences."

It is interesting to note that the current Bylaw is based on a model bylaw which is referred to in the background section of the SOP (dated 7 May 2008) as NZ9201 part 7 2007 model Bylaw. This background section also outlines the reasons why a Bylaw is necessary, which is also certainly useful for the current review.

Other councils in the Wellington region:

In terms of the management of water by other councils in the Wellington region, I confirm that all of them (Wellington, Kapiti, Porirua and Hutt) manage their water supply through a water bylaw. The titles of the respective bylaws are as follows:

- Hutt City Council Water Supply Bylaw 2010;
- Wellington City Council Consolidated Bylaw 2013 Part 8: Water Services;
- Kapiti Coast District Council Water Supply Bylaw 2013; and
- Porirua City Council General Bylaw 1991, Part 17 Water Supply

I have printed all of the above bylaws for you and will place them in a folder in conjunction with Andrea's reports.

Conversation with [REDACTED]:

[REDACTED] said that International Springs has taken over the lease of the old Coca-cola site in Upper Hutt, near Refreshment Place. This company has an intention to bottle water in Upper Hutt. Apparently, there is a bore on the site, and International Springs has a permit to draw down a certain amount of water from Greater Wellington Regional Council.

[REDACTED] also said that Foodstuffs NZ used to bottle water in Silverstream but that site has now gone.

Kind regards

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